

26 **489.105, Florida Statutes, is amended to read:**

27 489.105 Definitions.—As used in this part:

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

45 (f) "Class A air-conditioning contractor" means a
 46 contractor whose services are unlimited in the execution of
 47 contracts requiring the experience, knowledge, and skill to:

48 1. Install, maintain, repair, fabricate, alter, extend, or
 49 design, if not prohibited by law, central air-conditioning,
 50 refrigeration, heating, and ventilating systems, including duct

51 work in connection with a complete system if such duct work is
52 performed by the contractor as necessary to complete an air-
53 distribution system, boiler and unfired pressure vessel systems,
54 and all appurtenances, apparatus, or equipment used in
55 connection therewith, and any duct cleaning and equipment
56 sanitizing that requires at least a partial disassembling of the
57 system.~~;~~~~to~~

58 2. Install, maintain, repair, fabricate, alter, extend, or
59 design, if not prohibited by law, piping, insulation of pipes,
60 vessels and ducts, pressure and process piping, and pneumatic
61 control piping.~~;~~~~to~~

62 3. Replace, disconnect, or reconnect power wiring on the
63 line or load side of the dedicated existing electrical
64 disconnect switch on single phase electrical systems.~~;~~~~to~~

65 4. Repair or replace power wiring, disconnects, breakers,
66 or fuses for dedicated HVAC circuits with proper use of a
67 circuit breaker lock.~~;~~~~to~~

68 5. Install, disconnect, and reconnect low voltage heating,
69 ventilating, and air-conditioning control wiring.~~;~~~~and to~~

70 6. Install a condensate drain from an air-conditioning
71 unit to an existing safe waste or other approved disposal other
72 than a direct connection to a sanitary system.

73 7. Install and repair package pool heaters; connect
74 package pool heaters to existing pool piping; install, repair,
75 and replace existing equipment, including cleaning or equipment

76 sanitizing that requires at least a partial disassembly,
 77 excluding filter changes and the installation of new pool or spa
 78 equipment and interior finishes; install all perimeter piping
 79 and filter piping; and construct equipment rooms or housing for
 80 pool or spa equipment.

81 8. Perform ~~The scope of work for such contractor also~~
 82 ~~includes~~ any excavation work incidental to work performed in
 83 subparagraphs 1.-7., but not thereto, ~~but does not include~~ any
 84 work such as liquefied petroleum or natural gas fuel lines
 85 within buildings, except for disconnecting or reconnecting
 86 changeouts of liquefied petroleum or natural gas appliances
 87 within buildings; potable water lines or connections thereto;
 88 sanitary sewer lines; swimming pool piping and filters; or
 89 electrical power wiring.

90 9. A Class A air-conditioning contractor may Test and
 91 evaluate central air-conditioning, refrigeration, heating, and
 92 ventilating systems, including duct work; however, a mandatory
 93 licensing requirement is not established for the performance of
 94 these specific services.

95 **Section 2. Subsection (1) of section 713.135, Florida**
 96 **Statutes, is amended to read:**

97 713.135 Notice of commencement and applicability of lien.—

98 (1) When a person applies for a building permit, the
 99 authority issuing such permit shall:

100 (a) Print on the face of each permit card in no less than

101 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR
102 FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR
103 PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF
104 COMMENCEMENT MUST BE RECORDED AND POSTED ON THE SITE OF THE
105 IMPROVEMENT BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN
106 FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE
107 RECORDING YOUR NOTICE OF COMMENCEMENT."

108 (b) Provide the applicant and the owner of the real
109 property upon which improvements are to be constructed with a
110 printed statement stating that the right, title, and interest of
111 the person who has contracted for the improvement may be subject
112 to attachment under the Construction Lien Law. The Department of
113 Business and Professional Regulation shall furnish, for
114 distribution, the statement described in this paragraph, and the
115 statement must be a summary of the Construction Lien Law and
116 must include an explanation of the provisions of the
117 Construction Lien Law relating to the recording, and the posting
118 of copies, of notices of commencement and a statement
119 encouraging the owner to record a notice of commencement and
120 post a copy of the notice of commencement in accordance with s.
121 713.13. The statement must also contain an explanation of the
122 owner's rights if a lienor fails to furnish the owner with a
123 notice as provided in s. 713.06(2) and an explanation of the
124 owner's rights as provided in s. 713.22. The authority that
125 issues the building permit must obtain from the Department of

126 Business and Professional Regulation the statement required by
127 this paragraph and must mail, deliver by electronic mail or
128 other electronic format or facsimile, or personally deliver that
129 statement to the owner or, in a case in which the owner is
130 required to personally appear to obtain the permit, provide that
131 statement to any owner making improvements to real property
132 consisting of a single or multiple family dwelling up to and
133 including four units. However, the failure by the authorities to
134 provide the summary does not subject the issuing authority to
135 liability.

