

By Representative Ritter

1                                   A bill to be entitled  
2           An act relating to construction contracting;  
3           amending s. 489.127, F.S.; increasing penalties  
4           applicable to construction by unlicensed  
5           contractors; providing an effective date.  
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7 Be It Enacted by the Legislature of the State of Florida:  
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9           Section 1. Subsections (2) and (4) of section 489.127,  
10 Florida Statutes, are amended to read:

11           489.127 Prohibitions; penalties.--

12           (1) No person shall:

13           (a) Falsely hold himself or herself or a business  
14 organization out as a licensee, certificateholder, or  
15 registrant;

16           (b) Falsely impersonate a certificateholder or  
17 registrant;

18           (c) Present as his or her own the certificate,  
19 registration, or certificate of authority of another;

20           (d) Knowingly give false or forged evidence to the  
21 board or a member thereof;

22           (e) Use or attempt to use a certificate, registration,  
23 or certificate of authority which has been suspended or  
24 revoked;

25           (f) Engage in the business or act in the capacity of a  
26 contractor or advertise himself or herself or a business  
27 organization as available to engage in the business or act in  
28 the capacity of a contractor without being duly registered or  
29 certified or having a certificate of authority;

30           (g) Operate a business organization engaged in  
31 contracting after 60 days following the termination of its

1 only qualifying agent without designating another primary  
2 qualifying agent, except as provided in ss. 489.119 and  
3 489.1195;

4 (h) Commence or perform work for which a building  
5 permit is required pursuant to part VII of chapter 553 without  
6 such building permit being in effect; or

7 (i) Willfully or deliberately disregard or violate any  
8 municipal or county ordinance relating to uncertified or  
9 unregistered contractors.

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11 For purposes of this subsection, a person or business  
12 organization operating on an inactive or suspended  
13 certificate, registration, or certificate of authority is not  
14 duly certified or registered and is considered unlicensed. An  
15 occupational license certificate issued under the authority of  
16 chapter 205 is not a license for purposes of this part.

17 (2)(a) Any unlicensed person who violates any of the  
18 provisions of subsection (1) commits a felony ~~misdemeanor~~ of  
19 the third ~~first~~ degree, punishable as provided in s. 775.082  
20 or s. 775.083.

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

25 (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  
28 of the second ~~third~~ degree, punishable as provided in s.  
29 775.082 or s. 775.083.

30 (d) Any person who operates as a pollutant storage  
31 systems contractor, precision tank tester, or internal

1 pollutant storage tank lining applicator in violation of  
2 subsection (1) commits a felony of the second ~~third~~ degree,  
3 punishable as provided in s. 775.082 or s. 775.083.

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5 The remedies set forth in this subsection are not exclusive  
6 and may be imposed in addition to the remedies set forth in s.  
7 489.129(2).

8 (4)(a) A certified or registered contractor, or  
9 contractor authorized by a local construction regulation board  
10 to do contracting, may not enter into an agreement, oral or  
11 written, whereby his or her certification number or  
12 registration number is used, or to be used, by a person who is  
13 not certified or registered as provided for in this chapter,  
14 or used, or to be used, by a business organization that is not  
15 duly qualified as provided for in this chapter to engage in  
16 the business, or act in the capacity, of a contractor.

17 (b) A certified or registered contractor, or  
18 contractor authorized by a local construction regulation board  
19 to do contracting, may not knowingly allow his or her  
20 certification number or registration number to be used by a  
21 person who is not certified or registered as provided for in  
22 this chapter, or used by a business organization that is not  
23 qualified as provided for in this chapter to engage in the  
24 business, or act in the capacity of, a contractor.

25 (c) A certified or registered contractor, or  
26 contractor authorized by a local construction regulation board  
27 to do contracting, may not apply for or obtain a building  
28 permit for construction work unless the certified or  
29 registered contractor, or contractor authorized by a local  
30 construction regulation board to do contracting, or business  
31 organization duly qualified by said contractor, has entered

1 into a contract to make improvements to, or perform the  
2 contracting at, the real property specified in the application  
3 or permit. This paragraph does not prohibit a contractor from  
4 applying for or obtaining a building permit to allow the  
5 contractor to perform work for another person without  
6 compensation or to perform work on property that is owned by  
7 the contractor.

8 (d)1. A person who violates this subsection commits a  
9 felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as  
10 provided in s. 775.082 or s. 775.083.

11 2. A person who violates this subsection after having  
12 been previously found guilty of such violation commits a  
13 felony of the second ~~third~~ degree, punishable as provided in  
14 s. 775.082 or s. 775.083.

15 Section 2. This act shall take effect October 1, 2000.

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18 HOUSE SUMMARY

19 Increases penalties applicable to construction by  
20 unlicensed contractors, to make all such penalties second  
21 degree or third degree felonies. See bill for details.

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