

By Senator Perry

8-00535-21

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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 or advertise
5 themselves as contractors without proper registration
6 or certification; making technical changes; reenacting
7 s. 489.13(7), F.S., relating to unlicensed
8 contracting, to incorporate the amendment made to s.
9 489.127, F.S., in a reference thereto; providing an
10 effective date.

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

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

16 489.127 Prohibitions; penalties.—

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

19 1. any of the provisions of subsection (1) Commits a
20 misdemeanor of the first degree, punishable as provided in s.
21 775.082 or s. 775.083.

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

26 3. (c) Any unlicensed person who commits a violation of
27 subsection (1) During the existence of a state of emergency
28 declared by executive order of the Governor, commits a felony of
29 the third degree, punishable as provided in s. 775.082 or s.

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30 775.083.

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

36 (b) An unlicensed person who violates paragraph (1) (f)
37 commits the following:

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

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

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

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

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51 The remedies set forth in this subsection are not exclusive and
52 may be imposed in addition to the remedies set forth in s.
53 489.129(2).

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

58 489.13 Unlicensed contracting; notice of noncompliance;

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59 fine; authority to issue or receive a building permit; web
60 page.—

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

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