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LEGISLATIVE ACTION

Senate

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House

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Senator Baxley moved the following:

**Senate Amendment to Amendment (979060) (with title amendment)**

Between lines 64 and 65  
insert:

Section 3. Subsection (2) of section 489.127, Florida Statutes, is amended to read:

489.127 Prohibitions; penalties.—

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

1. any of the provisions of subsection (1) Commits a



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12 misdemeanor of the first degree, punishable as provided in s.  
13 775.082 or s. 775.083.

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

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

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

28 (b) An unlicensed person who violates paragraph (1)(f) by  
29 engaging in the business or acting in the capacity of a  
30 contractor without being duly registered or certified commits  
31 the following:

32 1. A misdemeanor of the first degree, punishable as  
33 provided in s. 775.082 or s. 775.083, if the total money  
34 received is less than \$1,000.

35 2. A felony of the third degree, punishable as provided in  
36 s. 775.082, s. 775.083, or s. 775.084, if the total money  
37 received is \$1,000 or more, but less than \$20,000.

38 3. A felony of the second degree, punishable as provided in  
39 s. 775.082, s. 775.083, or s. 775.084, if the total money  
40 received is \$20,000 or more, but less than \$200,000.



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41        4. A felony of the first degree, punishable as provided in  
42 s. 775.082, s. 775.083, or s. 775.084, if the total money  
43 received is \$200,000 or more.

44  
45 The remedies set forth in this subsection are not exclusive and  
46 may be imposed in addition to the remedies set forth in s.  
47 489.129(2).

48        Section 4. For the purpose of incorporating the amendment  
49 made by this act to section 489.127, Florida Statutes, in a  
50 reference thereto, subsection (7) of section 489.13, Florida  
51 Statutes, is reenacted to read:

52        489.13 Unlicensed contracting; notice of noncompliance;  
53 fine; authority to issue or receive a building permit; web  
54 page.—

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

61  
62 ===== T I T L E   A M E N D M E N T =====

63 And the title is amended as follows:

64        Delete line 114

65 and insert:

66        direct contract between those persons; amending s.  
67        489.127, F.S.; revising the criminal penalties for  
68        persons who engage in contracting without proper  
69        registration or certification; making technical



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70 changes; reenacting s. 489.13(7), F.S., relating to  
71 unlicensed contracting, to incorporate the amendment  
72 made to s. 489.127, F.S., in a reference thereto;  
73 amending s.