

Board of Contractors Meeting - Wednesday, July 19, 2023 – 10:00 A.M.

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NOTICE

**BOARD OF CONTRACTORS MEETING - WEDNESDAY, JULY 19, 2023 – 10 A.M.
AT THE GARDEN CLUB, 307 OHIO AVE, LYNN HAVEN**

THE PUBLIC IS INVITED TO ATTEND

AGENDA

- Item #1. Call to Order.**
- Item #2. Election of a Chairman.**
- Item #3. Election of a Chairman Pro Tem.**
- Item #4. Familiarity with Roberts Rules of Order on conducting a meeting.**
- Item #5. Duties of the Board – City Ordinances 550 and 917**
- Item #5. Public Commentary**
- Item #6. Adjourn**

To help simplify Robert's Rules of Order, we'll provide an overview of the following topics:

- The basics of Robert's Rules
- 6 categories of motions
- Steps for making a motion
- How to handle points of order
- Robert's Rules of Order cheat sheet
- Tips and reminders for board chairs

What is Robert's Rules of Order, and What Is It Used For?

Robert's Rules is a framework that is comprised of a set of codes and rules of ethics that helps groups hold orderly meetings that allow the majority to rule while allowing minority voices to be heard.

There are four primary types of motions in Robert's Rules of Order:

1. Main motions
2. Subsidiary motions
3. Incidental motions
4. Renewal motions

Robert's Rules of Order for meetings is the general standard for how nonprofit boards, committees and other established groups govern discussions and decision-making. Most nonprofits and groups use Robert's Rules because it ensures order and creates a ripe environment for [productivity](#).

Parliamentary Procedure

A parliamentary procedure can be any set of rules and guidelines a group formally establishes to govern themselves, with Robert's Rules of Order being the most common type.

The goal of the parliamentary procedure is to set forth the order of discussions and ultimately get to a place where all group members can agree on what they want to accomplish or how to move forward. By using an established set of rules and guidelines, members of the group can reach a consensus in a respectful, collegial manner.

Robert's Rules Basics

New board members should learn the basics of Robert's Rules as soon as they join a board. Board members will use the basic rules for making decisions at most meetings.

Here is a general outline of the essential elements of Robert's Rules:

- **Motion** – A member makes a motion to propose an action or make a decision by saying, "I move to...". Another member must second the motion by saying, "I second the motion." Once someone seconds the motion, the group votes on the motion. It passes by a majority vote or a [quorum](#) depending on the rules in the bylaws.
- **Amend a motion** – Members use this process to change a motion and can do so by stating, "I move to amend the motion on the floor." Again, this motion must be seconded and voted upon.
- **Commit** – Members use this type of motion to transfer a motion to a committee. As with other types of motions, it must be seconded and voted upon. Once it moves to a committee, the committee presents a report on the committed motion at the next meeting.

- **Question** – Members say, “I call the question” to end a debate or discussion. The motion must be seconded and voted upon without further discussion. A call for the question requires a two-thirds majority vote to pass. At this point, the members must immediately vote on the motion on the floor.
- **Adjourn** – This refers to moving to end the meeting. A member would say, “I move to adjourn,” and another member would second the motion. If the majority then votes to adjourn, the meeting is over.

If anything out of the ordinary comes up, board members can look up the rules during the meeting. When you store a copy of Robert’s Rules in your [board management system](#), it is quickly and easily accessible if there is a question on proper meeting protocols.

Robert’s Rules of Order Cheat Sheet

We have updated the Robert’s Rules of Order Cheat Sheet for 2023, [available in a downloadable format here](#). Print or download this to keep at your fingertips for running even more effective board meetings.

- **ARTICLE VIII. - BUILDING CONTRACTORS EXAMINING BOARD⁽⁷⁾**

Footnotes:

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Cross reference— Boards, committees, commissions, § 2-71 et seq.

- **Sec. 14-211. - Created.**

There is created the building contractors examining board of the city.

(Ord. No. 550, § 1, 9-27-94)

- **Sec. 14-212. - Members; appointment; terms.**

(a)

The building contractors examining board of the city shall consist of five members, as follows:

(1)

A master electrician who is engaged in the profession and who holds a valid master electrician's certificate in the city;

(2)

A master air conditioning mechanic who is engaged in the profession and who holds a valid master air conditioning mechanic's certificate in the city;

(3)

A master plumber who is engaged in the profession and who holds a master plumber's certificate in the city;

(4)

A member from the field of general construction; and

(5)

A qualified elector in the city, preferably not from the field of general construction or any profession regulated by this chapter.

(b)

The board shall be appointed by the city commission as follows:

(1)

The first and second members shall be appointed for a term of three years for the first term;

(2)

The third and fourth members shall be appointed for a term of two years for the first term; and

(3)

The fifth member shall be appointed for a term of one year for the first term.

(c)

Terms shall expire and new appointments shall be effective on October 25, 1994, provided that all members shall serve until their successors are duly qualified and appointed. After the first term, all members shall be appointed for a term of three years.

