



LEON COUNTY  
CONTRACTORS LICENSING BOARD

COMPLAINTS AGAINST CONTRACTORS  
POLICIES AND PROCEDURES

August 13, 2021

Policies and Procedures for Leon County  
Contractors Licensing Board

1. MINOR VIOLATIONS, NOTICE OF NONCOMPLIANCE.

In accordance with Section 489.113(4)(d), Florida Statutes (2020), as may be amended, when a complaint is received, the Contractors Licensing Board ("Board"), through its staff, shall issue a notice of noncompliance as its first response to a minor violation of a regulatory law in any instance in which it is reasonable to assume that the violator is unaware of such law or unclear as to how to comply with it. A violation of a regulatory law is a "minor violation" if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. A notice of noncompliance may not be accompanied with a fine or other disciplinary penalty. It shall identify the specific ordinance that is being violated, provide information on how to comply with the ordinance, and specify a reasonable time for the violator to comply with the ordinance. Failure of a contractor to take action correcting the violation within a set period of time shall result in the institution of further disciplinary proceedings.

2. DISCIPLINARY PROCEEDINGS.

(A) Investigation of Complaints. Subject to Section 1 herein, the Board's staff shall cause to be investigated any complaint which is filed before the Board if the complaint is in writing, signed by the complainant, and legally sufficient. All complaints requesting action against a contractor must be in writing and shall state with specificity the alleged code violations and/or allegations of fraud. The complaint shall be forwarded to the Director of Building Plans Review and Inspections for determination of code violations.

1. Legal Sufficiency. A complaint is legally sufficient if it contains ultimate facts which show that a violation of Chapters 455 or 489, Florida Statutes, the Florida Building Code, the Leon County Building Code, or of any rule or law relating to contractors

which is enacted by the Board of County Commissioners has occurred. In addition, the written complaint shall be reviewed to verify that the subject contractor is regulated through the Board. Should the subject contractor be determined to not be regulated through the Board, the complaint is forwarded to the appropriate jurisdiction and closed as non-jurisdictional. In order to determine legal sufficiency, the Board's staff may require supporting information or documentation. The legal sufficiency determination can generally be performed within one (1) to five (5) day of receipt of the written complaint. Legally sufficient complaints are forwarded to an inspector for a probable cause investigation.

2. Withdrawn Complaints, Anonymous Complaints, Confidential Informants, Staff Initiated Complaints. The Board's staff may investigate, and the Board may take appropriate final action on a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The Board's staff may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the Board's staff has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The Board's staff may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the Board's staff has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The Board's staff may initiate an investigation if it has reasonable cause to believe that a violation of applicable State or local law has occurred.

3. Notice of Complaint. When an investigation of any contractor is

undertaken, the Board's staff shall promptly furnish to the contractor or the contractor's attorney a written notice of the complaint or document which resulted in the initiation of the investigation (See Exhibit "A").

4. Contractor's Response. The contractor may submit a written response to the information contained in such complaint or document within seven (7) days after service to the contractor of the complaint or document. The contractor's written response shall be considered by the Board's staff conducting the probable cause investigation. The Contractor may elect to remedy all complaints within this seven (7) day time period. This right to respond shall not prohibit the Board from issuing a summary emergency order if necessary to protect the public.

(B) Determination of Probable Cause. The determination as to whether probable cause exists shall be made by the Board's staff. The Board's staff shall make its determination of probable cause after review of the complaint, any response by the contractor and other investigative facts the Board's staff gathers. Probable cause will be found if there exist specific violations to any of the regulations for which the Board has jurisdiction. The Board's staff will coordinate with the complainant to perform an onsite inspection when applicable. Staff shall seek to render a probable cause determination within four (4) weeks from receipt of the written complaint. If the Board's staff finds that probable cause exists, the Board Administrator shall proceed as set forth herein at Subsection 2(D), Hearings. If the Board's staff finds no probable cause, the Complainant is notified and given the option of providing additional information or request that the Board determine, at its next regularly scheduled meeting that has been noticed to the contractor, that probable cause exists (See Exhibit "B"). If the Board determines that probable cause exists, the Board Administrator shall proceed as set forth herein at Subsection 2(D), Hearings.

