

1                                   A bill to be entitled  
2           An act relating to construction contracting; amending  
3           s. 489.111, F.S.; requiring an applicant for licensure  
4           to submit a specified notarized statement to the  
5           Department of Business and Professional Regulation;  
6           subjecting a licensed contractor to disciplinary  
7           action under certain circumstances; amending s.  
8           489.126, F.S.; requiring a contractor to return a  
9           contractee's deposit under certain circumstances;  
10          authorizing the contractor to retain a portion of the  
11          deposit under certain circumstances; subjecting a  
12          contractor to disciplinary action, including the  
13          suspension of his or her license, under certain  
14          circumstances; amending s. 489.127, F.S.; providing  
15          criminal penalties for certain violations; creating s.  
16          489.1285, F.S.; requiring the department to create and  
17          adopt by a date certain a standardized disciplinary  
18          form for a certain purpose; providing requirements for  
19          local construction regulation boards; requiring the  
20          department to record each submitted form in a  
21          specified automated system; requiring a specified  
22          report by a date certain; amending ss. 1003.41 and  
23          1003.4282, F.S.; requiring financial literacy  
24          standards to include specified content for consumer  
25          protection awareness relating to construction

26 | contracting beginning in a specified school year;  
 27 | amending ss. 489.119, 489.13, and 489.131, F.S.;  
 28 | conforming cross-references; providing an effective  
 29 | date.

31 | Be It Enacted by the Legislature of the State of Florida:

32 |  
 33 | **Section 1. Subsection (4) of section 489.111, Florida**  
 34 | **Statutes, is renumbered as subsection (5), subsection (2) of**  
 35 | **that section is amended, and a new subsection (4) is added to**  
 36 | **that section, to read:**

37 | 489.111 Licensure by examination.—

38 | (2) A person is ~~shall be~~ eligible for licensure by  
 39 | examination if the person meets all of the following  
 40 | requirements:

41 | (a) Is 18 years of age. ~~†~~

42 | (b) Is of good moral character. ~~† and~~

43 | (c) Meets eligibility requirements according to one of the  
 44 | following criteria:

45 | 1. Has received a baccalaureate degree from an accredited  
 46 | 4-year college in the appropriate field of engineering,  
 47 | architecture, or building construction and has 1 year of proven  
 48 | experience in the category in which the person seeks to qualify.  
 49 | For the purpose of this part, a minimum of 2,000 person-hours  
 50 | shall be used in determining full-time equivalency. An applicant

51 | who is exempt from passing an examination under s. 489.113(1) is  
52 | eligible for a license under this section.

53 |         2. Has a total of at least 4 years of active experience as  
54 | a worker who has learned the trade by serving an apprenticeship  
55 | as a skilled worker who is able to command the rate of a  
56 | mechanic in the particular trade or as a foreman who is in  
57 | charge of a group of workers and usually is responsible to a  
58 | superintendent or a contractor or his or her equivalent;  
59 | provided, however, that at least 1 year of active experience  
60 | shall be as a foreman.

61 |         3. Has a combination of not less than 1 year of experience  
62 | as a foreman and not less than 3 years of credits for any  
63 | accredited college-level courses; has a combination of not less  
64 | than 1 year of experience as a skilled worker, 1 year of  
65 | experience as a foreman, and not less than 2 years of credits  
66 | for any accredited college-level courses; or has a combination  
67 | of not less than 2 years of experience as a skilled worker, 1  
68 | year of experience as a foreman, and not less than 1 year of  
69 | credits for any accredited college-level courses. All junior  
70 | college or community college-level courses shall be considered  
71 | accredited college-level courses.

72 |         4.a. An active certified residential contractor is  
73 | eligible to receive a certified building contractor license  
74 | after passing or having previously passed the building  
75 | contractors' examination if he or she possesses a minimum of 3

76 | years of proven experience in the classification in which he or  
77 | she is certified.

78 |       b. An active certified residential contractor is eligible  
79 | to receive a certified general contractor license after passing  
80 | or having previously passed the general contractors' examination  
81 | if he or she possesses a minimum of 4 years of proven experience  
82 | in the classification in which he or she is certified.

83 |       c. An active certified building contractor is eligible to  
84 | receive a certified general contractor license after passing or  
85 | having previously passed the general contractors' examination if  
86 | he or she possesses a minimum of 4 years of proven experience in  
87 | the classification in which he or she is certified.