(Ord. No. 550, § 2, 9-27-94)

- **Sec. 14-213. - Chairman; secretary; quorum.**

(a)

The senior member of the building contractors examining board shall act as chairman. The city manager-clerk, or his designated representative, shall serve as secretary to the board.

(b)

Any three members shall constitute a quorum with an elected chairman pro tem in the absence of the regular chairman.

(Ord. No. 550, § 3, 9-27-94)

- **Sec. 14-214. - Meetings.**

Meetings of the building contractors examining board shall be held at such times as the board may by rule, from time to time, establish. Special meetings of the board may be called by the chairman or three members of the board at other times and places.

(Ord. No. 550, § 4, 9-27-94)

- **Sec. 14-215. - Records.**

The building contractors examining board shall keep in the office of the department of development and planning a separate book for each trade or profession in which shall be recorded the names and addresses of each applicant for a certificate, the date of filing application, the final action of the board upon each application, the date of such action, whether the granting of a certificate was made with or without examination, date and action of the board in revocation or suspension proceedings, and the signatures of the members of the board participating in any action.

(Ord. No. 550, § 5, 9-27-94)

- **Sec. 14-216. - Powers and duties.**

The powers and duties of the building contractors examining board shall include the following:

(1)

To prescribe forms for applications for examinations, certificates of competency, permits, stationery, records, notices of violation and such other documents as it shall deem necessary for the conduct of its business.

(2)

To prepare, conduct and grade or designate written examinations of applicants for certificates of competency.

(3)

To prepare or designate a basic written examination of homeowner applicants for permits and to establish a passing score of such examinations.

(4)

To give notices of hearings and conduct hearings upon charges of violation of the provisions of this chapter by any person subject to the provisions of this chapter.

(5)

To suspend or revoke the certificate of competency of any contractor, journeyman or other person found by the board to have violated any of the provisions of this chapter.

(6)

To hear the appeal of any persons who may be aggrieved by any ruling or order of the chief building official or any inspector. Notice of appeal shall be filed with the secretary to the board within 30 days after the ruling or order from which the appeal is taken. The board shall as soon as may be practicable conduct a hearing at which the city official and the aggrieved party shall be entitled to present evidence and cross examine witnesses. Either party may be represented by an attorney at law. The aggrieved party shall carry the burden of establishing by greater weight of the evidence that the ruling and order of the chief building official was arbitrary, unauthorized or otherwise unfounded. The hearing shall be conducted in a manner to provide the aggrieved party due process to challenge the ruling or order, and the decision of the board shall be contingent upon evidence and argument presented at the hearing. The rules of evidence shall not apply and any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons rely in the conduct of serious affairs. A record of the hearing shall be made by electronic recording or otherwise. The examining board shall recommend to the city council affirmation, reversal or modification of the ruling or order. The city council shall either approve the recommendation or either remand it to the examining board for further consideration. The city council shall not be authorized to modify the recommendation without the consent of the appellants. The aggrieved party shall be entitled to review the final decision of the city council by certiorari in the circuit court for the county. Notwithstanding any provisions of any building code, life safety code or other code adopted in this chapter by reference now or hereafter, the foregoing shall constitute the uniform and exclusive method of appeal in this chapter.

(7)

To satisfy itself as to character and integrity of each applicant for a certificate of competency, by requiring such pertinent information as it may deem necessary.

(8)

To enforce provisions of this chapter wherever required or authorized.

(Ord. No. 550, § 6, 9-27-94)

- **Sec. 14-217. - Revocation, suspension of certificates of competency.**

(a)

The building contractors examining board shall suspend or revoke any contractor's, master's, or journeyman's certificate of competency, if one or more of the following grounds shall exist:

(1)

Misrepresentation of any material fact in the application for a certificate or for a permit;

(2)

Performance of work in a negligent, incompetent or unworkmanlike manner;

(3)

Contracting in a name other than registered with the general building inspector;

(4)

Abandonment of any contract for the performance of work without legal grounds;

(5)

Diversion of property or funds received pursuant to contract for work;

(6)

Departure from the plans and specifications of any contract for work or accompanying application for permit without the consent of the party for whom the work is being performed;

(7)

Misrepresenting the requirements of this chapter regulating work in order to obtain or increase the scope of the work in any contract of construction work;

(8)

Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this chapter;

(9)

Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this chapter by any contractor;

(10)

Pledging or loaning his certificate to any person when not actively associated with that person in the performance of the work authorized by the certificate;

(11)

Default in payment either for labor or materials resulting in a lien being placed against a piece of property in question and the lien remaining unsatisfied for a period of 60 days or more; or

(12)

Default in payment either for labor or materials resulting in a judgment being obtained or filed against the building, general or residential contractor and the judgment remaining unsatisfied for a period of 60 days or more.

(13)

Violation of any applicable provision of F.S. § 489.129.

