

By the Committee on Regulated Industries; and Senator Perry

580-03581-21

2021332c1

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; reenacting s. 489.13(7), F.S., relating to
7 unlicensed contracting, to incorporate the amendment
8 made to s. 489.127, F.S., in a reference thereto;
9 providing an effective date.

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

12
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.

580-03581-21

2021332c1

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

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

42 2. 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 3. 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 4. 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
52 For purposes of this paragraph, the term "contract price" has
53 the same meaning as in s. 713.01.

54
55 The remedies set forth in this subsection are not exclusive and
56 may be imposed in addition to the remedies set forth in s.
57 489.129(2).

58 Section 2. For the purpose of incorporating the amendment

580-03581-21

2021332c1

59 made by this act to section 489.127, Florida Statutes, in a
60 reference thereto, subsection (7) of section 489.13, Florida
61 Statutes, is reenacted to read:

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

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

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