

CONTRACTOR PROHIBITIONS

Please review the scenarios below to determine if a contractor is breaking the law.



PERMISSIBLE	PROHIBITED	VIOLATION
Discuss, explain and offer a quote for construction or repair of property	Negotiate or influence the settlement of an insurance claim on behalf of a consumer	3rd Degree Felony Section 626.8738, Florida Statutes Section 626.854(15), Florida Statutes Section 626.854(19)(d), Florida Statutes
Repair or replace damaged property	Enter into a contract to adjust a claim and engage in construction work on the same property	3rd Degree Felony Section 626.8738, Florida Statutes Section 626.8795, Florida Statutes
File an insurance claim on a property if an Assignment of Benefits is in place	File an insurance claim without an Assignment of Benefits	3rd Degree Felony Section 626.8738, Florida Statutes Section 626.854(15), Florida Statutes Section 626.854(19)(a), Florida Statutes
Construct or repair property with a valid license	Construct or repair property without a valid, active license	Up to a 3rd Degree Felony Section 489.127, Florida Statutes
Must have required insurance including liability, property damage, workers' compensation (or obtain an exemption)	Construct or repair property without proper insurance	Minimum \$1,000 Penalty Section 440.107, Florida Statutes Construction Industry Licensing Board Rule

PERMISSIBLE	PROHIBITED	VIOLATION
Obtain a building permit from local officials, as required	Construct or repair property without the appropriate permit or disregard local ordinances	Up to a 3rd Degree Felony Section 489.127, Florida Statutes
Construct or repair within the scope of the license, i.e. building, roofing, pool/spa, etc.	Construct or repair outside of the scope of the license	Up to a 3rd Degree Felony Section 489.127, Florida Statutes
Place a lien on your property for unpaid work – lien rights	Place a lien on a property for paid work	Sections 713.05 and 713.06 , Florida Statutes
Require consumer to pay insurance deductible	Waive an insurance deductible or offer services at no charge for filing an insurance claim	3rd Degree Felony Section 817.234(7)(d), Florida Statutes
Provide a Contractor's Final Payment Affidavit to verify that you have paid all subcontractors and suppliers	Omit providing a Contractor's Final Payment Affidavit	Section 713.06(3)(d), Florida Statutes
Advertise construction services to potential clients	Mislead consumers using untrue or deceptive advertisements	Section 626.854(7), Florida Statutes