(14)

Violation of any applicable provision of F.S. § 455.227.

(b)

Any contractor, master or journeyman who shall violate, or assist in violating, any of the provisions of this article, may, upon conviction thereof, have his certificate of competency suspended for not less than 30 days for the first offense, and for repeated offenses, may have his certificate of competency suspended for a longer period than 30 days or have the same canceled or revoked by the board of examiners upon the recommendation of the building official.

(c)

Any time the building official or his assistants shall ascertain any of the grounds for revocation or suspension exist or there is filed with the board of examiners the complaint of any person alleging the existence of any such grounds, it shall be his or their duty to make a full, fact-gathering investigation and file, within 60 days of such

complaint or assertion, with the board of examiners a written report thereof, together with a statement as to the existence of probable cause for suspension or revocation, and if the board ascertains that such probable cause exists, the board shall conduct a hearing thereon, after notice.

(d)

At any time the report of the building official or his assistants shall show the existence of probable cause for suspension or revocation, the building official or his assistants shall serve upon the alleged violator a notice of the alleged grounds for suspension or revocation and the time, date and place of a hearing before the board thereupon. The notice shall be served not less than ten nor more than 30 days prior to such hearing. The alleged violator shall have the right to appear at the hearing, be represented by counsel, produce evidence and cross-examine witnesses. A record shall be kept of the hearing.

(e)

Each case before the examining board shall be presented by the building official or his designee. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The board may take testimony from the general building inspector and the alleged violator. Each party shall have the right to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness; and rebut the evidence against him.

(f)

The board shall make findings of facts based on evidence of record. The fact-finding determination of the board shall be limited to whether the violation alleged did occur, and if so, whether the person named in the notice is responsible for that violation. If, after the hearing, the board of examiners shall determine that one or more of the noticed grounds for suspension or revocation exist, it shall enter a written order signed by the chairman suspending or revoking the certificate of competency of the violator. Such order shall, at a minimum, contain the following:

(1)

A clear statement of the violations charged;

(2)

A clear statement of the factual basis for the charges;

(3)

Evidence that the violator was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges;

(4)

Findings of fact made by the board of examiners;

(5)

Conclusions of law which demonstrate that the facts alleged constitute violations of F.S. §§ 489.129 or 455.227 or of this section;

(6)

A statement of the penalty imposed against the violator's certificate of competency;

(7)

A recommendation to the construction industry licensing board for action to be taken against the state registration;

(8)

A clear statement informing the violator of the right to appeal the action against his or her certificate of competency, and of the right of the violator to challenge the recommendation to the construction industry licensing board.

(g)

Any order suspending or revoking a certificate of competency may also assess against such violator the reasonable investigative and legal costs for the prosecution of the violation which shall bear interest at the rate provided for judgments in the circuit court and may be enforced as provided by law.

(h)

A copy of such order shall be forwarded to the construction industry licensing board.

(i)

After such a revocation, a new certificate of competency may not be issued to any such violator for a period of up to one year, at the discretion of the board of examiners.

(j)

After such a revocation, a new certificate of competency shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.

(k)

Regardless of the term of any such suspension stated in the order, the suspension shall continue until all investigative and legal costs assessed against the violator plus interest are paid in full. In event any certificate of competency remains suspended for more than 365 days, it shall be deemed revoked and a new certificate shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.

(Ord. No. 917, § 1, 6-9-09)

- **Sec. 14-218. - Appeals.**

Any person aggrieved by the action of the building contractors examining board in refusing to grant a certificate of competency issued pursuant hereto or in suspending or revoking any certificate of competency issued pursuant hereto, may appeal to the construction industry licensing board. Any such appeal shall be filed within 60 days from the date of issuance of the examining boards' recommended penalty to the construction industry licensing board. Failure to challenge the examining board's recommended penalty within the time period set forth in this section shall constitute a waiver of the right to a hearing before the construction industry licensing board, and shall be deemed an admission of the violation.

(Ord. No. 917, § 1(8-53), 6-9-09)

Editor's note— Ord. No. 917, § 1(8-53), adopted June 9, 2009, did not specifically amend the Code. Hence, inclusion as § 14-218 was at the discretion of the editor.

[Sec. 10-114. - Repeated invalid complaints.](#)

ORDINANCE NO. 550

AN ORDINANCE CREATING A BUILDING CONTRACTORS EXAMINING BOARD PURSUANT TO THE AUTHORITY OF FLORIDA STATUTES CHAPTER 489.117, REPEALING ALL ORDINANCES OR PARTS THEREOF, IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN:

Section 1. There is hereby created the Building Contractors Examining Board of the City of Lynn Haven.

Section 2. Members.

