

By Senator Baxley

12-00435-22

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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 without proper
 5 registration or certification; making technical
 6 changes; providing an effective date.

8 Be It Enacted by the Legislature of the State of Florida:

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

12 489.127 Prohibitions; penalties.—

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

15 1. any of the provisions of subsection (1) Commits a
 16 misdemeanor of the first degree, punishable as provided in s.
 17 775.082 or s. 775.083.

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

22 3. (c) Any unlicensed person who commits a violation of
 23 subsection (1) During the existence of a state of emergency
 24 declared by executive order of the Governor, commits a felony of
 25 the third degree, punishable as provided in s. 775.082 or s.
 26 775.083.

27 4. (d) By operating Any person who operates as a pollutant
 28 storage systems contractor, precision tank tester, or internal
 29 pollutant storage tank lining applicator, in violation of

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30 ~~subsection (1)~~ commits a felony of the third degree, punishable
31 as provided in s. 775.082 or s. 775.083.

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

36 1. If the total money received is less than \$1,000, a
37 misdemeanor of the first degree, punishable as provided in s.
38 775.082 or s. 775.083.

39 2. If the total money received is \$1,000 or more, but less
40 than \$20,000, a felony of the third degree, punishable as
41 provided in s. 775.082, s. 775.083, or s. 775.084.

42 3. If the total money received is \$20,000 or more, but less
43 than \$200,000, a felony of the second degree, punishable as
44 provided in s. 775.082, s. 775.083, or s. 775.084.

45 4. If the total money received is \$200,000 or more, a
46 felony of the first degree, punishable as provided in s.
47 775.082, s. 775.083, or s. 775.084.

48
49 The remedies set forth in this subsection are not exclusive and
50 may be imposed in addition to the remedies set forth in s.
51 489.129(2).

52 Section 2. This act shall take effect July 1, 2022.