136 (c) In addition to providing the owner with the statement
137 as required by paragraph (b), inform each applicant who is not
138 the person whose right, title, and interest is subject to
139 attachment that, as a condition to the issuance of a building
140 permit, the applicant must promise in good faith that the
141 statement will be delivered to the person whose property is
142 subject to attachment.

143 (d) Furnish to the applicant two or more copies of a form
144 of notice of commencement conforming with s. 713.13.

145 (e) Require the applicant to file with the issuing
146 authority before the first inspection a copy of the notice of
147 commencement if the direct contract is greater than \$5,000. For
148 purposes of this paragraph, the term "copy of the notice of
149 commencement" means a certified copy of the recorded notice of
150 commencement, a notarized statement that the notice of

151 commencement has been filed for recording along with a copy
152 thereof, or the clerk's office's official records identifying
153 information that includes the instrument number for the notice
154 of commencement or the number and page of book where the notice
155 of commencement is recorded, as identified by the clerk.

156 1. In the absence of the filing of a copy of the notice of
157 commencement, the issuing authority or a private provider
158 performing inspection services may not perform or approve
159 subsequent inspections until the applicant files by mail,
160 facsimile, hand delivery, or any other means such copy with the
161 issuing authority.

162 2. The copy of the notice of commencement must contain the
163 name and address of the owner, the name and address of the
164 contractor, and the location or address of the property being
165 improved. The issuing authority shall verify that the name and
166 address of the owner, the name of the contractor, and the
167 location or address of the property being improved which is
168 contained in the copy of the notice of commencement is
169 consistent with the information in the building permit
170 application.

171 3. The issuing authority shall provide the recording
172 information on the copy of the notice of commencement to any
173 person upon request.

174 4. This paragraph does not require the recording of a
175 notice of commencement before the issuance of a building permit.

176 If a local government requires a separate permit or inspection
177 for installation of temporary electrical service or other
178 temporary utility service, land clearing, or other preliminary
179 site work, such permits may be issued and such inspections may
180 be conducted without providing the issuing authority with a copy
181 of the notice of commencement.

182 (f) Not require that a notice of commencement be recorded
183 as a condition of the application for, or processing or issuance
184 of, a building permit. However, this paragraph does not modify
185 or waive the inspection requirements set forth in this
186 subsection.

187
188 This subsection does not apply to a direct contract to repair or
189 replace an existing heating or air-conditioning system in an
190 amount less than \$15,000, or a higher amount based on increases
191 in the Consumer Price Index.

192 **Section 3. For the purpose of incorporating the amendment**
193 **made by this act to section 489.105, Florida Statutes, in a**
194 **reference thereto, section 403.868, Florida Statutes, is**
195 **reenacted to read:**

196 403.868 Requirements by a utility.—A utility may have more
197 stringent requirements than set by law, including certification
198 requirements for water distribution systems and domestic
199 wastewater collection systems operations, except that a utility
200 may not require a licensed contractor, as defined in s.

201 489.105(3) to have any additional license for work in water
 202 distribution systems or domestic wastewater collection systems.

203 **Section 4. For the purpose of incorporating the amendment**
 204 **made by this act to section 489.105, Florida Statutes, in a**
 205 **reference thereto, paragraph (b) of subsection (4) of section**
 206 **489.107, Florida Statutes, is reenacted to read:**

207 489.107 Construction Industry Licensing Board.—

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

210 (b) Division II is comprised of the roofing contractor,
 211 sheet metal contractor, air-conditioning contractor, mechanical
 212 contractor, pool contractor, plumbing contractor, and
 213 underground utility and excavation contractor members of the
 214 board; one of the members appointed pursuant to paragraph
 215 (2) (j); and one of the members appointed pursuant to paragraph
 216 (2) (k). Division II has jurisdiction over the regulation of
 217 contractors defined in s. 489.105(3) (d)–(p).