(C) Notification to Complainant of the Status of the Complaint. The Board's staff shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any hearing or appeal (See Exhibit "C").

(D) Action After Probable Cause Found. The following procedures apply:

1. Administrative Complaint. If probable cause is found to exist, the Board staff shall serve an administrative complaint on the contractor. The administrative complaint shall contain:

- A. The name of the Board, the Respondent against whom disciplinary action is sought and a file number.
- B. A statement of the Board's legal authority and jurisdiction.
- B. The statutory section(s), rule(s), or code provisions alleged to have been violated.
- C. The facts or conduct relied on to establish the violation.
- D. A statement that the Respondent has the right to appear at the hearing to be conducted and to be represented by counsel or other qualified representative.

2. Answer. The Respondent may file an answer to the administrative complaint within ten (10) days after service of the administrative complaint.

3. If after service of the administrative complaint on the contractor the contractor does not dispute the alleged facts, the matter shall be presented to the Board for final action.

4. Consent Orders. Board staff may at any time present to the Board a proposed settlement by consent order or otherwise of any matter as to which probable

cause has been found. If the Board accepts the proposed settlement, it may execute and file the consent order as its final order in the matter or may otherwise issue its final order in the matter. If the board does not accept such settlement, the prosecution of the matter shall be resumed.

2. Notice of Hearing. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 10 days; however, the 10-day notice requirement may be waived with the consent of all parties (See Exhibits "D" and "E").

- A. A statement of the time, place, and nature of the hearing.
- B. A short and plain statement of the matters alleged in the administrative complaint.
- E. A statement informing the contractor of the right to appear at the hearing, be represented by counsel and to provide evidence and cross examine witnesses.
- F. A statement informing the contractor of the Board's intention to consider taking action against the contractor.
- G. Such notice shall be served by certified mail and by personal service to the last-known address of the certificate holder. If service by certified mail or personal service is not successful, notice shall be published once in the legal notices section of a newspaper of general circulation in the county.

3. Response. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the Board

proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it.

4. Record. The record in a case governed by this subsection shall consist only of:

- A. All notices, pleadings, motions, and intermediate rulings;
- B. Evidence received or considered;
- C. A statement of matters officially recognized;
- D. Questions and proffers of proof and objections and rulings thereon;
- E. Proposed findings and exceptions;
- F. Any decision, opinion, proposed or recommended order, or report by the Board;
- G. All staff memoranda or data submitted to the Board during the hearing or prior to its disposition, after notice of the submission to all parties;
- H. All matters placed on the record after an ex parte communication; and
- I. The official recording.

5. Official Recognition. When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material.

6. Preservation of Testimony. The Contractor shall bear the costs of and is responsible for accurately and completely preserving all testimony in the proceeding. At the request of any other party, full or partial transcripts shall be provided at no more than cost.

7. Board Action; Evidence, Record and Subpoenas.

- A. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- B. Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.
- C. If a majority of those who are to render the final order have not heard the case or read the record, a decision adverse to a party other than the Board itself shall not be made until a proposed order is served upon the parties and they are given an opportunity to file exceptions and present briefs and oral arguments to those who are to render the decision. The proposed order shall contain necessary findings of fact and conclusions of law and a reference to the source of each. The proposed order shall be prepared by the individual who conducted the hearing, if available, or by one who has read the

record. The parties by written stipulation may waive compliance with this paragraph.

D. A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.

E. Any person subject to a subpoena may, before compliance and on timely petition, request the Board to invalidate the subpoena on the ground that it was not lawfully issued, is unreasonably broad in scope, or requires the production of irrelevant material.

(E) Board Order.

1. Generally. The Board shall prepare its order consisting of findings of fact, conclusions of law, interpretation of administrative rules, and recommended penalty, if applicable, and any other information required by law. Findings of fact shall be based exclusively on the evidence or record and on matters officially recognized. Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, must be accompanied by a concise and explicit statement of the underlying facts of record which support the findings.