(a) The examining board of the City of Lynn Haven, Florida, shall consist of five (5) members, as follows:

- (1) A master electrician who is engaged in the profession and who holds a valid master electrician's certificate in the city;
- (2) A master air conditioning mechanic who is engaged in the profession and who holds a valid master air conditioning mechanic's certificate in the city;
- (3) A master plumber who is engaged in the profession and who holds a master plumber's certificate in the city;
- (4) A member from the field of general construction; and
- (5) A qualified elector in the city, preferably not from the field of general construction or any profession regulated by this chapter.

(b) The board shall be appointed by the City Commission as outlined below:

- (1) The first and second members above shall be appointed for a term of three (3) years for the first term;
- (2) The third and fourth members above shall be appointed for a term of two (2) years for the first term; and
- (3) The fifth member above shall be appointed for a term of one (1) year for the first term.

(c) Terms shall expire and new appointments shall be effective on 10-25-94 provided that all members shall

serve until their successors are duly qualified and appointed. After the first term, all members shall be appointed for a term of three (3) years.

Section 3. Chairman; secretary; quorum.

The Senior member of the board shall act as chairman. The city manager, or his designated representative, shall serve as secretary to the board. Any three (3) members shall constitute a quorum with an elected chairman pro tem in the absence of the regular chairman.

Section 4. Meetings.

Meetings of the examining board shall be held at such times as the board may by rule, from time to time, establish. Special meetings of the board may be called by the chairman or three (3) members of the board at other times and places.

Section 5. Records.

The examining board shall keep in the office of the inspection department a separate book for each trade or profession in which shall be recorded the names and addresses of each applicant for a certificate, the date of filing application, the final action of the board upon each application, the date of such action, whether the granting of a certificate was made with or without examination, date and action of the board in revocation or suspension proceedings, and the signatures of the members of the board participating in any action.

Section 6. Powers and duties.

The powers and duties of the examining board shall include the following:

- (1) To prescribe forms for applications for examinations, certificates of competency, permits, stationery, records, notices of violation and such other documents as it shall deem necessary for the conduct of its business;
- (2) To prepare, conduct and grade or designate written examinations of applicants for certificates of competency.
- (3) To prepare or designate a basic written examination of homeowner applicants for permits under section ____, and to establish a passing score of such examinations;
- (4) To give notices of hearings and conduct hearings upon charges of violation of the provisions of this chapter by any person subject to the provisions of this chapter;
- (5) To suspend or revoke the certificate of competency of any

contractor, journeyman or other person found by the board to have violated any of the provisions of this chapter;

- (6) To hear the appeal of any persons who may be aggrieved by any ruling or order of the chief building official or any inspector. Notice of appeal shall be filed with the secretary to the board within thirty (30) days after the ruling or order from which the appeal is taken. The board shall as soon as may be practicable conduct a hearing at which the city official and the aggrieved party shall be entitled to present evidence and cross-examine witnesses. Either party may be represented by an attorney-at-law. The aggrieved party shall carry the burden of establishing by greater weight of the evidence that the ruling and order of the chief building official was arbitrary, unauthorized, or otherwise unfounded. The hearing shall be conducted in a manner to provide the aggrieved party due process to challenge the ruling or order and the decision of the board shall be contingent upon evidence and argument presented at the hearing. The rules of evidence shall not apply and any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons rely in the conduct of serious affairs. A record of the hearing shall be made by electronic recording or otherwise. The examining board shall recommend to the city council affirmation, reversal or modification of the ruling or order. The city council shall either approve the recommendation or either remand it to the examining board for further consideration. The city council shall not be authorized to modify the recommendation without the consent of the appellants. The aggrieved party shall be entitled to review the final decision of the city council by certiorari in the Circuit Court for Bay County, Florida. Notwithstanding any provision of any building code, life safety code, or other code adopted in this chapter by reference now or hereafter, the foregoing shall constitute the uniform and exclusive method of appeal in this chapter.
- (7) To satisfy itself as to character and integrity of each applicant for a certificate of competency, by requiring such pertinent information as it may deem necessary; and
- (8) To enforce provisions of this chapter wherever required or authorized.

Section 7. All ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. This ordinance shall take effect immediately upon passage.

INTRODUCED at the regular Commission Meeting of the City Commission of the City of Lynn Haven, in Bay County, Florida on the 13th day of September, 1994.

CITY OF LYNN HAVEN, FLORIDA

BY: Robert A. Gardner
Robert A. Gardner, Mayor

ATTEST:

Rick A. Horst
Rick Horst, City Manager

First Reading: 9-13-94

Second and
final reading: 9-27-94

Examined and approved by me this 27th day of September,
1994.

