

By the Committee on Crime & Punishment and Representatives  
Ritter and Effman

1                                   A bill to be entitled  
2           An act relating to construction contracting;  
3           amending s. 489.127, F.S.; increasing penalties  
4           applicable to construction by unlicensed  
5           contractors; providing an effective date.  
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7 Be It Enacted by the Legislature of the State of Florida:  
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9           Section 1. Subsections (2) and (4) of section 489.127,  
10 Florida Statutes, are amended to read:  
11           489.127 Prohibitions; penalties.--  
12           (1) No person shall:  
13           (a) Falsely hold himself or herself or a business  
14 organization out as a licensee, certificateholder, or  
15 registrant;  
16           (b) Falsely impersonate a certificateholder or  
17 registrant;  
18           (c) Present as his or her own the certificate,  
19 registration, or certificate of authority of another;  
20           (d) Knowingly give false or forged evidence to the  
21 board or a member thereof;  
22           (e) Use or attempt to use a certificate, registration,  
23 or certificate of authority which has been suspended or  
24 revoked;  
25           (f) Engage in the business or act in the capacity of a  
26 contractor or advertise himself or herself or a business  
27 organization as available to engage in the business or act in  
28 the capacity of a contractor without being duly registered or  
29 certified or having a certificate of authority;  
30           (g) Operate a business organization engaged in  
31 contracting after 60 days following the termination of its

1 only qualifying agent without designating another primary  
2 qualifying agent, except as provided in ss. 489.119 and  
3 489.1195;

4 (h) Commence or perform work for which a building  
5 permit is required pursuant to part VII of chapter 553 without  
6 such building permit being in effect; or

7 (i) Willfully or deliberately disregard or violate any  
8 municipal or county ordinance relating to uncertified or  
9 unregistered contractors.

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11 For purposes of this subsection, a person or business  
12 organization operating on an inactive or suspended  
13 certificate, registration, or certificate of authority is not  
14 duly certified or registered and is considered unlicensed. An  
15 occupational license certificate issued under the authority of  
16 chapter 205 is not a license for purposes of this part.

17 (2)(a) Any unlicensed person who violates any of the  
18 provisions of subsection (1), except for a violation of  
19 paragraph (1)(i), commits a felony ~~misdemeanor~~ of the ~~third~~  
20 first degree, punishable as provided in s. 775.082 or s.  
21 775.083. Any unlicensed person who violates paragraph (1)(i)  
22 commits a misdemeanor of the first degree, punishable as  
23 provided in s. 775.082 or s. 775.083.

24 (b) Any unlicensed person who commits a violation of  
25 any of the provisions of subsection (1), except for a  
26 violation of paragraph (1)(i), after having been previously  
27 found guilty of such violation commits a felony of the ~~second~~  
28 third degree, punishable as provided in s. 775.082 or s.  
29 775.083. Any unlicensed person who commits a violation of  
30 paragraph (1)(i) after having been previously found guilty of  
31

1 a violation of subsection (1) commits a felony of the third  
2 degree, punishable as provided in s. 775.082 or s. 775.083.  
3 (c) Any unlicensed person who commits a violation of  
4 any of the provisions of subsection (1), except for a  
5 violation of paragraph (1)(i), during the existence of a state  
6 of emergency declared by executive order of the Governor  
7 commits a felony of the ~~second~~ third degree, punishable as  
8 provided in s. 775.082 or s. 775.083. Any unlicensed person  
9 who commits a violation of paragraph (1)(i) during the  
10 existence of a state of emergency declared by executive order  
11 of the Governor commits a felony of the third degree,  
12 punishable as provided in s. 775.082 or s. 775.083.  
13 (d) Any person who operates as a pollutant storage  
14 systems contractor, precision tank tester, or internal  
15 pollutant storage tank lining applicator in violation of any  
16 of the provisions of subsection (1), except for a violation of  
17 paragraph (1)(i), commits a felony of the ~~second~~ third degree,  
18 punishable as provided in s. 775.082 or s. 775.083. Any person  
19 who operates as a pollutant storage systems contractor,  
20 precision tank tester, or internal pollutant storage tank  
21 lining applicator in violation of paragraph (1)(i) commits a  
22 felony of the third degree, punishable as provided in s.  
23 775.082 or s. 775.083.  
24  
25 The remedies set forth in this subsection are not exclusive  
26 and may be imposed in addition to the remedies set forth in s.  
27 489.129(2).  
28 (4)(a) A certified or registered contractor, or  
29 contractor authorized by a local construction regulation board  
30 to do contracting, may not enter into an agreement, oral or  
31 written, whereby his or her certification number or

1 registration number is used, or to be used, by a person who is  
2 not certified or registered as provided for in this chapter,  
3 or used, or to be used, by a business organization that is not  
4 duly qualified as provided for in this chapter to engage in  
5 the business, or act in the capacity, of a contractor.

6 (b) A certified or registered contractor, or  
7 contractor authorized by a local construction regulation board  
8 to do contracting, may not knowingly allow his or her  
9 certification number or registration number to be used by a  
10 person who is not certified or registered as provided for in  
11 this chapter, or used by a business organization that is not  
12 qualified as provided for in this chapter to engage in the  
13 business, or act in the capacity of, a contractor.

14 (c) A certified or registered contractor, or  
15 contractor authorized by a local construction regulation board  
16 to do contracting, may not apply for or obtain a building  
17 permit for construction work unless the certified or  
18 registered contractor, or contractor authorized by a local  
19 construction regulation board to do contracting, or business  
20 organization duly qualified by said contractor, has entered  
21 into a contract to make improvements to, or perform the  
22 contracting at, the real property specified in the application  
23 or permit. This paragraph does not prohibit a contractor from  
24 applying for or obtaining a building permit to allow the  
25 contractor to perform work for another person without  
26 compensation or to perform work on property that is owned by  
27 the contractor.

28 (d)1. A person who violates this subsection commits a  
29 felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as  
30 provided in s. 775.082 or s. 775.083.

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1           2. A person who violates this subsection after having  
2 been previously found guilty of such violation commits a  
3 felony of the second ~~third~~ degree, punishable as provided in  
4 s. 775.082 or s. 775.083.

5           Section 2. This act shall take effect October 1, 2000.  
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