

By Representative Livingston

1 A bill to be entitled
2 An act relating to contracting; amending ss.
3 489.127 and 489.531, F.S.; providing for
4 similar penalties for unlicensed violations
5 with respect to construction contracting and
6 electrical and alarm system contracting;
7 providing for additional penalties for certain
8 violations; amending s. 489.503, F.S.;
9 providing additional exemptions with respect to
10 electrical and alarm system contracting;
11 amending s. 489.537, F.S.; revising language
12 with respect to the application of provisions
13 relating to electrical and alarm system
14 contracting; providing an effective date.

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

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18 Section 1. Subsections (1) and (2) of section 489.127,
19 Florida Statutes, 1996 Supplement, are amended to read:

20 489.127 Prohibitions; penalties.--

21 (1) No person shall:

22 (a) Falsely hold himself or a business organization
23 out as a licensee, certificateholder, or registrant;

24 (b) Falsely impersonate a certificateholder or
25 registrant;

26 (c) Present as his own the certificate or registration
27 of another;

28 (d) Knowingly give false or forged evidence to the
29 board or a member thereof;

30 (e) Use or attempt to use a certificate or
31 registration which has been suspended or revoked;

1 (f) Engage in the business or act in the capacity of a
2 contractor or advertise himself or a business organization as
3 available to engage in the business or act in the capacity of
4 a contractor without being duly registered or certified;

5 (g) Operate a business organization engaged in
6 contracting after 60 days following the termination of its
7 only qualifying agent without designating another primary
8 qualifying agent, except as provided in ss. 489.119 and
9 489.1195;

10 (h) Commence or perform work for which a building
11 permit is required pursuant to an adopted state minimum
12 building code without such building permit being in effect; or

13 (i) Willfully or deliberately disregard or violate any
14 municipal or county ordinance relating to uncertified or
15 unregistered contractors.

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17 For purposes of this subsection, a person or business
18 organization operating on an inactive or suspended certificate
19 ~~or registration, or operating beyond the scope of work or~~
20 ~~geographical scope of the registration,~~ is not duly certified
21 or registered, and is considered unlicensed.

22 (2)(a) Any unlicensed person who violates any of the
23 provisions of subsection (1) commits a misdemeanor of the
24 first degree, punishable as provided in s. 775.082 or s.
25 775.083.

26 (b) Any unlicensed person who performs, offers to
27 perform, or contracts to perform work which requires licensure
28 under this part, and the value of which exceeds \$1,000,
29 commits a felony of the third degree, punishable as provided
30 in s. 775.082 or s. 775.083.

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1 ~~(c)(b)~~ Any unlicensed person who commits a violation
2 of ~~paragraphs subsection~~ (1)~~(a)-(f)~~ after having been
3 previously found guilty of such violation, regardless of
4 adjudication thereof, commits a felony of the third degree,
5 punishable as provided in s. 775.082 or s. 775.083.

6 ~~(d)(c)~~ Any unlicensed person who commits a violation
7 of ~~paragraphs subsection~~ (1)~~(a)-(f)~~ during the existence of a
8 state of emergency declared by executive order of the Governor
9 commits a felony of the third degree, punishable as provided
10 in s. 775.082 or s. 775.083.

11 ~~(e)(d)~~ Any person who operates as a pollutant storage
12 systems contractor, precision tank tester, or internal
13 pollutant storage tank lining applicator in violation of
14 subsection (1) commits a felony of the third degree,
15 punishable as provided in s. 775.082 or s. 775.083.

16 (f) Any licensed contractor who willfully operates
17 outside the geographical scope of his or her registration, or
18 who operates outside of the scope of work permitted by his or
19 her certificate or registration, commits a misdemeanor of the
20 first degree, punishable as provided in s. 775.082 or s.
21 775.083.

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23 The remedies set forth in this subsection are not exclusive
24 and may be imposed in addition to the remedies set forth in s.
25 489.129(2). Prosecution under this part does not preclude
26 prosecution under any other applicable criminal statute.