Robert A. Gardner
Robert A. Gardner, Mayor

ORDINANCE NO. 917

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA, AMENDING CHAPTER 14 OF THE LYNN HAVEN CODE OF ORDINANCES; PROVIDING FOR MORE DEFINITIVE STANDARDS AND PROCEDURES FOR THE REVOCATION OR SUSPENSION OF A CONTRACTOR'S CERTIFICATE OF COMPETENCY; PROVIDING FOR APPEALS OF REVOCATIONS OR SUSPENSIONS TO THE FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the Florida Constitution and Chapters 166 and 489 of the *Florida Statutes* allows municipalities to issue and revoke certificates of competency for building contractors doing business in the City;

WHEREAS, Article VIII, Chapter 14 of the Lynn Haven Code of Ordinances ("the Code") sets forth the standards and authority of the City's Building Contractors Examining Board, including its ability to revoke or suspend building contractor certificates;

WHEREAS, the City desires to amend Article VIII, Chapter 14 of the Code to provide additional procedures for the revocation or suspension of certificates of competency and appeals of those decisions;

NOW THEREFORE, BE IT HEREBY ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA:

SECTION 1. That Article VIII, Chapter 14 of the Code of Ordinances, City of Lynn Haven, Florida, is hereby amended to read as follows (deleted text, ~~stricken~~; new text, **double underlined and bold**, comments [*bracketed and italics*]):

ARTICLE VIII. BUILDING CONTRACTORS EXAMINING BOARD.

[Section 14-211 through 14-216 remain unchanged]

Sec. 14-217. Revocation, suspension of certificates of competency.

(a) The building contractors examining board shall suspend or revoke any contractor's, master's, or journeyman's certificate of competency, if one (1) or more of the following grounds shall exist:

(1) Misrepresentation of any material fact in the application for a certificate or for a permit;

(2) Performance of work in a negligent, incompetent or unworkmanlike manner;

(3) Contracting in a name other than registered with the general building inspector;

(4) Abandonment of any contract for the performance of work without legal grounds;

(5) Diversion of property or funds received pursuant to contract for work;

(6) Departure from the plans and specifications of any contract for work or accompanying application for permit without the consent of the party for whom the work is being performed;

(7) Misrepresenting the requirements of this chapter regulating work in order to obtain or increase the scope of the work in any contract of construction work;

(8) Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this chapter;

(9) Failing to report to the general building inspector or his assistants or attempting to conceal the violation of any provision of this chapter by any contractor;

(10) Pledging or loaning his certificate to any person when not actively associated with that person in the performance of the work authorized by the certificate;

(11) Default in payment either for labor or materials resulting in a lien being placed against a piece of property in question and the lien remaining unsatisfied for a period of sixty (60) days or more; or

(12) Default in payment either for labor or materials resulting in a judgment being obtained or filed against the building, general or residential contractor and the judgment remaining unsatisfied for a period of sixty (60) days or more.

(13) Violation of any applicable provision of Section 489.129 Florida Statutes (2007).

(14) Violation of any applicable provision of Section 455.227 Florida Statutes (2007).

(b) Any contractor, master or journeyman who shall violate, or assist in violating, any of the provisions of this article, may, upon conviction thereof, have his certificate of competency suspended for not less than (30) days for the first offense, and for repeated offenses, may have his certificate of competency suspended for a longer period than thirty (30) days or have the same canceled or revoked by the board of examiners upon the recommendation of the building official.

(c) Any time the building official or his assistants shall ascertain any of the grounds for revocation or suspension exist or there is filed with the board of examiners the complaint of any person alleging the existence of any such grounds, it shall be his or their duty to make a full, fact-gathering investigation and file, within sixty (60) days of such complaint or assertion, with the board of examiners a written report thereof, together with a statement as to the existence of probable cause for suspension or revocation, and if the board ascertains that such probable cause exists, the board shall conduct a hearing thereon, after notice.

(d) At any time the report of the building official or his assistants shall show the existence of probable cause for suspension or revocation, the building official or his assistants shall serve upon the alleged violator a notice of the alleged grounds for suspension or revocation and the time, date and place of a hearing before the board thereupon. The notice shall be served not less than ten (10) nor more than thirty (30) days prior to such hearing. The alleged violator shall have the right to appear at the hearing, be represented by counsel.

produce evidence and cross-examine witnesses. A record shall be kept of the hearing.

(e) Each case before the examining board shall be presented by the building official or his designee. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall govern the proceedings. Any relevant evidence shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The board may take testimony from the general building inspector and the alleged violator. Each party shall have the right to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness; and rebut the evidence against him.

(f) The board shall make findings of facts based on evidence of record. The fact-finding determination of the board shall be limited to whether the violation alleged did occur, and if so, whether the person named in the notice is responsible for that violation. If, after the hearing, the board of examiners shall determine that one (1) or more of the noticed grounds for suspension or revocation exist, it shall enter a written order signed by the chairman suspending or revoking the certificate of competency of the violator. Such order shall, at a minimum, contain the following:

(1) A clear statement of the violations charged;

(2) A clear statement of the factual basis for the charges;

(3) Evidence that the violator was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges;

(4) Findings of fact made by the board of examiners;

(5) Conclusions of law which demonstrate that the facts alleged constitute violations of Sections 489.129 or 455.227 Florida Statutes (2007) or of this ordinance.

(6) A statement of the penalty imposed against the violator's certificate of competency.