88 |       5.a. An active certified air-conditioning Class C  
89 | contractor is eligible to receive a certified air-conditioning  
90 | Class B contractor license after passing or having previously  
91 | passed the air-conditioning Class B contractors' examination if  
92 | he or she possesses a minimum of 3 years of proven experience in  
93 | the classification in which he or she is certified.

94 |       b. An active certified air-conditioning Class C contractor  
95 | is eligible to receive a certified air-conditioning Class A  
96 | contractor license after passing or having previously passed the  
97 | air-conditioning Class A contractors' examination if he or she  
98 | possesses a minimum of 4 years of proven experience in the  
99 | classification in which he or she is certified.

100 |       c. An active certified air-conditioning Class B contractor

101 is eligible to receive a certified air-conditioning Class A  
102 contractor license after passing or having previously passed the  
103 air-conditioning Class A contractors' examination if he or she  
104 possesses a minimum of 1 year of proven experience in the  
105 classification in which he or she is certified.

106       6.a. An active certified swimming pool servicing  
107 contractor is eligible to receive a certified residential  
108 swimming pool contractor license after passing or having  
109 previously passed the residential swimming pool contractors'  
110 examination if he or she possesses a minimum of 3 years of  
111 proven experience in the classification in which he or she is  
112 certified.

113       b. An active certified swimming pool servicing contractor  
114 is eligible to receive a certified commercial swimming pool  
115 contractor license after passing or having previously passed the  
116 swimming pool commercial contractors' examination if he or she  
117 possesses a minimum of 4 years of proven experience in the  
118 classification in which he or she is certified.

119       c. An active certified residential swimming pool  
120 contractor is eligible to receive a certified commercial  
121 swimming pool contractor license after passing or having  
122 previously passed the commercial swimming pool contractors'  
123 examination if he or she possesses a minimum of 1 year of proven  
124 experience in the classification in which he or she is  
125 certified.

126 d. An applicant is eligible to receive a certified  
127 swimming pool/spa servicing contractor license after passing or  
128 having previously passed the swimming pool/spa servicing  
129 contractors' examination if he or she has satisfactorily  
130 completed 60 hours of instruction in courses related to the  
131 scope of work covered by that license and approved by the  
132 Construction Industry Licensing Board by rule and has at least 1  
133 year of proven experience related to the scope of work of such a  
134 contractor.

135 (d) Submits a notarized statement from a licensed  
136 contractor who has direct knowledge of the work experience the  
137 applicant provided in his or her application for licensure.

138 (4) If the board finds that a licensed contractor  
139 completes a notarized statement for an applicant that is  
140 intentionally and purposefully misleading or false, the licensed  
141 contractor is subject to discipline by the department.

142 **Section 2. Subsection (2) and paragraph (b) of subsection**  
143 **(3) of section 489.126, Florida Statutes, are amended to read:**

144 489.126 Moneys received by contractors.—

145 (2) (a) A contractor who enters into a contract and  
146 receives a deposit for a construction project and subsequently  
147 cancels the construction project or rescinds the contract must,  
148 if the contract does not contain a cancellation or rescission  
149 provision, return the deposit to the contractee within 30 days  
150 after the date of such cancellation or rescission. The

151 contractor may retain any portion of the deposit that has been  
152 spent on the construction project before cancellation or  
153 rescission if the contractor provides to the contractee a  
154 detailed statement of such expenditure.

155 (b) A contractor who receives, as initial payment, money  
156 totaling more than 10 percent of the contract price for repair,  
157 restoration, improvement, or construction to residential real  
158 property must:

159 1. Apply for permits necessary to do work within 30 days  
160 after the date payment is made, except where the work does not  
161 require a permit under the applicable codes and ordinances, and

162 2. Start the work within 90 days after the date all  
163 necessary permits for work, if any, are issued,

164  
165 unless the contractor has just cause for failing to apply for  
166 the necessary permits, starting the work, or refunding the  
167 payment, or unless the person who made the payment agreed, in  
168 writing, to a longer period to apply for the necessary permits  
169 or start the work or to longer periods for both.

170 (c)1.~~(b)1.~~ If a contractor fails to comply with the  
171 requirements of paragraph (a) or paragraph (b), the contractee  
172 must make written demand to the contractor in the form of a  
173 letter that includes a demand to apply for the necessary  
174 permits, to start the work, or to refund the payment sent via  
175 certified mail, return receipt requested, mailed to the address

176 listed in the contract ~~contracting agreement~~. If there is no  
177 address for the contractor listed in the contract ~~contracting~~  
178 ~~agreement~~, or a contract does not exist ~~no written agreement~~  
179 ~~exists~~, the contractee must mail the written demand letter to  
180 the address listed for licensing purposes with the department or  
181 the local construction industry licensing board, if applicable.  
182 If the contractor fails to return, in a reasonable time, the  
183 amount of the deposit owed or any other payment owed after  
184 receipt of a written demand, the contractor is subject to  
185 discipline as provided in this section, and the department may  
186 suspend the contractor's license.