2. Orders Imposing Disciplinary Action. Orders imposing disciplinary action against a locally licensed or registered contractor shall contain, at a minimum, the following (See Exhibit "F"):

- A. A clear statement of the violations charged;
- B. A clear statement of the factual basis for the charges;
- C. Evidence that the contractor was given notice of the charges, and of an opportunity to appear and present evidence and testimony

regarding the charges;

D. Findings of fact made by the Board;

E. Conclusions of law which demonstrate that the facts alleges constitute violations of the governing local ordinance and the laws and rules addressed therein;

F. A statement of the penalty imposed against the local license or certificate of competence;

G. A recommendation to the Florida Department of Business and Professional Regulation's Construction Industry Licensing Board that is not in conflict with F.S. ch. 489, as applicable;

H. A clear statement informing the contractor of the right to appeal the action against the local license, and of the right of the contractor to challenge the recommendation to the Board.

3. Time. The final order in a proceeding which affects substantial interests must be rendered within 30 days after the hearing is concluded. The 30-day period may be waived or extended with the consent of all parties.

4. Notification. Parties shall be notified either personally or by mail of any order and unless waived, a copy of the final order shall be delivered or mailed to each party or to his or her attorney or record. Each notice shall inform the recipient of any administrative hearing or judicial review that is available, shall indicate the procedure which must be followed to obtain the hearing or judicial review, and shall state the time limits which apply.

5. Immediate Danger. If the Board finds that an immediate danger to the

public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such finding in the final order, which shall be appealable or enjoinable from the date rendered.

(F) Informal Proceedings. In any case to which subsection (D) does not apply the Board shall, in accordance with its rules of procedure:

1. Give reasonable notice to affected persons or parties of the action of the Board, whether proposed or already taken, or if its decision to refuse action, together with a summary of the factual, legal, and policy grounds therefor.
2. Give affected persons or parties or their counsel an opportunity, at a convenient time and place, to present to the Board written or oral evidence in opposition to the action of the Board or of its refusal to act, or a written statement challenging the grounds upon which the Board has chosen to justify its action or inaction.
3. If the objections of the persons or parties are overruled, provide a written explanation within 7 days.
4. Provide a record consisting of:
  - A. The notice and summary of grounds;
  - B. Evidence received or considered;
  - C. All written statements submitted by persons and parties;
  - D. Any decision overruling objections;
  - E. All matters placed on the record after ex parte communication; and
  - F. The official transcript.

(G) Informal Disposition. Unless precluded by law, informal disposition may be made

of any proceeding by stipulation, agreed settlement, or consent order.

(H) Board Investigations, Generally.

1. No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law.

2. Any person compelled to appear, or who appears voluntarily, before the Board or representative thereof in an investigation or in a Board hearing has the right, at his or her own expense, to be accompanied, represented, and advised by counsel or by other qualified representative.

(I) Ex parte communications.

1. In any proceeding under Chapter 5, Code of Laws of Leon County, no ex parte communication relative to the merits, threat, or offer of reward shall be made to the Board by:

A. Any public employee or official engaged in prosecution or advocacy in connection with the matter under consideration or a factually related matter.

B. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the proposed Board action, or his or her authorized representative or counsel.

Nothing in this subsection shall apply to advisory staff members who do not testify on behalf of the agency in the proceeding.

2. A Board member who is involved in the decisional process and who received an ex parte communication in violation of subsection 1. shall place on the record

of the pending matter all written communications received, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and shall also advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, if such party requests the opportunity for rebuttal within 10 days after notice of such communication. The Board member may, if he or she deems it necessary to eliminate the effect of an ex parte communication received by him or her, withdraw from the proceeding.

FIRST NOTICE

Certified Mail

DATE

(Contractor)  
(Address)

Dear (Contractor):

The Contractors Licensing Board is in receipt of a complaint against you, a copy of which is included herewith. This complaint was filed by [Complainant] located at [Address], and states [nature of complaint].

Pursuant to the Contractors Licensing Board's policy, to prevent further Contractors' Licensing Board action, you will be given seven (7) days from receipt of this letter to resolve these issues, and provide either a written withdrawal of the complaint by the complainant or a letter from Building Inspection stating that all code violations have been corrected. If the complaint has not been remedied at the end of the seven (7) days, a probable cause determination will be made and, if probable cause is found, an administrative complaint will be forwarded to the Contractors' Licensing Board for hearing. You shall receive the administrative complaint and notice of the time and place of any such hearing before the Board, and you shall have the right to appear at the hearing, be represented by counsel and to provide evidence and cross examine witnesses.