27 Section 2. Subsections (17) and (18) are added to
28 section 489.503, Florida Statutes, 1996 Supplement, to read:

29 489.503 Exemptions.--This part does not apply to:

30 (17) The design, installation, or modification of
31 raceway or conduit that is 2 inches in diameter or less and

1 which is for the purpose of containing or providing a pathway
2 for any wiring, the installation of which:
3 (a) Is exempted under this part; or
4 (b) Does not exceed 77 volts or 10 amps and which is
5 not an element of an alarm system.
6 (18) The design, installation, or modification of
7 electrical wiring, fixtures, appliances, thermostats,
8 apparatus, raceways, or conduit that is 2 inches in diameter
9 or less, any part of which does not exceed 77 volts or 10
10 amps, when the items are not part of, or designed to become
11 part of, an alarm system.
12 Section 3. Subsections (1) and (2) of section 489.531,
13 Florida Statutes, are amended to read:
14 489.531 Prohibitions; penalties.--
15 (1) A person may not:
16 (a) Practice contracting unless the person is
17 certified or registered;
18 (b) Use the name or title "electrical contractor" or
19 "alarm system contractor" or words to that effect, or
20 advertise himself or a business organization as available to
21 practice electrical or alarm system contracting, when the
22 person is not then the holder of a valid certification or
23 registration issued pursuant to this part;
24 (c) Present as his own the certificate or registration
25 of another;
26 (d) Use or attempt to use a certificate or
27 registration that has been suspended, revoked, or placed on
28 inactive or delinquent status;
29 (e) Employ persons who are not certified or registered
30 to practice contracting;
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1 (f) Knowingly give false or forged evidence to the
2 department, the board, or a member thereof;

3 (g) Operate a business organization engaged in
4 contracting after 60 days following the termination of its
5 only qualifying agent without designating another primary
6 qualifying agent;

7 (h) Conceal information relative to violations of this
8 part;

9 (i) Commence or perform work for which a building
10 permit is required under an adopted state minimum building
11 code without the building permit being in effect; or

12 (j) Willfully or deliberately disregard or violate any
13 municipal or county ordinance relating to uncertified or
14 unregistered contractors.

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16 For purposes of this subsection, a person or business
17 organization operating on an inactive or suspended certificate
18 or registration is considered unlicensed.

19 (2)(a) Any unlicensed person who violates any
20 provision of subsection (1) commits a misdemeanor of the first
21 degree, punishable as provided in s. 775.082 or s. 775.083.

22 (b) Any unlicensed person who performs, offers to
23 perform, or contracts to perform work which requires licensure
24 under this part, and the value of which exceeds \$1,000,
25 commits a felony of the third degree, punishable as provided
26 in s. 775.082 or s. 775.083.

27 (c) Any unlicensed person who commits a violation of
28 paragraphs (1)(a)-(f) after having been previously found
29 guilty of such violation, regardless of adjudication thereof,
30 commits a felony of the third degree, punishable as provided
31 in s. 775.082 or s. 775.083.

1 (d) Any unlicensed person who commits a violation of
2 paragraphs (1)(a)-(f) during the existence of a state of
3 emergency declared by executive order of the Governor commits
4 a felony of the third degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 (e) Any licensed contractor who willfully operates
7 outside the geographical scope of his or her registration, or
8 who operates outside of the scope of work permitted by his or
9 her certificate or registration, commits a misdemeanor of the
10 first degree, punishable as provided in s. 775.082 or s.
11 775.083.

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13 The remedies set forth in this subsection are not exclusive
14 and may be imposed in addition to the remedies set forth in s.
15 489.533(2). Prosecution under this part does not preclude
16 prosecution under any other applicable criminal statute.

17 Section 4. Paragraph (b) of subsection (2) of section
18 489.537, Florida Statutes, is amended to read:

19 489.537 Application of this part.--

20 (2)

21 (b) A registered electrical contractor may bid on
22 electrical contracts which include alarm systems contracting
23 as a part of the contract, provided that the individual shall
24 subcontract such alarm systems contracting to a properly
25 certified or registered alarm system contractor. However, if
26 the registered electrical contractor is properly certified or
27 registered as an alarm system contractor, the individual is
28 not required to subcontract out the alarm system contracting.
29 Nothing in this paragraph shall be construed to prohibit any
30 registered electrical contractor from designing, installing,
31 or modifying conduits or raceways through which low voltage

1 alarm wiring or any other type of specialized low voltage
2 wiring shall pass.

3 Section 5. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

Provides similar penalties for unlicensed violations with respect to construction contracting and electrical and alarm system contracting. Provides a third degree felony penalty for unlicensed work valued at more than \$1,000. Provides additional exemptions from regulation with respect to electrical and alarm system contracting for the design, installation, or modification of described raceway or conduit for wiring and for the design, installation or modification of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, or conduit which is 2 inches in diameter or less, not exceeding 77 volts or 10 amps, when the items are not part of, or designed to become part of, an alarm system. See bill for details.