



335090

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .

Floor: NC/2R

04/26/2021 04:03 PM

Senator Baxley moved the following:

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

3
4 Between lines 64 and 65
5 insert:

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

8 489.127 Prohibitions; penalties.-

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

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



335090

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.



335090

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



335090

70
71
72
73

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