(7) A recommendation to the Construction Industry Licensing Board for action to be taken against the state registration.

(8) A clear statement informing the violator of the right to appeal the action against his or her certificate of competency.

and of the right of the violator to challenge the recommendation to the Construction Industry Licensing Board.

(g) Any order suspending or revoking a certificate of competency may also assess against such violator the reasonable investigative and legal costs for the prosecution of the violation which shall bear interest at the rate provided for judgments in the circuit court and may be enforced as provided by law.

(h) A copy of such order shall be forwarded to the Construction Industry Licensing Board.

(i) After such a revocation, a new certificate of competency may not be issued to any such violator for a period of up to one (1) year, at the discretion of the board of examiners.

(j) After such a revocation, a new certificate of competency shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.

(k) Regardless of the term of any such suspension stated in the order, the suspension shall continue until all investigative and legal costs assessed against the violator plus interest are paid in full. In event any certificate of competency remains suspended for more than 365 days, it shall be deemed revoked and a new certificate shall be issued only after the applicant passes the required examination and all investigative and legal costs assessed against the violator plus interest are paid in full.

Sec. 8-53. Appeals.

Any person aggrieved by the action of the building contractors examining board in refusing to grant a certificate of competency issued pursuant hereto or in suspending or revoking any certificate of competency issued pursuant hereto, may appeal to the Construction Industry Licensing Board. Any such appeal shall be filed within sixty (60) days from the date of issuance of the examining boards' recommended penalty to the Construction Industry Licensing Board. Failure to challenge the examining board's recommended penalty within the time period set forth in this section shall constitute a waiver of the right to a hearing before the Construction Industry Licensing Board, and shall be deemed an admission of the violation.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish the provisions of this Ordinance within the Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED this 9th day of June, 2009.

CITY OF LYNN HAVEN,
FLORIDA

BY: Walter T. Kelley
Walter T. Kelley, Mayor

ATTEST:

John B. Lynch
John B. Lynch,
City Manager/Clerk

First Reading: May 26, 2009

Second Reading: June 9, 2009

Robert's Rules of Order

Cheat Sheet

Action	What to Say	Can interrupt speaker?	Need a Second?	Can be Debated?	Can be Amended?	Votes Needed
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by // (add or strike words or both)"	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee."	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	No	Majority
Object to procedure	"Point of order."	Yes	No	No	No	Chair decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move to adjourn the meeting."	No	Yes	No	No	Majority
Request information	"Point of information."	Yes	No	No	No	No vote
Overrule the chair's ruling	"I move to overrule the chair's ruling."	Yes	Yes	Yes	No	Majority

Action	What to Say	Can interrupt speaker?	Need a Second?	Can be Debated?	Can be Amended?	Votes Needed
Extend the allotted time	<i>"I move to extend the time by ____ minutes."</i>	No	Yes	No	Yes	2/3
Enforce the rules or point out incorrect procedure	<i>"Point of order."</i>	Yes	No	No	No	No vote
Table a Motion	<i>"I move to table..."</i>	No	Yes	No	No	Majority
Verify voice vote with count	<i>"I call for a division."</i>	No	No	No	No	No vote
Object to considering some undiplomatic matter	<i>"I object to consideration of this matter..."</i>	Yes	No	No	No	2/3
Take up a previously tabled item	<i>"I move to take from the table..."</i>	No	Yes	No	No	Majority
Reconsider something already disposed of	<i>"I move to reconsider our action to..."</i>	Yes	Yes	Yes	Yes	Majority
Consider something out of its scheduled order	<i>"I move to suspend the rules and consider..."</i>	No	Yes	No	No	2/3
Close the meeting for executive session	<i>"I move to go into executive session."</i>	No	Yes	No	No	Majority
Personal preference - noise, room temperature, distractions	<i>"Point of privilege"</i>	Yes	No	No	No	No vote

*A member may make a motion to reconsider something that was already disposed; however, the reconsidered motion may not be subsequently reconsidered. A motion to reconsider must be made during the same meeting and can extend to a meeting that lasts for more than one day.

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Making a Motion

Board members must discuss one issue at a time to keep order in the boardroom. The board chair should only allow one person to speak at a time. Any member who wants to make a motion must request the floor –and be granted it – before speaking.

Robert’s Rules classifies motions into the below categories.

6 Categories of Motions

1. **Main motion:** Introduces a new item
2. **Subsidiary motion:** Changes or affect how to handle a main motion (vote on this before the main motion)
3. **Privileged motion:** Brings up an urgent or essential matter unrelated to pending business
4. **Incidental motion:** Questions procedure of other motions
5. **Motion to table:** Kills a motion
6. **Motion to postpone:** Delays a vote (can reopen debate on the main motion)

You can read more about [these motions here](#).

