

By Senator Dyer

14-523-01

See HB 165

1 A bill to be entitled
 2 An act relating to construction contracting;
 3 amending s. 489.13, F.S.; providing for
 4 issuance of a notice of noncompliance,
 5 imposition of an administrative fine, and
 6 assessment of reasonable investigative and
 7 legal costs of prosecution for unlicensed
 8 contracting; specifying that such remedies are
 9 not exclusive; providing for uses of fine
 10 proceeds; requiring the Department of Business
 11 and Professional Regulation to create a web
 12 page on its Internet website dedicated to
 13 listing known information concerning unlicensed
 14 contractors; 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. Section 489.13, Florida Statutes, is
 19 amended to read:

20 489.13 Unlicensed contracting; notice of
 21 noncompliance; fine; authority to issue or receive a building
 22 permit; web page.--

23 (1) Any person performing an activity requiring
 24 licensure under this part as a construction contractor is
 25 guilty of unlicensed contracting if he or she does not hold a
 26 valid active certificate or registration authorizing him or
 27 her to perform such activity, regardless of whether he or she
 28 holds a local construction contractor license or local
 29 certificate of competency. Persons working outside the
 30 geographical scope of their registration are guilty of
 31 unlicensed activity for purposes of this part.

1 (2) For a first offense, any person who holds a state
2 or local construction license and is found guilty of
3 unlicensed contracting under this section shall be issued a
4 notice of noncompliance pursuant to s. 489.131(7).

5 (3) Notwithstanding s. 455.228, the department may
6 impose an administrative fine of up to \$10,000 on any
7 unlicensed person guilty of unlicensed contracting. In
8 addition, the department may assess reasonable investigative
9 and legal costs for prosecution of the violation against the
10 unlicensed contractor. The department may waive up to one-half
11 of any fine imposed if the unlicensed contractor complies with
12 certification or registration within 1 year after imposition
13 of the fine under this subsection.

14 (4)(a) Any fines collected under this section shall be
15 first used to cover the investigative and legal costs of
16 prosecution.

17 (b) Any local governing body that forwards information
18 relating to any person who is an unlicensed contractor shall
19 collect 30 percent of the fine collected, after deduction of
20 the investigative and legal costs of prosecution.

21 (c) The balance of any fines collected under this
22 section shall be used to maintain the department's unlicensed
23 contractor website page, as specified in subsection (6), and
24 to fund the Construction Industries Recovery Fund. Nothing in
25 this paragraph shall be construed to permit recovery from the
26 Construction Industries Recovery Fund if the contractor is
27 unlicensed.

28 (5)(2) A local building department shall not issue a
29 building permit to any contractor, or to any person
30 representing himself or herself as a contractor, who does not
31 hold a valid active certificate or registration in the

1 appropriate category. Possession of a local certificate of
2 competency or local construction license is not sufficient to
3 lawfully obtain a building permit as a construction contractor
4 if the activity in question requires licensure under this
5 part. Nothing in this section shall be construed as
6 prohibiting a local building department from issuing a
7 building permit to a locally licensed or certified contractor
8 for an activity that does not require licensure under this
9 part.

10 (6) The department shall create a web page, accessible
11 through its Internet website, dedicated solely to listing any
12 known information concerning unlicensed contractors. The
13 information shall be provided in such a way that any person
14 with computer on-line capabilities can access information
15 concerning unlicensed contractors by name or by county. The
16 department shall recognize that persons found guilty of
17 unlicensed contracting do not have the same rights and
18 privileges as licensees, and the department shall not restrict
19 the quality or quantity of information on the web page
20 required by this subsection, unless otherwise required by law.

21 (7) The remedies set forth in this section are not
22 exclusive and may be imposed in addition to the remedies set
23 forth in s. 489.127(2). In addition, nothing in this section
24 is intended to prohibit the department or any local governing
25 body from filing a civil action or seeking criminal penalties
26 against an unlicensed contractor.

27 Section 2. This act shall take effect July 1, 2001.
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LEGISLATIVE SUMMARY

Provides for issuance of a notice of noncompliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting. Specifies that such remedies are not exclusive. Provides for uses of fine proceeds. Requires the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors. (See bill for details.)