If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

(Signature)  
Licensing Board Technician

Attachment (Copy of Complaint)

cc: (Complainant)

NOTICE TO CONTRACTOR FOR PROBABLE CAUSE HEARING

DATE

(Contractor)  
(Address)

**Certified Mail #**

RE: (Complainant) vs. (Contractor), License #  
Case#

Dear (Contractor):

In response to a written complaint received by this office (copy attached), you are formally requested to attend a probable cause hearing of the Leon County Contractors Licensing Board to be held on (Date), for the purpose of determining whether probable cause exists. You have the right to appear at this hearing, be represented by counsel, and to produce evidence and cross examine witnesses.

Please be advised that if a person decides to appeal any decision made by the Leon County Contractors Licensing Board with respect to any matter considered at this hearing, such person will need a record of these proceedings, and for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Neither the County, nor the Board, provides or prepares such a record (Section 286.0105, Florida Statutes).

The hearing will be held in the Conference Room located on the second floor of the Renaissance Building, 435 N. Macomb Street, Tallahassee, FL, at 4:45p.m.

If you have questions regarding this hearing, please do not hesitate to call me.

Sincerely,

(Signature)  
Licensing Board Technician

Attachment

cc: (Complainant)

NOTICE OF PROBABLE CAUSE HEARING

DATE

(Complainant)  
(Address)

**Certified Mail #**

Dear (Complainant):

You are formally requested to attend a Probable Cause Hearing of the Leon County Contractors Licensing Board to be held on (Date) , for the purpose of hearing a complaint which you submitted against (Contractor) . You have the right to appear at this hearing, be represented by counsel, and to produce evidence and cross-examine witnesses.

Please be advised that if a person decides to appeal any decision made by the Leon County Contractors Licensing Board with respect to any matter considered at this hearing, such person will need a record of these proceedings, and for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Neither the County, nor the Board, provides or prepares such a record (Section 286.0105, Florida Statutes).

The hearing will be held in the Conference Room located on the second floor of the Renaissance Building, 435 N. Macomb Street, Tallahassee, FL, at 4:45p.m.

If you have questions regarding this hearing, please do not hesitate to call me.

Sincerely,

(Signature)  
Licensing Board Technician

NOTICE OF HEARING

DATE

(Contractor)  
(Address)

Certified Mail#  
AND Personal Service

Dear (Contractor):

Reference is made to my letter dated \_\_\_\_\_, in which you were notified about a complaint that this department received against you, and gave you seven (7) days to resolve. As of this date, we have not received the requested documentation that the complaint has been resolved. Our office has made a probable cause determination. A copy of the Administrative Complaint is attached as Exhibit "A". You may file an Answer to the Administrative Complaint within ten (10) days.

Pursuant to the Licensing Board's policy, you will be given 30 days from receipt of this letter to resolve the code violations identified in this complaint and provide either a written withdrawal of the complaint by the complainant, or a letter from Building Inspection stating all code violations have been corrected. A public hearing has been scheduled for (next regularly scheduled Board meeting occurring after the 30 day deadline) for the purpose of hearing this complaint should you fail to resolve these issues within the given time period. You have the right to appear at this hearing, be represented by counsel, and to produce evidence and cross-examine witnesses.

Please be advised that if a person decides to appeal any decision made by the Leon County Contractors' Licensing Board with respect to any matter considered at this hearing, such person will need a record of these proceedings, and for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Neither the County, nor the Board, provides or prepares such a record (Section 286.0105, Florida Statutes).

The hearing will be held in the Conference Room located on the second floor of the Renaissance Building, 435 N. Macomb Street, Tallahassee, FL, at 4:45p.m.

If you have questions regarding this hearing, please do not hesitate to call me.

Sincerely,

(Name and Signature)  
Licensing Board Technician

Attachment (Administrative Complaint)  
cc: (Complainant)

**CONTRACTORS LICENSING BOARD  
LEON COUNTY, FLORIDA**

LEON COUNTY CONTRACTORS  
LICENSING BOARD

Petitioner,

Case No.:

Vs.

