

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 contracting; providing for
7 additional penalties for certain violations;
8 providing an effective date.

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

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12 Section 1. Subsection (2) of section 489.127, Florida
13 Statutes, is amended to read:

14 489.127 Prohibitions; penalties.--

15 (2)(a) Any unlicensed person who violates any of the
16 provisions of subsection (1) commits a misdemeanor of the
17 first degree, punishable as provided in s. 775.082 or s.
18 775.083.

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

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

29 (d)~~(c)~~ Any unlicensed person who commits a violation
30 of paragraphs ~~subsection~~ (1)(a)-(f) during the existence of a
31 state of emergency declared by executive order of the Governor

1 commits a felony of the third degree, punishable as provided
2 in s. 775.082 or s. 775.083.

3 (e)~~(d)~~ Any person who operates as a pollutant storage
4 systems contractor, precision tank tester, or internal
5 pollutant storage tank lining applicator in violation of
6 subsection (1) commits a felony of the third degree,
7 punishable as provided in s. 775.082 or s. 775.083.

8 (f) Any licensed contractor who willfully operates
9 outside the geographical scope of his or her registration, or
10 who operates outside of the scope of work permitted by his or
11 her certificate or registration, commits a misdemeanor of the
12 first degree, punishable as provided in s. 775.082 or s.
13 775.083.

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15 The remedies set forth in this subsection are not exclusive
16 and may be imposed in addition to the remedies set forth in s.
17 489.129(2). Prosecution under this part does not preclude
18 prosecution under any other applicable criminal statute.

19 Section 2. Subsections (1) and (2) of section 489.531,
20 Florida Statutes, are amended to read:

21 489.531 Prohibitions; penalties.--

22 (1) A person may not:

23 (a) Practice contracting unless the person is
24 certified or registered;

25 489.531 Prohibitions; penalties.--

26 (1) A person may not:

27 (b) Use the name or title "electrical contractor" or
28 "alarm system contractor" or words to that effect, or
29 advertise himself or herself or a business organization as
30 available to practice electrical or alarm system contracting,
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1 when the person is not then the holder of a valid
2 certification or registration issued pursuant to this part;

3 (c) Present as his or her own the certificate or
4 registration of another;

5 (d) Use or attempt to use a certificate or
6 registration that has been suspended, revoked, or placed on
7 inactive or delinquent status;

8 (e) Employ persons who are not certified or registered
9 to practice contracting;

10 (f) Knowingly give false or forged evidence to the
11 department, the board, or a member thereof;

12 (g) Operate a business organization engaged in
13 contracting after 60 days following the termination of its
14 only qualifying agent without designating another primary
15 qualifying agent;

16 (h) Conceal information relative to violations of this
17 part;

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

21 (j) Willfully or deliberately disregard or violate any
22 municipal or county ordinance relating to uncertified or
23 unregistered contractors.

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25 For purposes of this subsection, a person or business
26 organization operating on an inactive or suspended certificate
27 or registration is considered unlicensed.

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

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

6 (c) Any unlicensed person who commits a violation of
7 paragraphs (1)(a)-(f) after having been previously found
8 guilty of such violation, regardless of adjudication thereof,
9 commits a felony of the third degree, punishable as provided
10 in s. 775.082 or s. 775.083.

11 (d) Any unlicensed person who commits a violation of
12 paragraphs (1)(a)-(f) during the existence of a state of
13 emergency declared by executive order of the Governor commits
14 a felony of the third degree, punishable as provided in s.
15 775.082 or s. 775.083.

16 (e) 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.

22
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.
25 489.533(2). Prosecution under this part does not preclude
26 prosecution under any other applicable criminal statute.

27 Section 3. This act shall take effect October 1 of the
28 year in which enacted.
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