

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:

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 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  
 18       subsection, and paragraph (o) of subsection (5) of that section  
 19       is amended, 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  
 26             a license, or fail to obtain required permits or required  
 27             inspections.

28           ~~(d)~~(e)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  
 33 the third degree, punishable as provided in s. 775.082 or s.  
 34 775.083.

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

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

- 48           1. Failure to obtain a required building permit or
- 49 required inspection.
- 50           2. Aiding and abetting unlicensed activity.
- 51           3. Fraud or willful building code violation.
- 52           4. Failure to use a license number in marketing or
- 53 advertising.

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

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