Certificate/Registration/License No.:

(Contractor)

Respondent

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

The Contractors Licensing Board, (hereinafter "Petitioner"), files this Administrative Complaint against (Contractor) (hereinafter Respondent"), Certificate/Registration/License # \_\_\_\_\_, and says:

(Contractor) was the (Type of) Contractor of record for the construction of a (type of structure) located at \_\_\_\_\_, Tallahassee, FL, (zip), which is a (residence) owned by (Complainant) . The permit number is \_\_\_\_\_ and was issued on \_\_\_\_\_

**COUNT I**

The investigation made by the (Leon County or City of Tallahassee) Building Inspector revealed that (nature of violation found). Wherefore, it is charged that (Contractor) violated Section 5-3.09(d)(\_), Leon County Code, which states: (cite LCC and applicable underlying violation(s) and provide supporting facts.)

Wherefore, it is charged that (Contractor) is subject to action under Leon County Code of Laws, Section 5-3.09(c), which states: *The contractors licensing board shall have the authority to: (1) Issue a cease and desist order to prohibit a contractor from engaging in the business of contracting pursuant to ss. Chapter 489.113(2)(b); (2) Revoke, suspend, or deny the certified contractor ability to obtain a building permit or limit such authority with specific conditions pursuant to ss. Chapter 489.113(4)(b) and ss. Chapter 889.113(4)(c); (3) Require financial restitution to a consumer; (4) Impose an administrative fine not to exceed \$1,500.00 per violation; (5) Require*

*additional hours of continuing education over and above the state requirements for license renewal; and/or (6) Assess costs associated with investigation and prosecution, locally licensed or registered contractors.*

**It is determined that the above stated charges are grounds for disciplinary action under Leon County Code of Laws, Section 5-3.09 of the Leon County Code of Laws.**

Dated: \_\_\_\_\_  
\_\_\_\_\_  
(Name), Licensing Board Technician

**CONTRACTORS LICENSING BOARD  
LEON COUNTY, FLORIDA**

Contractors Licensing Board, Petitioner

vs.

Case#

(Contractor's name)

License# R

Respondent

----- /

**ORDER (for Registered Contractors)**

**THIS MATTER** was heard by the Contractors' Licensing Board (hereinafter the "Board") on (date of hearing) for consideration of the administrative complaint filed against (Contractor's name), (hereinafter "Respondent") regarding (cite applicable Section 5-3.09(d)( ), Leon County Code). (Complainant's name) are the owners of property located at (Address), Tallahassee, Florida, who contracted with (Contractor's name), a licensed (type) Contractor in Leon County, to \_\_\_\_\_ at the above referenced address.

The Complainant was present at the hearing and was not represented by counsel. Service of the administrative complaint was made by personal service and certified mail with return receipt received. The Respondent being duly advised, was present at the hearing and was not represented by counsel.

After consideration of argument presented and a complete review of the record in this matter, the Board made the following findings of fact and conclusions of law:

ORDER - (CONTRACTOR), CASE #  
PAGE TWO

**FINDINGS OF  
FACT:**

1. The Respondent is a (type) Contractor who is subject to the provisions of Chapter 5, Leon County Code of Laws;
2. The Leon County Contractors Licensing Board has jurisdiction to discipline the Respondent within Leon County;
3. That probable cause was found by the Leon County Building Inspector;
4. That (describe violation and include citations).

**CONCLUSION OF  
LAW:**

1. That Respondent violated Leon County Code of Laws Section 5-3.09(d)(\_\_) which states:
2. That Respondent violated \_\_\_\_\_, which states:
3. That Respondent violated \_\_\_\_\_, which states:
4. Section 5-3.09(d) of the Leon County Code of Laws provides:
  - (d) The contractors licensing board shall have the authority to:
    - (1) Issue a cease and desist order to prohibit a contractor from engaging in the business of contracting pursuant to ss. Chapter 489.113(2)(b);
    - (2) Revoke, suspend, or deny the certified contractor ability to obtain a building permit or limit such authority with specific conditions pursuant to ss. Chapter 489.113(4)(b) and ss. Chapter 889.113(4)(c);
    - (3) Require financial restitution to a consumer;
    - (4) Impose an administrative fine not to exceed \$1,500.00 per violation;
    - (5) Require additional hours of continuing education over and above the state requirements for license renewal; and/or

(6) Assess costs associated with investigation and prosecution, locally licensed or registered contractors.

