

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Business Regulation offered the following:

**Amendment (with title amendment)**

On page 3, line 13, of the bill

insert a new Section 4:

Section 4. Section 489.5391, Florida Statutes, is created to read:

489.5391 Unlicensed contracting; fine; authority to issue or receive a building permit; web page.--

(1) Any person performing an activity requiring licensure under this part in any of the categories listed in s. 489.505 is guilty of unlicensed contracting if he or she does not hold a valid active license authorizing him or her to perform such activity, regardless of whether he or she holds a local contractor license or local certificate of competency. Persons working outside the geographical scope of their local certification are guilty of unlicensed activity for purposes of this part.

(2) Notwithstanding s. 455.228, the department may impose an administrative fine of up to \$10,000 on any

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1 unlicensed person guilty of unlicensed contracting. In  
2 addition, the department may assess reasonable investigative  
3 and legal costs for prosecution of the violation against the  
4 unlicensed contractor. The department may waive up to one-half  
5 of any fine imposed if the unlicensed contractor complies with  
6 licensure within 1 year after imposition of the fine under  
7 this subsection.

8 (3)(a) Any fines collected under this section shall be  
9 first used to cover the investigative and legal costs of  
10 prosecution.

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

15 (c) The balance of any fines collected under this  
16 section shall be used to maintain the department's unlicensed  
17 contractor website page, as specified in subsection (5).

18 (4) A local building department shall not issue a  
19 building permit to any contractor, or to any person  
20 representing himself or herself as a contractor, who does not  
21 hold a valid active license in the appropriate category.  
22 Possession of a local certificate of competency or local  
23 construction license is not sufficient to lawfully obtain a  
24 building permit as a construction contractor if the activity  
25 in question requires licensure under this part. Nothing in  
26 this section shall be construed as prohibiting a local  
27 building department from issuing a building permit to a  
28 locally licensed or certified contractor for an activity that  
29 does not require licensure under this part.

30 (5) The department shall create a web page, accessible  
31 through its Internet website, dedicated solely to listing any

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1 known information concerning unlicensed contractors. The  
 2 information shall be provided in such a way that any person  
 3 with computer on-line capabilities can access information  
 4 concerning unlicensed contractors by name or by county. The  
 5 department shall recognize that persons found guilty of  
 6 unlicensed contracting do not have the same rights and  
 7 privileges as licensees, and the department shall not restrict  
 8 the quality or quantity of information on the web page  
 9 required by this subsection, unless otherwise required by law.

10 (6) The remedies set forth in this section are not  
 11 exclusive and may be imposed in addition to the remedies set  
 12 forth in s. 489.531(3). In addition, nothing in this section  
 13 is intended to prohibit the department or any local governing  
 14 body from filing a civil action or seeking criminal penalties  
 15 against an unlicensed contractor.

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

19 And the title is amended as follows:

20 On page 1, line 10, after the semicolon,  
 21  
 22 insert:  
 23 creating s. 489.5391, F.S.; providing for  
 24 issuance of a notice of noncompliance,  
 25 imposition of an administrative fine, and  
 26 assessment of costs of prosecution for  
 27 unlicensed contracting; specifying that such  
 28 remedies are not exclusive; providing uses of  
 29 fine proceeds; requiring the creating of a web  
 30 page dedicated to listing information on  
 31 unlicensed contractors;