



MEMORANDUM

Date: December 17, 2016

To: Honorable Board of County Commissioners

From: Claire Jubb, Community Development Director

Subject: Changes to 3-2 of the Charlotte County Code of Laws and Ordinances

Honorable Commissioners,

It is occasionally necessary to make changes to our county ordinances to bring us in line with state statutes and keep up to date with other changes to our regulations.

This item covers two specific changes to Section 3-2 of the Charlotte County Code of Laws and Ordinances which specifically concerns building and contractor licensing regulations.

The first change is in response to the increasing problem of unlicensed contractors and the increasing proliferation of state certified contractors who are willing to hire unlicensed people as subcontractors on their job sites. This puts both the contractor and the owner of the property at risk as well as placing unfair competition on those contractors who go through the proper channels to obtain and maintain their licensure.

There is also an increasing trend of licensed contractors working outside the scope of their license and entering into contracts that they have no ability to complete according to their license.

Currently, the only recourse this department has is in the form of a monetary citation given to the unlicensed person. Unfortunately, there is currently no mechanism to penalize the state certified contractor who decided to hire the unlicensed person.

Florida Statutes only allows local jurisdictions to take action against a state certified contractor for wilful building code violations or fraud, which, as our local code is currently written, is very difficult to bring a case for anything other than expired permits.

COMMUNITY DEVELOPMENT

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Charlotte County proposes amending our local code to ensure that the disciplinary reasons listed under 3-2-47(b) of the Charlotte County Code of Laws and Ordinances fall under the definition of willful building code violations. This will allow the licensing team the ability to take action against the state certified contractor for those reasons listed.

The nature of disciplinary action allowed by the County is limited to the revocation of permitting privileges within this jurisdiction and transfer of the case to the state Division of Business and Professional Regulation for further action but staff's aim with this change is to deter state certified contractors from committing one or more of the actions listed under this section.

This section of thirty-five separate violations includes items such as working outside the scope of the license, abandoning a project, aiding and abetting unlicensed activity and commencing work without obtaining a permit – all of which will be considered willful building code violations with this change.

The second main change in this request is related to the removal of language referencing the optional file maintenance fee. This fee was an optional fee of \$25 per year per license that state certified contractors could pay in order for this department to maintain their insurance details on file rather than bringing them in every time they obtain a permit. On July 1 2016, state statute changed to prohibit local jurisdictions from charging any fees to state certified contractors to register with a local jurisdiction. Charlotte County immediately stopped charging this fee and are now requesting that the enabling language (Section 3-2-52 Optional file maintenance fee) be removed from the code. The state statute is as follows:

553.80 Enforcement.

(7) (d) The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with:

- 1. Providing proof of licensure pursuant to chapter 489;*
- 2. Recording or filing a license issued pursuant to this chapter; or,*
- 3. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440.*

Making this change will not change the way the department does business and we will continue to maintain the contractors' insurance and workman's compensation information for the length of their licensure.

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Two additional minor changes are also included in this request. The first clarifies the notice requirements by adding regular mail to the method of notification of a violation, the second removes violations of chapter 3-9 of the Charlotte County Code of Laws and Ordinances from the disciplinary action against contractors. Section 3-9 is the County's zoning code and should be handled through the code enforcement process and not contractor licensing.

It is the aim of these changes to clarify the contractor licensing regulations, ensure the county is compliant with state statutes, remove extraneous language and deter all contractors from engaging in activities which are detrimental to the construction industry as a whole.

Attached is a copy of the proposed changes for your review.

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