**WHEREFORE**, by a vote of the Board of \_ in favor to \_ opposed, it is therefore **ORDERED**:

1. The Respondent is in violation of Counts I, II and III as stated in the Administrative Complaint;
2. Include the CEB’s action. See Section 5-3.09(c), LLC; § 489.13(3) and (7)(b), Fla. Stat. (2020).
- 3.

**FURTHER**, the Contractors Licensing Board makes **RECOMMENDATION** to the Florida Construction Industry Licensing Board to impose on the State registration, the following penalty:

- 1.

**DONE AND ORDERED** by the Contractors' Licensing Board effective this, the \_\_ day of \_\_\_\_\_, 20\_\_:

\_\_\_\_\_  
 (Name), Chairman  
 LEON COUNTY CONTRACTORS LICENSING  
 BOARD

**STATE OF FLORIDA  
COUNTY OF LEON**

SWORN TO AND SUBSCRIBED before me this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by (Name), as Chairman, Leon County Contractors' Licensing Board, who is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC

ORDER-(CONTRACTOR), CASE#  
PAGE SIX

### **Notice of Right to Judicial Review by the Circuit Court**

The parties are hereby notified that upon the timely filing of a Notice of Appeal within thirty (30) days, you may have the decision of the Contractors' Licensing Board reviewed by Circuit Court.

### **Notice of Right to Challenge Local Jurisdiction's Recommended Penalty**

In accordance with Florida Statutes, Chapter 489.131(7) (c) and (d), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the State Construction Industry Licensing Board in Tallahassee, Florida. If challenged, there is a presumptive finding of probable cause and the case may proceed before the State Construction Industry Licensing Board without the need for a probable cause hearing.

### **Notice of Waiver of Right to Hearing before the State Board**

Failure of the disciplined contractor, the complainant, or the Department of Business and Professional Regulation to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the State Construction Industry Licensing Board.

### **Notice of Waiver to be Deemed an Admission of Violation**

A waiver of the right to a hearing before the State Board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by the State Board rule 61G4-20.001, Florida Administrative Code, without further State Construction Industry Licensing Board action.

### **Notice of Right to Appellate Review**

Pursuant to Section 120.68, Florida Statutes, the Parties are hereby notified that they may appeal the Final Order of the State Board by filing one copy of a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1027, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the rendition of State Board's Final Order.

ORDER-(CONTRACTOR), CASE#  
PAGE SEVEN

xc: (Contractor)  
(Complainant)  
Director of Leon County Building Plans Review and Inspection  
Director of City of Tallahassee Building Department  
Florida Construction Industry Licensing Board  
Florida Department of Business and Professional Regulation  
City of Tallahassee Building Department - Licensing  
Director of Leon County Code Compliance Services

Prepared by: (Name)  
Licensing Board Technician

**CONTRACTORS LICENSING BOARD  
LEON COUNTY, FLORIDA**

Contractors' Licensing Board,

Petitioner,

vs.

Contractor, Company,

License#

CLB Case#\_

Respondent

!

**ORDER** (For Certified Contractors)

**THIS MATTER** came to be heard before the Contractors' Licensing Board at a duly noticed public meeting on (Date of Hearing), in Tallahassee, Florida, for consideration of the written complaint filed against (Name of Contractor), hereinafter "Respondent", by (Complainant's Name), hereinafter, "Complainants". "Complainants" filed a written administrative complaint against "Respondent", for the \_\_\_\_\_ constructed by the Respondent. The residence is located at (complainant's address), Tallahassee, Florida, 323\_. Service of the administrative complaint was made by personal service and certified mail with return receipt received (use "publication" if legal advertisement was used).

The Complainants were present at the hearing and were (were not) represented by counsel. The Respondent being duly advised, was (was not) present at the hearing and was (was not) represented by counsel.