218 **Section 5. For the purpose of incorporating the amendment**
 219 **made by this act to section 489.105, Florida Statutes, in a**
 220 **reference thereto, subsection (2) of section 489.113, Florida**
 221 **Statutes, is reenacted to read:**

222 489.113 Qualifications for practice; restrictions.—

223 (2) A person must be certified or registered in order to
 224 engage in the business of contracting in this state. However,
 225 for purposes of complying with the provisions of this chapter, a

226 subcontractor who is not certified or registered may perform
227 construction work under the supervision of a person who is
228 certified or registered, provided that the work is within the
229 scope of the supervising contractor's license, the supervising
230 contractor is responsible for the work, and the subcontractor
231 being supervised is not engaged in construction work that would
232 require a license as a contractor under any of the categories
233 listed in s. 489.105(3)(d)-(o). This subsection does not affect
234 the application of any local construction licensing ordinances.
235 To enforce this subsection:

236 (a) The department shall issue a cease and desist order to
237 prohibit any person from engaging in the business of contracting
238 who does not hold the required certification or registration for
239 the work being performed under this part. For the purpose of
240 enforcing a cease and desist order, the department may file a
241 proceeding in the name of the state seeking issuance of an
242 injunction or a writ of mandamus against any person who violates
243 any provision of such order.

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

249 **Section 6. For the purpose of incorporating the amendment**
250 **made by this act to section 489.105, Florida Statutes, in a**

251 **reference thereto, paragraph (a) of subsection (1), paragraphs**
252 **(a) and (b) of subsection (2), and paragraphs (a), (d), and (e)**
253 **of subsection (4) of section 489.117, Florida Statutes, are**
254 **reenacted to read:**

255 489.117 Registration; specialty contractors.—

256 (1) (a) A person engaged in the business of a contractor as
257 defined in s. 489.105(3) (a)-(o) must be registered before
258 engaging in business as a contractor in this state, unless he or
259 she is certified. Except as provided in paragraph (2) (b), to be
260 initially registered, the applicant must submit the required fee
261 and file evidence of successful compliance with the local
262 examination and licensing requirements, if any, in the area for
263 which registration is desired. An examination is not required
264 for registration.

265 (2) (a) Except as provided in paragraph (b), the board may
266 not issue a new registration after July 1, 1993, based on any
267 certificate of competency or license for a category of
268 contractor defined in s. 489.105(3) (a)-(o) which is issued by a
269 municipal or county government that does not exercise
270 disciplinary control and oversight over such locally licensed
271 contractors, including forwarding a recommended order in each
272 action to the board as provided in s. 489.131(7). For purposes
273 of this subsection and s. 489.131(10), the board shall determine
274 the adequacy of such disciplinary control by reviewing the local
275 government's ability to process and investigate complaints and

276 to take disciplinary action against locally licensed
277 contractors.

278 (b) The board shall issue a registration to an eligible
279 applicant to engage in the business of a contractor in a
280 specified local jurisdiction, provided each of the following
281 conditions are satisfied:

282 1. The applicant held, in any local jurisdiction in this
283 state during 2021, 2022, or 2023, a certificate of registration
284 issued by the state or a local license issued by a local
285 jurisdiction to perform work in a category of contractor defined
286 in s. 489.105(3) (a)-(o).

287 2. The applicant submits all of the following to the
288 board:

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

291 b. Evidence that the specified local jurisdiction does not
292 have a license type available for the category of work for which
293 the applicant was issued a certificate of registration or local
294 license during 2021, 2022, or 2023, such as a notification on
295 the website of the local jurisdiction or an e-mail or letter
296 from the office of the local building official or local building
297 department stating that such license type is not available in
298 that local jurisdiction.

299 c. Evidence that the applicant has submitted the required
300 fee.

