

By Senator Aronberg

27-1665-07

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A bill to be entitled

An act relating to construction contracting;  
amending s. 489.127, F.S.; prohibiting a  
certified or registered contractor from  
performing work for which the contractor is not  
properly licensed or from subcontracting work  
to an unlicensed person to perform work that  
requires a license; providing a penalty;  
authorizing local jurisdictions to issue civil  
citations for violations of certain specified  
building laws; providing exceptions; providing  
an effective date.

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

Section 1. Present paragraph (d) of subsection (4) of  
section 489.127, Florida Statutes, is redesignated as  
paragraph (e), and a new paragraph (d) is added to that  
subsection, and paragraph (o) of subsection (5) of that  
section is amended, to read:

489.127 Prohibitions; penalties.--

(4)

(d) A certified or registered contractor, or a  
contractor authorized by a local construction licensing board,  
may not perform work for which he or she is not properly  
licensed, subcontract to unlicensed persons to perform work  
that requires a license, or fail to obtain required permits.

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

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

5           (5) Each county or municipality may, at its option,  
6 designate one or more of its code enforcement officers, as  
7 defined in chapter 162, to enforce, as set out in this  
8 subsection, the provisions of subsection (1) and s. 489.132(1)  
9 against persons who engage in activity for which a county or  
10 municipal certificate of competency or license or state  
11 certification or registration is required.

12           (o) ~~Nothing in~~ This subsection does not shall be  
13 ~~construed to~~ authorize local jurisdictions to exercise  
14 disciplinary authority or procedures established in this  
15 subsection against an individual holding a proper valid  
16 certificate issued pursuant to this part. However, a local  
17 jurisdiction may issue civil citations for the following  
18 violations:

19           1. Failure to obtain a required building permit  
20 pursuant to paragraph (1)(h).

21           2. Aiding and abetting unlicensed activity pursuant to  
22 paragraph (4)(a) or paragraph (4)(b).

23           3. Abandonment of a project pursuant to s.  
24 489.129(1)(j).

25           4. Failure to use a license number in marketing or  
26 advertising pursuant to s. 489.119(6)(b) and (c).

27           5. Failure to obtain required inspections pursuant to  
28 s. 489.129(1)(o).

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1 The procedure for issuing a civil citation as provided in this  
2 paragraph does not authorize a local jurisdiction to exercise  
3 disciplinary authority against a state-certified contractor.

4 Section 2. This act shall take effect July 1, 2007.

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7 SENATE SUMMARY

8 Prohibits a certified or registered contractor from  
9 performing work for which the contractor is not properly  
10 licensed or from subcontracting work to an unlicensed  
11 person to perform work that requires a license.  
12 Authorizes local jurisdictions to issue civil citations  
13 for violations of certain specified building laws.  
14 Provides exceptions.  
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