187 2. It may be inferred that a contractor does not have just  
188 cause if the contractor fails to apply for the necessary  
189 permits, start the work, or refund payments within 30 days after  
190 ~~of~~ receiving a written demand to apply for the necessary  
191 permits, start the work, or refund the payment from the person  
192 who made the payment.

193 (3)

194 (b) It is prima facie evidence that a contractor received  
195 money for the repair, restoration, addition, improvement, or  
196 construction of residential real property and that the amount  
197 received exceeds the value of the work performed by the  
198 contractor if all of the following occur ~~when~~:

199 1. The contractor failed to perform any of the work for  
200 which he or she contracted during any 90-day period or any

201 period that is mutually agreed upon and specified in the  
202 contract.~~†~~

203 2. The failure to perform any such work during the 90-day  
204 period or such period that is mutually agreed upon and specified  
205 in the contract was not related to the owner's termination of  
206 the contract or a material breach of the contract by the owner.~~†~~  
207 ~~and~~

208 3. The contractor failed to perform for the 90-day period  
209 or such period that is mutually agreed upon and specified in the  
210 contract without just cause or terminated the contract without  
211 proper notification to the owner.

212 a. Proper notification of termination for purposes of this  
213 subparagraph must be made by the contractor in the form of a  
214 letter that includes the reason for termination of the contract  
215 or the reason for failure to perform sent via certified mail,  
216 return receipt requested, mailed to the address of the owner  
217 listed in the contract ~~contracting agreement~~. If a ~~no~~ written  
218 agreement or contract does not exist ~~exists~~, the letter must be  
219 mailed to the address where the work was to be performed or the  
220 address listed on the permit, if applicable.

221 b. If a contractor fails to comply with paragraph (a),  
222 written demand must be made to the contractor in the form of a  
223 letter that includes a demand to perform work, or refund the  
224 money received in excess of the value of the work performed,  
225 sent via certified mail, return receipt requested, mailed to the

226 address listed in the contract ~~contracting agreement~~. If there  
 227 is no address for the contractor listed in the contract, or a  
 228 written agreement or contract does not exist ~~contracting~~  
 229 ~~agreement, or no agreement exists~~, the letter must be mailed to  
 230 the address listed with the department for licensing purposes or  
 231 the local construction industry licensing board, if applicable.

232 c. It may be inferred that a contractor does not have just  
 233 cause if the contractor fails to perform work, or refund the  
 234 money received in excess of the value of the work performed,  
 235 within 30 days after receiving a written demand to perform the  
 236 work, or refund the money received in excess of the value of the  
 237 work performed, from the person who made the payment.

238 **Section 3. Subsections (2) through (6) of section 489.127,**  
 239 **Florida Statutes, are renumbered as subsections (3) through (7),**  
 240 **respectively, present subsections (1) and (2) are amended, and a**  
 241 **new subsection (2) is added to that section, to read:**

242 489.127 Prohibitions; penalties.—

243 (1) A person may not ~~No person shall~~:

244 (a) Falsely hold himself or herself or a business  
 245 organization out as a licensee, certificateholder, or  
 246 registrant;

247 (b) Falsely impersonate a certificateholder or registrant;

248 (c) Present as his or her own the certificate or  
 249 registration of another;

250 (d) Knowingly give false or forged evidence to the board

251 or a member thereof;

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

254 (f) Engage in the business or act in the capacity of a  
255 contractor or advertise himself or herself or a business  
256 organization as available to engage in the business or act in  
257 the capacity of a contractor without being duly registered or  
258 certified;

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

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

266 (i) Willfully or deliberately disregard or violate any  
267 municipal or county ordinance relating to uncertified or  
268 unregistered contractors.

269 (2) For purposes of this section ~~subsection~~, a person or  
270 business organization operating on an inactive or suspended  
271 certificate or registration is not duly certified or registered  
272 and is considered unlicensed. A business tax receipt issued  
273 under the authority of chapter 205 is not a license for purposes  
274 of this part.

