



# City of North Port

## Office of the City Attorney

### Response to Request for Legal Services

To: Katrina Romano, NDS/Building

From: Michael Golen, Assistant City Attorney

Through: Amber L. Slayton, City Attorney

Date: July 9, 2019

Re: Request for Legal Services – Authority to Regulate Licensed Contractors

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The above-referenced Request for Legal Services has been reviewed. You inquired as to what authority a construction contractor licensing board would have to regulate state-licensed construction contractors if such a board were established by the City Commission.

A local construction regulation board created by municipal ordinance must be established under the provisions of Florida Statutes Section 489.105(12) and may not be merely an examining and/or licensing board.<sup>1</sup> While a local construction regulation board may not discipline a state-licensed construction contractor, it may operate within its granted powers under Florida Statutes Section 489.113(4).

Local construction regulation boards are provided with limited authorization to regulate state-licensed construction contractors.<sup>2</sup> A properly-established board would have the authority to hold public hearings to hear complaints brought against licensed contractors. The board would have the authority to deny, suspend, or revoke the authority of a contractor to obtain a local building permit, or to place specific conditions on their ability to obtain a building permit,<sup>3</sup> where:

1. The board finds that the licensed contractor is guilty of fraud;
2. The board finds that the licensed contractor committed a willful violation of building code committed within the City;
3. The board has proof that the contractor has been found guilty in another municipality within the past 12 months for fraud, and finds that such fraud would be fraud if committed in the City; or
4. The board has proof that the contractor has been found guilty in another municipality within the past 12 months of a willful building code violation and finds that such violation would be a violation if committed in the City.

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<sup>1</sup> See *Snowman v. Contractor's Examining Board*, 701 So.2d 717 (3d DCA 1998).

<sup>2</sup> See Fla. Stat. § 489.113(4).

<sup>3</sup> See Fla. Stat. § 489.113(4)(b).

Additionally, the board would have the authority to deny or suspend a permit where a licensed contractor fails or refuses to provide proof of public liability and property damage insurance coverage as required by Florida Statutes Section 489.115(5) or workers' compensation insurance coverage as required by Florida Statutes Section 489.114.<sup>4</sup>

Please let me know if there are any questions, comments, or concerns. Otherwise, no further action will be taken on this Request for Legal Services and the file will be closed.

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<sup>4</sup> See Fla. Stat. § 489.113(4)(c).