

By Senator Aronberg

27-03284-08

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1 A bill to be entitled

2 An act relating to construction contracting; amending s.  
3 489.127, F.S.; prohibiting a certified or registered  
4 contractor or contractor authorized by a local  
5 construction licensing board from performing work for  
6 which the contractor is not properly licensed, from  
7 subcontracting work requiring a license to an unlicensed  
8 person, or from failing to obtain required permits or  
9 inspections; providing penalties; authorizing local  
10 jurisdictions to issue civil citations for specified  
11 violations; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Paragraph (d) of subsection (4) of section  
16 489.127, Florida Statutes, is redesignated as paragraph (e) of  
17 that subsection, a new paragraph (d) is added to that subsection,  
18 and paragraph (o) of subsection (5) of that section is amended,  
19 to read:

20 489.127 Prohibitions; penalties.--

21 (4)

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

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

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

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

41        (o) ~~Nothing in~~ This subsection does not ~~shall be construed~~  
42 ~~to~~ authorize local jurisdictions to exercise disciplinary  
43 authority or procedures established in this subsection against an  
44 individual holding a proper valid certificate issued pursuant to  
45 this part, except that a local jurisdiction may issue civil  
46 citations for the following violations:

47        1. Failure to obtain a required building permit or required  
48 inspection.

49        2. Aiding and abetting unlicensed activity.

50        3. Fraud or willful building code violation.

51        4. Failure to use a license number in marketing or  
52 advertising.

53        5. Abandonment of a building project. For the purposes of  
54 this subparagraph, 60 days without job progress constitutes  
55 abandonment.

56        Section 2. This act shall take effect July 1, 2008.