Robert’s Rules of Order Motion Steps

1. **Motion:** A member rises or raises a hand to signal the chairperson.
2. **Second:** Another member seconds the motion.
3. **Restate motion:** The chairperson restates the motion.
4. **Debate:** The members debate the motion.
5. **Vote:** The chairperson restates the motion, and then first asks for affirmative votes, and then negative votes.
6. **Announce the vote:** The chairperson announces the result of the vote and any instructions.

You can read more about the motions and how to use them in this article, [“Robert’s Rules of Order: Types of Motions”](#).

TIP! If the board is in obvious agreement, the chairperson may save time by stating, “If there is no objection, we will adopt the motion to...” Then wait for any objections. Then say, “Hearing no objections, (state the motion) is adopted.” And then state any instructions.

If a member objects, first ask for a debate, then vote, and then announce the vote.

Points in Robert’s Rules of Order

Certain situations need attention during the meeting, but they don’t require a motion, second, debate, or voting. It’s permissible to state a point during a meeting where the chairperson needs to handle a situation right away. Board members can declare a Point of Order, Point of Information, Point of Inquiry, or Point of Personal Privilege.

- **Point of Order:** A member draws attention to a breach of rules, improper procedure, breaching of established practices, etc.
- **Point of Information:** A member can ask for a point of information if they want more information on a motion. A point of information should not be used as a means for the person calling for a point of information to present information.
- **Point of Inquiry:** A member may use a point of inquiry to ask for clarification in a report to make better voting decisions.

- **Point of Personal Privilege:** A member may use a point of personal privilege to address the physical comfort of the setting such as temperature or noise. Members may also use it to address the accuracy of published reports or the accuracy of a member's conduct.

**Note: A member may make a motion to reconsider something that was already disposed of; however, the reconsidered motion may not be subsequently reconsidered. A motion to reconsider must be made during the same meeting and can extend to a meeting that lasts for more than one day.*

Robert's Rules: Tips and Reminders for Chairpersons

[Robert's Rules of Order](#) was developed to ensure that meetings are fair, efficient, democratic and orderly. A skilled chairperson allows all members to voice their opinions in an orderly manner so that everyone in the meeting can hear and be heard. The following tips and reminders will help chairpersons run a successful and productive meeting without being run over or running over others.

- Follow the agenda to keep the group moving toward its goals.
- Let the group do its work — don't over-command.
- Control the flow of the meeting by recognizing members who ask to speak.
- Let all members speak once before allowing anyone to speak a second time.
- When discussions get off-track, gently guide the group back to the agenda.
- Model courtesy and respect and insist that others do the same.
- Help to develop the board's skills in the parliamentary procedure by properly using motions and points of order.
- Encourage members to present motions positively rather than negatively.
- Give each speaker your undivided attention.
- Keep an emotional pulse on the discussions.
- Allow a consensus to have the final authority of the group.

Furthering Your Board's Knowledge of Robert's Rules of Order

All board members should be familiar with Robert's Rules of Order, which they can find [online](#) and in bookstores, and this Robert's Rules of Order cheat sheet for 2023 is a handy resource for your board and all new members.

Now that we've covered the basics, a deeper understanding of Robert's Rules is essential. The next step is to learn how to handle abstentions for a more streamlined board procedure. In our article, [the six reasons why nonprofit board members abstain](#), we discuss this topic in length.

Robert's Rules of Order for meetings is an informative and fascinating topic. The more board members learn about how to use Robert's Rules, the more effectively they will govern, and effective governance is the hallmark of a quality board.

455.227 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

- (a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.
- (b) Intentionally violating any rule adopted by the board or the department, as appropriate.
- (c) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.
- (d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. [501.122\(2\)](#) governing the registration of such devices.
- (e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.
- (f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.
- (g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.
- (h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.
- (i) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.
- (j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.
- (k) Failing to perform any statutory or legal obligation placed upon a licensee.
- (l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.
- (m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
- (n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.
- (o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
- (p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(s) Failing to comply with the educational course requirements for domestic violence.

(t) Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.

(u) Termination from an impaired practitioner program as described in s. [456.076](#) for failure to comply, without good cause, with the terms of the monitoring or participant contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(3)(a) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

History.—s. 5, ch. 79-36; s. 13, ch. 83-329; s. 5, ch. 88-380; s. 8, ch. 91-137; s. 55, ch. 92-33; s. 22, ch. 92-149; s. 23, ch. 93-129; s. 9, ch. 94-119; s. 80, ch. 94-218; s. 5, ch. 95-187; s. 22, ch. 97-261; s. 144, ch. 99-251; s. 32, ch. 2000-160; s. 2, ch. 2009-195; s. 12, ch. 2010-106; s. 5, ch. 2017-41.

2021 Florida Statutes

Title XXXII - Regulation of Professions and Occupations

Chapter 489 - Contracting

Part I - Construction Contracting (Ss. 489.101-489.147)

489.129 - Disciplinary proceedings.

