

State of Florida
Department of Business and Professional Regulation
Emergency Order 2022-03

On October 1st, Florida DBPR Secretary Melanie Griffin issued Emergency Order 2022-03, which temporarily alters the requirements of 489.113(3), *Florida Statutes*, and 489.117, *Florida Statutes*, to make it easier for roofing work to be performed by certain contractors that are already licensed by the state of Florida. The order also makes clear that the installation of non-permanent, emergency tarps falls within the exemptions to Florida's contractor licensing statute. These provisions only apply to certain counties in Florida.

First, the emergency order applies to the following counties in Florida: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Desoto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Union, and Volusia.

Second, under 489.113(3), *Florida Statutes*, general, building, and residential contractors are required to subcontract roofing repair and installation. Under the emergency order, this requirement is suspended, and general, building, and residential contractors are not required to subcontract roofing work.

Third, under 489.117, *Florida Statutes*, registered contractors are typically limited to perform work in the counties where they are registered. The emergency order suspends the geographical limitations imposed by that statute, meaning registered contractors can work in any of the counties listed above.

A copy of the executed order follows for reference.

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

IN RE: SUSPENSION OF STATUTES, RULES,
AND ORDERS MADE NECESSARY
BY HURRICANE IAN

EMERGENCY ORDER 2022-03

WHEREAS, Hurricane Ian made landfall on the western Gulf Coast of Florida as a major hurricane and caused significant damage to various counties in the State of Florida:

WHEREAS, Hurricane Ian and the damage it caused poses a significant threat to the entire State of Florida and, as such, it requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State:

WHEREAS, the Governor, in recognition of and in response to this emergency, issued Executive Order 2022-218 on September 23, 2022, as amended by Executive Order 2022-219 on September 24, 2022, pursuant to the authority vested in him by Article IV, Section 1(a) of the Florida Constitution, the Emergency Management Act, as amended, and all other applicable laws:

WHEREAS, the Governor, in Executive Order 2022-218, as amended by Executive Order 2022-219, authorized each State agency to suspend the provisions of any regulatory statutes, orders, or rules of that agency, if strict compliance with that statute would in any way prevent, hinder, or delay necessary action in coping with this emergency:

NOW, THERE, I, MELANIE S. GRIFFIN, Secretary of Florida's Department of Business and Professional Regulation, pursuant to the authority granted by Executive Order 2022-218, as amended by Executive Order 2022-219, find that timely execution of the

mitigation, response, and recovery aspects of the State's emergency management plan, as it relates to Hurricane Ian, is negatively impacted by the application of certain regulatory statutes related to the Department of Business and Professional Regulation. Therefore, I order the following:

1. For the following counties: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Desoto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Union, and Volusia:
 - a. The provisions of section 489.113(3), Florida Statutes, are suspended to the following extent: a certified or registered general, building, or residential contractor is not required to subcontract roofing work for the repair and installation of any roof type;
 - b. The provisions of section 489.117, Florida Statutes, are suspended to the extent that registered contractors are not subject to the geographical scope limitations or requirements as provided in section 489.117(1)(b) and (c), Florida Statutes, when providing contracting services within the aforementioned counties. Registered contractors shall provide their state registration, proof of compliance with applicable workers' compensation as required by Chapter 440, Florida Statutes, and liability and property damage insurance as required by section 489.115(5)(a), Florida Statutes, to the jurisdiction in which the work is being performed. Additionally, registered contractors working outside the geographical scope of their registration in compliance with this order

are not guilty of unlicensed contracting, as defined in section 489.13(1), Florida Statutes, for the time period that this Order is in effect; and

c. This provision shall continue to be applicable to all projects for which a building permit has been applied for or obtained during the effective date of this Emergency Order.

2. There is a great need for emergency repairs to roofs in the area impacted by Hurricane Ian. For clarification, the installation of non-permanent, emergency tarps to relieve damage caused by Hurricane Ian fall within the exemptions listed in section 489.103(6), Florida Statutes. This shall not abrogate any local ordinances regarding permits or inspections that may exist.

The effective date of this Order shall correspond with the effective date of Executive Order 2022-218, as amended by Executive Order 2022-219, and any amendments, and shall expire on November 22, 2022 unless extended by subsequent order.

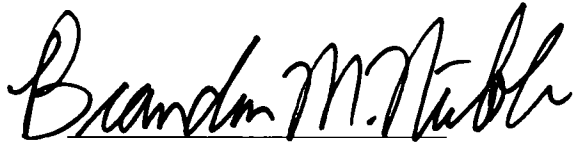
Executed this 15th day of October, 2022, in Tallahassee, Leon County, Florida.

FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION



Melanie S. Griffin, Secretary
2601 Blair Stone Road
Tallahassee, Florida 32399

Filed on this date, with
The designated Agency Clerk,
Receipt of which is hereby
acknowledged.



Agency Clerk's Office

Date: 10/1/2022