275 (3) A person who violates subsection (2) commits:

276 (a) A misdemeanor of the first degree, punishable as  
277 provided in s. 775.082 or s. 775.083, if the total money  
278 contracted for is less than \$1,000.

279 (b) A felony of the third degree, punishable as provided  
280 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
281 contracted for is \$1,000 or more, but less than \$20,000.

282 (c) A felony of the second degree, punishable as provided  
283 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
284 contracted for is \$20,000 or more, but less than \$200,000.

285 (d) A felony of the first degree, punishable as provided  
286 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
287 contracted for is \$200,000 or more.

288 (e) A felony of the third degree, punishable as provided  
289 in s. 775.082 or s. 775.083, if the violation occurred during  
290 the existence of a state of emergency declared by executive  
291 order of the Governor.

292 ~~(2)(a) Any unlicensed person who violates any of the~~  
293 ~~provisions of subsection (1) commits a misdemeanor of the first~~  
294 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

295 ~~(b) Any unlicensed person who commits a violation of~~  
296 ~~subsection (1) after having been previously found guilty of such~~  
297 ~~violation commits a felony of the third degree, punishable as~~  
298 ~~provided in s. 775.082 or s. 775.083.~~

299 ~~(c) Any unlicensed person who commits a violation of~~  
300 ~~subsection (1) during the existence of a state of emergency~~

301 ~~declared by executive order of the Governor commits a felony of~~  
302 ~~the third degree, punishable as provided in s. 775.082 or s.~~  
303 ~~775.083.~~

304 ~~(d) Any person who operates as a pollutant storage systems~~  
305 ~~contractor, precision tank tester, or internal pollutant storage~~  
306 ~~tank lining applicator in violation of subsection (1) commits a~~  
307 ~~felony of the third degree, punishable as provided in s. 775.082~~  
308 ~~or s. 775.083.~~

309

310 The remedies set forth in this subsection are not exclusive and  
311 may be imposed in addition to the remedies set forth in s.  
312 489.129(2).

313 **Section 4. Section 489.1285, Florida Statutes, is created**  
314 **to read:**

315 489.1285 Disciplinary forms.—

316 (1) The department shall create and adopt a standardized  
317 disciplinary form to be used by each local construction  
318 regulation board to uniformly report a violation of this part to  
319 the department. The department shall create the standardized  
320 disciplinary form and publish a notice of proposed rule pursuant  
321 to s. 120.54(3)(a) by July 1, 2026.

322 (2)(a) Upon adoption of a standardized disciplinary form  
323 by the department, each local construction regulation board must  
324 use the form when reporting any disciplinary action to the  
325 department. The department shall record each submitted form in

326 the automated information system created by s. 455.2286.

327 (b) Each local construction regulation board must search  
328 the automated information system for any recorded disciplinary  
329 forms before issuing a license or registration under this part.

330 (3) By December 1, 2026, each local construction  
331 regulation board must submit to the department a report  
332 regarding the board's implementation of this section.

333 **Section 5. Paragraph (d) of subsection (2) of section**  
334 **1003.41, Florida Statutes, is amended to read:**

335 1003.41 State academic standards.—

336 (2) The state academic standards must meet the following  
337 requirements:

338 (d)1. Social Studies standards must establish specific  
339 curricular content for, at a minimum, geography, United States  
340 and world history, government, civics, humanities, economics,  
341 and financial literacy.

342 2. Effective for students entering grade 9 in the 2023-  
343 2024 school year and thereafter, financial literacy standards  
344 must establish specific curricular content for, at a minimum,  
345 personal financial literacy and money management and include  
346 instruction in the areas specified in s. 1003.4282(3)(h).

347 3. Effective for students entering grade 9 in the 2025-  
348 2026 school year and thereafter, financial literacy standards  
349 must establish specific curricular content for, at a minimum,  
350 consumer protection awareness relating to construction

351 contracting and include instruction in the areas specified in s.  
352 1003.4282(3)(i).

353 **Section 6. Paragraph (g) of subsection (3) and paragraph**  
354 **(a) of subsection (9) of section 1003.4282, Florida Statutes,**  
355 **are amended, and paragraph (i) is added to subsection (3) of**  
356 **that section, to read:**

357 1003.4282 Requirements for a standard high school  
358 diploma.—

359 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
360 REQUIREMENTS.—

361 (g)1. Credits in electives.—School districts must develop  
362 and offer coordinated electives so that a student may develop  
363 knowledge and skills in his or her area of interest, such as  
364 electives with a STEM or liberal arts focus. Such electives must  
365 include opportunities for students to earn college credit,  
366 including industry-certified career education programs or series  
367 of career-themed courses that result in industry certification  
368 or articulate into the award of college credit, or career  
369 education courses for which there is a statewide or local  
370 articulation agreement and which lead to college credit.