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

303

304 An examination is not required for an applicant seeking a
 305 registration under this paragraph.

306 (4) (a)1. A person whose job scope does not substantially
 307 correspond to either the job scope of one of the contractor
 308 categories defined in s. 489.105(3) (a)-(o), or the job scope of
 309 one of the certified specialty contractor categories established
 310 by board rule, is not required to register with the board. A
 311 local government, as defined in s. 163.211, may not require a
 312 person to obtain a license, issued by the local government or
 313 the state, for a job scope which does not substantially
 314 correspond to the job scope of one of the contractor categories
 315 defined in s. 489.105(3) (a)-(o) and (q) or authorized in s.
 316 489.1455(1), or the job scope of one of the certified specialty
 317 contractor categories established pursuant to s. 489.113(6). A
 318 local government may not require a state or local license to
 319 obtain a permit for such job scopes. For purposes of this
 320 section, job scopes for which a local government may not require
 321 a license include, but are not limited to, painting; flooring;
 322 cabinetry; interior remodeling when the scope of the project
 323 does not include a task for which a state license is required;
 324 driveway or tennis court installation; handyman services;
 325 decorative stone, tile, marble, granite, or terrazzo

326 installation; plastering; pressure washing; stuccoing; caulking;
327 and canvas awning and ornamental iron installation.

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

333 3. A local government may continue to offer a license for
334 veneer, including aluminum or vinyl gutters, siding, soffit, or
335 fascia; rooftop painting, coating, and cleaning above three
336 stories in height; or fence installation and erection if the
337 local government imposed such a licensing requirement before
338 January 1, 2021.

339 4. A local government may not require a license as a
340 prerequisite to submit a bid for public works projects if the
341 work to be performed does not require a license under general
342 law.

343 (d) Any person who is not required to obtain registration
344 or certification pursuant to s. 489.105(3)(d)-(o) may perform
345 contracting services for the construction, remodeling, repair,
346 or improvement of single-family residences, including a
347 townhouse as defined in the Florida Building Code, without
348 obtaining a local license if such person is under the
349 supervision of a certified or registered general, building, or
350 residential contractor. As used in this paragraph, supervision

351 shall not be deemed to require the existence of a direct
352 contract between the certified or registered general, building,
353 or residential contractor and the person performing specialty
354 contracting services.

355 (e) Any person who is not certified or registered may
356 perform the work of a specialty contractor whose scope of
357 practice is limited to the type of work specified under s.
358 489.105(3)(j), (k), or (l) for the construction, remodeling,
359 repair, or improvement of commercial or residential swimming
360 pools, interactive water features as defined in the Florida
361 Building Code, hot tubs, and spas without obtaining a local
362 license or certification as a specialty contractor if he or she
363 is supervised by a contractor who is certified or registered
364 under s. 489.105(3)(j), (k), or (l); the work is within the
365 scope of the supervising contractor's license; the supervising
366 contractor is responsible for the work; and the work does not
367 require certification or registration under s. 489.105(3)(d)-
368 (i), (m)-(o), or s. 489.505. Such supervision does not require a
369 direct contract between the contractor certified or registered
370 under s. 489.105(3)(j), (k), or (l) and the person performing
371 the work, or for the person performing the work to be an
372 employee of the contractor certified or registered under s.
373 489.105(3)(j), (k), or (l). This paragraph does not limit the
374 exemptions provided in s. 489.103 and may not be construed to
375 expand the scope of a contractor certified or registered under

376 s. 489.105(3) (j), (k), or (l) to provide plumbing or electrical
 377 services for which certification or registration is required by
 378 this part or part II.

379 **Section 7. For the purpose of incorporating the amendment**
 380 **made by this act to section 489.105, Florida Statutes, in a**
 381 **reference thereto, subsection (1) of section 489.118, Florida**
 382 **Statutes, is reenacted to read:**

383 489.118 Certification of registered contractors;
 384 grandfathering provisions.—The board shall, upon receipt of a
 385 completed application and appropriate fee, issue a certificate
 386 in the appropriate category to any contractor registered under
 387 this part who makes application to the board and can show that
 388 he or she meets each of the following requirements:

389 (1) Currently holds a valid registered local license in
 390 one of the contractor categories defined in s. 489.105(3) (a)-
 391 (p).

392 **Section 8. For the purpose of incorporating the amendment**
 393 **made by this act to section 489.105, Florida Statutes, in a**
 394 **reference thereto, subsection (1) of section 489.126, Florida**
 395 **Statutes, is reenacted to read:**

396 489.126 Moneys received by contractors.—

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

401 person.

