

1                                   A bill to be entitled  
 2           An act relating to unlicensed contracting; amending s.  
 3           489.127, F.S.; revising the criminal penalties for  
 4           persons who engage in contracting without proper  
 5           registration or certification; making technical  
 6           changes; providing a definition; reenacting s.  
 7           489.13(7), F.S., relating to unlicensed contracting,  
 8           to incorporate the amendment made to s. 489.127, F.S.,  
 9           in a reference thereto; providing an effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

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 13           Section 1. Subsection (2) of section 489.127, Florida  
 14 Statutes, is amended to read:

15           489.127 Prohibitions; penalties.—

16           (2) (a) Except as provided in paragraph (b), an ~~Any~~  
 17 unlicensed person who violates subsection (1):

18           1. ~~any of the provisions of subsection (1)~~ Commits a  
 19 misdemeanor of the first degree, punishable as provided in s.  
 20 775.082 or s. 775.083.

21           2. ~~(b) Any unlicensed person who commits a violation of~~  
 22 ~~subsection (1)~~ After having been previously found guilty of such  
 23 violation, commits a felony of the third degree, punishable as  
 24 provided in s. 775.082 or s. 775.083.

25           3. ~~(c) Any unlicensed person who commits a violation of~~

26 ~~subsection (1)~~ During the existence of a state of emergency  
 27 declared by executive order of the Governor,  commits a felony of  
 28 the third degree, punishable as provided in s. 775.082 or s.  
 29 775.083.

30 4.(d) By operating ~~Any person who operates~~ as a pollutant  
 31 storage systems contractor, precision tank tester, or internal  
 32 pollutant storage tank lining applicator, ~~in violation of~~  
 33 ~~subsection (1)~~ commits a felony of the third degree, punishable  
 34 as provided in s. 775.082 or s. 775.083.

35 (b)1. An unlicensed person who violates paragraph (1)(f)  
 36 by engaging in the business or acting in the capacity of a  
 37 contractor without being duly registered or certified commits  
 38 the following:

39 a. If the contract price is less than \$1,000, a  
 40 misdemeanor of the first degree, punishable as provided in s.  
 41 775.082 or s. 775.083.

42 b. If the contract price is \$1,000 or more, but less than  
 43 \$20,000, a felony of the third degree, punishable as provided in  
 44 s. 775.082, s. 775.083, or s. 775.084.

45 c. If the contract price is \$20,000 or more, but less than  
 46 \$200,000, a felony of the second degree, punishable as provided  
 47 in s. 775.082, s. 775.083, or s. 775.084.

48 d. If the contract price is \$200,000 or more, a felony of  
 49 the first degree, punishable as provided in s. 775.082, s.  
 50 775.083, or s. 775.084.

51           2. For purposes of this paragraph, the term "contract  
52 price" has the same meaning as provided in s. 713.01.

53

54 The remedies set forth in this subsection are not exclusive and  
55 may be imposed in addition to the remedies set forth in s.  
56 489.129(2).

57           Section 2. For the purpose of incorporating the amendment  
58 made by this act to section 489.127, Florida Statutes, in a  
59 reference thereto, subsection (7) of section 489.13, Florida  
60 Statutes, is reenacted to read:

61           489.13 Unlicensed contracting; notice of noncompliance;  
62 fine; authority to issue or receive a building permit; web  
63 page.—

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

70           Section 3. This act shall take effect October 1, 2021.