371 2. A student entering grade 9 before the 2023-2024 school  
372 year must earn eight credits in electives. A student entering  
373 grade 9 in the 2023-2024 school year ~~or thereafter~~ must earn  
374 seven and one-half credits in electives. A student entering  
375 grade 9 in the 2025-2026 school year or thereafter must earn

376 seven credits in electives.

377 (i) One-half credit in consumer protection awareness  
378 relating to construction contracting.—Beginning with students  
379 entering grade 9 in the 2025-2026 school year, each student must  
380 earn one-half credit in consumer protection awareness relating  
381 to construction contracting. This instruction must include  
382 discussion of or instruction covering basic consumer protection  
383 principles relating to construction, including, but not limited  
384 to:

- 385 1. Construction contracts.  
386 2. Construction fraud.  
387 3. Deposit and escrow requirements.  
388 4. Homeowners' rights under state law.

389 (9) CAREER AND TECHNICAL EDUCATION GRADUATION PATHWAY  
390 OPTION.—Beginning with the 2019-2020 school year, a student is  
391 eligible to complete an alternative pathway to earning a  
392 standard high school diploma through the Career and Technical  
393 Education (CTE) pathway option. Receipt of a standard high  
394 school diploma awarded through the CTE pathway option requires  
395 the student's successful completion of at least 18 credits. A  
396 student completing the CTE pathway option must earn at least a  
397 cumulative grade point average (GPA) of 2.0 on a 4.0 scale.

398 (a) In order for a student to satisfy the requirements of  
399 the CTE pathway option, he or she must meet the GPA requirement  
400 and:

401 1. Meet the requirements in paragraphs (3)(a)-(d) and,  
402 additionally, for students entering grade 9 in the 2023-2024  
403 school year ~~and thereafter~~, paragraph (3)(h), and for students  
404 entering grade 9 in the 2025-2026 school year and thereafter,  
405 paragraph (3)(i);

406 2. Complete two credits in career and technical education.  
407 The courses must result in a program completion and an industry  
408 certification; and

409 3.a. For a student who enters grade 9 before the 2023-2024  
410 school year, complete two credits in electives or work-based  
411 learning programs. A one-half credit in financial literacy may  
412 be included in the two credits of electives; or

413 b. For a student who enters grade 9 in the 2023-2024  
414 school year and thereafter, complete one and one-half credits in  
415 electives or work-based learning programs.

416 **Section 7. Paragraph (f) of subsection (5) of section**  
417 **489.119, Florida Statutes, is amended to read:**

418 489.119 Business organizations; qualifying agents.—

419 (5)

420 (f) In addition to any other penalty prescribed by law, a  
421 local government may impose a civil fine pursuant to s.

422 489.127(6) ~~s. 489.127(5)~~ against a person who is not certified  
423 or registered under this part if the person:

424 1. Claims to be licensed in any offer of services,  
425 business proposal, bid, contract, or advertisement, but does not

426 possess a valid competency-based license issued by a local  
 427 government in this state to perform the specified construction  
 428 services; or

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

433 **Section 8. Subsection (7) of section 489.13, Florida**  
 434 **Statutes, is amended to read:**

435 489.13 Unlicensed contracting; notice of noncompliance;  
 436 fine; authority to issue or receive a building permit; web  
 437 page.—

438 (7) The remedies set forth in this section are not  
 439 exclusive and may be imposed in addition to the remedies set  
 440 forth in s. 489.127(3) ~~s. 489.127(2)~~. In addition, nothing in  
 441 this section is intended to prohibit the department or any local  
 442 governing body from filing a civil action or seeking criminal  
 443 penalties against an unlicensed contractor.

444 **Section 9. Paragraph (c) of subsection (6) of section**  
 445 **489.131, Florida Statutes, is amended to read:**

446 489.131 Applicability.—

447 (6)

448 (c) Each local board or agency that licenses contractors  
 449 must transmit quarterly to the board a report of any  
 450 disciplinary action taken against contractors and of any

451 administrative or disciplinary action taken against unlicensed  
452 persons for engaging in the business or acting in the capacity  
453 of a contractor including any cease and desist orders issued  
454 pursuant to s. 489.113(2) (b) and any fine issued pursuant to s.  
455 489.127(6) ~~s. 489.127(5)~~.

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