402 **Section 9. For the purpose of incorporating the amendment**
403 **made by this act to section 489.105, Florida Statutes, in a**
404 **reference thereto, subsections (10) and (11) of section 489.131,**
405 **Florida Statutes, are reenacted to read:**

406 489.131 Applicability.—

407 (10) No municipal or county government may issue any
408 certificate of competency or license for any contractor defined
409 in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local
410 government exercises disciplinary control and oversight over
411 such locally licensed contractors, including forwarding a
412 recommended order in each action to the board as provided in
413 subsection (7). Each local board that licenses and disciplines
414 contractors must have at least two consumer representatives on
415 that board. If the board has seven or more members, at least
416 three of those members must be consumer representatives. The
417 consumer representative may be any resident of the local
418 jurisdiction who is not, and has never been, a member or
419 practitioner of a profession regulated by the board or a member
420 of any closely related profession.

421 (11) Any municipal or county government which enters or
422 has in place a reciprocal agreement which accepts a certificate
423 of competency or license issued by another municipal or county
424 government in lieu of its own certificate of competency or
425 license allowing contractors defined in s. 489.105(3)(a)-(o),

426 shall file a certified copy of such agreement with the board not
 427 later than 60 days after July 1, 1993, or 30 days after the
 428 effective date of such agreement.

429 **Section 10. For the purpose of incorporating the amendment**
 430 **made by this act to section 489.105, Florida Statutes, in a**
 431 **reference thereto, paragraph (d) of subsection (1) of section**
 432 **489.1402, Florida Statutes, is reenacted to read:**

433 489.1402 Homeowners' Construction Recovery Fund;
 434 definitions.—

435 (1) The following definitions apply to ss. 489.140-
 436 489.144:

437 (d) "Contractor" means a Division I or Division II
 438 contractor performing his or her respective services described
 439 in s. 489.105(3).

440 **Section 11. For the purpose of incorporating the amendment**
 441 **made by this act to section 489.105, Florida Statutes, in a**
 442 **reference thereto, paragraph (f) of subsection (2) of section**
 443 **489.141, Florida Statutes, is reenacted to read:**

444 489.141 Conditions for recovery; eligibility.—

445 (2) A claimant is not qualified to make a claim for
 446 recovery from the recovery fund if:

447 (f) The claimant had entered into a contract with a
 448 licensee to perform a scope of work described in s.
 449 489.105(3)(d)-(q) before July 1, 2016.

450 **Section 12. For the purpose of incorporating the amendment**

451 **made by this act to section 489.105, Florida Statutes, in a**
452 **reference thereto, section 553.998, Florida Statutes, is**
453 **reenacted to read:**

454 553.998 Compliance.—All ratings must be determined using
455 tools and procedures developed by the systems recognized under
456 this part and must be certified by the rater as accurate and
457 correct and in compliance with procedures of the system under
458 which the rater is certified. The local enforcement agency shall
459 accept duct and air infiltration tests conducted in accordance
460 with the Florida Building Code, 5th Edition (2014) Energy
461 Conservation, by individuals as defined in s. 553.993(5) or (7)
462 or individuals licensed as set forth in s. 489.105(3)(f), (g),
463 or (i). The local enforcement agency may accept inspections in
464 whole or in part by individuals as defined in s. 553.993(5) or
465 (7).

466 **Section 13. For the purpose of incorporating the amendment**
467 **made by this act to section 489.105, Florida Statutes, in a**
468 **reference thereto, subsection (2) of section 877.02, Florida**
469 **Statutes, is reenacted to read:**

470 877.02 Solicitation of legal services or retainers
471 therefor; penalty.—

472 (2) It shall be unlawful for any person in the employ of
473 or in any capacity attached to any hospital, sanitarium, police
474 department, wrecker service or garage, prison or court, for a
475 person authorized to furnish bail bonds, investigators,

476 | photographers, insurance or public adjusters, or for a general
477 | or other contractor as defined in s. 489.105 or other business
478 | providing sinkhole remediation services, to communicate directly
479 | or indirectly with any attorney or person acting on said
480 | attorney's behalf for the purpose of aiding, assisting, or
481 | abetting such attorney in the solicitation of legal business or
482 | the procurement through solicitation of a retainer, written or
483 | oral, or any agreement authorizing the attorney to perform or
484 | render legal services.

485 | **Section 14.** This act shall take effect July 1, 2025.