After consideration of argument presented and a complete review of the record in this matter, the Board made the following findings of fact and conclusions of law:

ORDER: (Contractor's Name)  
PAGE TWO

**FINDINGS OF FACT:**

1. The Respondent is a Certified (type) Contractor licensed through the Florida Construction Industry Licensing Board;
2. The Leon County Contractors Licensing Board has jurisdiction over this contractor obtaining permits within Leon County;
3. The Respondent was hired by the Complainant to construct \_\_\_\_\_ located at (address), Tallahassee, Florida, 323 ;
4. The Respondent constructed \_\_\_\_\_ but failed to a) (failed to caulk the windows, which allowed water to enter and cause damage inside the house, etc.,) b)

**CONCLUSION OF LAW:**

1. The Respondent violated (year) Standard Building Code Section (number), which states:  
  
*(code in italics)*
2. The above stated violations are grounds for disciplinary action under Section 489.113 (4) (b), Florida Statutes and Section 5-496, Leon County Code of Laws.

ORDER: (CONTRACTOR)  
PAGE THREE

WHEREFORE, by a vote of the Board of\_\_ in favor to none (or#) opposed, it is hereby

ORDERED THAT:

1. The Respondent is in violation of Counts (1, 2, 3, etc) as stated in the Administrative Complaint;
2. That Respondent shall be given until (date) to bring violations into compliance;
3. That if violations are not in compliance before (date), the Respondent's permitting privileges be denied in Leon County;
4. That said denied permitting privileges shall continue until which time the Respondent resolves the underlying complaint with the homeowner, (Complainant's Name) and the Leon County Contractors Licensing Board.

FURTHER, the Contractors Licensing Board makes RECOMMENDATION to the Florida Construction Industry Licensing Board to impose on the State registration, the following penalty:

- I. Suspend the Respondent's permitting privileges Statewide until the complaint has been resolved with the homeowner, (Name) and Leon County Contractors Licensing Board.

DONE AND ORDERED by the Contractors Licensing Board effective this, **the**\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

(Chairman's name), Chairman  
LEON COUNTY CONTRACTORS  
LICENSING BOARD

STATE OF FLORIDA  
COUNTY OF LEON

SWORN TO AND SUBSCRIBED before me this, **the**\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by (Chairman's Name), as Chairman, Leon County Contractors Licensing Board, who is personally known to me.

---

NOTARY PUBLIC

ORDER: (CONTRACTOR)  
PAGE FOUR

### **Notice of Right to Judicial Review by the Circuit Court**

The parties are hereby notified that pursuant to Section 5-496 (e), Leon County Code of Laws, upon the timely filing of a Notice of Appeal within thirty (30) days, you may have the decision of the Contractors' Licensing Board reviewed by Circuit Court.

### **Notice of Right to Challenge Local Jurisdiction's Recommended Penalty**

In accordance with Florida Statutes, Chapter 489.131(7) (c) and (d), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for Board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the State Construction Industry Licensing Board in Tallahassee, Florida. If challenged, there is a presumptive finding of probable cause and the case may proceed before the State Board without the need for a probable cause hearing.

### **Notice of Waiver of Right to Hearing before the State Board**

Failure of the disciplined contractor, the complainant, or the Department of Business and Professional Regulation to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the State Construction Industry Licensing Board.

### **Notice of Waiver to be Deemed an Admission of Violation**

A waiver of the right to a hearing before the State Board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by the State Board rule 61G4-20.001, Florida Administrative Code, without further State Board action.

### **Notice of Right to Appellate Review**

Pursuant to Section 120.68, Florida Statutes, the Parties are hereby notified that they may appeal the Final Order of the State Board by filing one copy of a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-1027, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the rendition of State Board's Final Order.

ORDER: (CONTRACTOR)  
PAGE FIVE

XC:

(Contractor)  
(Complainant)  
Director of Leon County Building Plans Review and Inspection  
Director of City of Tallahassee Building Department  
Florida Construction Industry Licensing Board  
Florida Department of Business and Professional Regulation  
City of Tallahassee Building Department - Licensing  
Director of Leon County Code Compliance Services

Prepared by: (Name)  
Licensing Board Technician