

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	Initiate, negotiate or influence the filing or 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
Suggest or recommend a consumer contact their insurance company to determine if the repair is covered under their insurance policy	Interpret insurance policy provisions or advise a consumer on their insurance coverages, unless the contractor is also a licensed Public Adjuster	Fine of up to \$10,000 and/ or other administrative actions such as license suspension or removal Section 489.129, Florida Statutes Section 489.147(2)(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

PERMISSIBLE	PROHIBITED	VIOLATION
<p>Discuss or explain a bid for construction or repair of a property</p>	<p>Advertise, solicit, offer to perform or perform public adjuster services, unless licensed as a Public Adjuster</p>	<p>3rd Degree Felony Fine of up to \$10,000 Section 626.8738, Florida Statutes Section 626.854(15), Florida Statutes Section 626.854(19), Florida Statutes</p>
<p>Include an itemized good faith estimate with an agreement authorizing repairs</p>	<p>Provide an agreement authorizing repairs without also providing a good faith estimate that includes an itemized and detailed cost of services and materials for the repairs</p>	<p>Fine of up to \$10,000 and/or other administrative actions such as license suspension or removal Section 489.129, Florida Statutes Section 489.147(2)(e), Florida Statutes</p>
<p>Provide roof inspection, repair and replacement services</p>	<p>Offer a consumer anything of value in exchange for allowing an inspection of the roof or for filing an insurance claim for damage to the roof</p>	<p>Fine of up to \$10,000 and/or other administrative actions such as license suspension or removal Section 489.129, Florida Statutes Section 489.147(2)(b), Florida Statutes</p>
<p>Provide a notice before entering into a contract for repairing or replacing a roof that contractors cannot offer anything of value in exchange for allowing an inspection of the roof or for filing an insurance claim for damage to the roof</p>	<p>Entering into a contract for repairing or replacing a residential roof without including a notice that the contractor cannot offer a consumer anything of value in exchange for allowing an inspection of the roof or for filing an insurance claim for damage to the roof</p>	<p>Fine of up to \$10,000 and/or other administrative actions such as license suspension or removal Section 489.129, Florida Statutes Section 489.147(5), Florida Statutes</p>
<p>Construct or repair property with a valid license</p>	<p>Construct or repair property without a valid, active license</p>	<p>Up to a 3rd Degree Felony Section 489.127, Florida Statutes</p>

PERMISSIBLE	PROHIBITED	VIOLATION
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
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

