

Amendment No. ____ (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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The Council for Smarter Government offered the following:

Amendment to Amendment (343015) (with title amendment)

On page 14, between lines 26 and 27, of the amendment

insert:

Section 13. Section 489.13, Florida Statutes, is amended to read:

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

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

(2) For a first offense, any person who holds a state

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1 or local construction license and is found guilty of
2 unlicensed contracting under this section shall be issued a
3 notice of noncompliance pursuant to s. 489.131(7).

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

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

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

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

27 (5)(2) A local building department shall not issue a
28 building permit to any contractor, or to any person
29 representing himself or herself as a contractor, who does not
30 hold a valid active certificate or registration in the
31 appropriate category. Possession of a local certificate of

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

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

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

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 28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 16, line 9, of the amendment

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1 after the semicolon insert:
 2 amending s. 489.13, F.S.; providing for
 3 issuance of a notice of noncompliance,
 4 imposition of an administrative fine, and
 5 assessment of reasonable investigative and
 6 legal costs of prosecution for unlicensed
 7 contracting; specifying that such remedies are
 8 not exclusive; providing for uses of fine
 9 proceeds; requiring the Department of Business
 10 and Professional Regulation to create a web
 11 page on its Internet website dedicated to
 12 listing known information on unlicensed
 13 contractors;

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