Universal Citation: [FL Stat § 489.129 \(2021\)](#)

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed \$10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

- (a) Obtaining a certificate or registration by fraud or misrepresentation.
- (b) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.
- (c) Violating any provision of chapter 455.
- (d) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.
- (e) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his or her certificate or registration to be used by the uncertified or unregistered person with intent to evade the provisions of this part. When a certificateholder or

registrant allows his or her certificate or registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this part.

(f) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this part.

(g) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. 1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;
2. 2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; or
3. 3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(h) Being disciplined by any municipality or county for an act or violation of this part.

(i) Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the board.

(j) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.

(k) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor,

and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.

- (l) Committing fraud or deceit in the practice of contracting.
- (m) Committing incompetency or misconduct in the practice of contracting.
- (n) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.
- (o) Proceeding on any job without obtaining applicable local building department permits and inspections.
- (p) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.
- (q) Failing to satisfy within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.
- ¹(r) Committing misapplication of construction funds in violation of s. 713.345. If a contractor, subcontractor, sub-subcontractor, or other person licensed by the board under this chapter is convicted of misapplication of construction funds, the board must suspend all licenses issued to such licensee under this chapter for a minimum of 1 year from the date of conviction. The suspension required under this paragraph is not exclusive, and the board may impose any additional penalties set forth in this subsection.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

(2) If a registrant or certificateholder disciplined under subsection (1) is a qualifying agent or financially responsible officer for a business organization and the violation was performed in connection with a construction project undertaken by that business organization, the board may impose an additional administrative fine not to exceed \$5,000 per violation against the business organization or against any partner, officer, director, trustee, or member if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.

- (3) The board may specify by rule the acts or omissions which constitute violations of this section.
- (4) In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines established by the board by rule. The department shall advise the administrative law judge of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation.
- (5) The board may not reinstate the certification or registration of, or cause a certificate or registration to be issued to, a person who or business organization which the board has determined is unqualified or whose certificate or registration the board has suspended until it is satisfied that such person or business organization has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of contracting.
- (6)(a) The board may assess interest or penalties on all fines imposed under this chapter against any person or business organization which has not paid the imposed fine by the due date established by rule or final order. The provisions of chapter 120 do not apply to such assessment. Interest rates to be imposed shall be established by rule and shall not be usurious.
- (b) Venue for all actions to enforce any fine levied by the board shall be in Duval County. The board is authorized to enter into contracts with private businesses or attorneys to collect such fines with payment for such collections made on a contingent fee basis. All such contracts shall be publicly advertised and competitively awarded based upon responses submitted to a request for proposals developed by the board.
- (7) The board shall not issue or renew a certificate or registration to any person or business organization that has been assessed a fine, interest, or costs associated with investigation and prosecution, or has been ordered to pay restitution, until such fine, interest, or costs associated with investigation and prosecution or restitution are paid in full or until all terms and conditions of the final order have been satisfied.
- (8) If the board finds any certified or registered contractor guilty of a violation, the board may, as part of its disciplinary action, require such contractor to obtain continuing education in the areas of contracting affected by such violation.
- (9) Any person certified or registered pursuant to this part who has had his or her license revoked shall not be eligible to be a partner, officer, director, or trustee of a business organization defined by this section or be employed in a managerial or supervisory capacity for a 5-year period. Such person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years after the effective date of the revocation.
- (10) If a business organization or any of its partners, officers, directors, trustees, or members is or has previously been fined for violating subsection (2) or s. 489.132, the board

may, on that basis alone, revoke, suspend, place on probation, or deny issuance of a certificate or registration to a qualifying agent or financially responsible officer of that business organization.

(11)(a) Notwithstanding the provisions of chapters 120 and 455, upon receipt of a legally sufficient consumer complaint alleging a violation of this part, the department may provide by rule for binding arbitration between the complainant and the certificateholder or registrant, provided the following conditions exist:

1. 1. There is evidence that the complainant has suffered or is likely to suffer monetary damages resulting from the violation of this part;
2. 2. The certificateholder or registrant does not have a history of repeated or similar violations;
3. 3. Reasonable grounds exist to believe that the public interest will be better served by arbitration than by disciplinary action; and
4. 4. The complainant and certificateholder or registrant have not previously entered into private arbitration, and no civil court action based on the same transaction has been filed.

(b) The certificateholder or registrant and the complainant may consent in writing to binding arbitration within 15 days following notification of this process by the department. The department may suspend all action in the matter for 45 days when notice of consent to binding arbitration is received by the department. If the arbitration process is successfully concluded within the 60-day period, the department may close the case file with a notation of the disposition and the licensee's record shall reflect only that a complaint was filed and resolved through arbitration.

(c) Where a complaint meets the criteria for arbitration set forth in paragraph (a) and the damages at issue are less than \$2,500, the department shall refer the complaint for mandatory arbitration.

(d) The arbitrator's order shall become a final order of the board if not challenged by the complainant or the certificateholder or registrant within 30 days after filing. The board's review of the arbitrator's order shall operate in the manner of the review of recommended orders pursuant to s. 120.57(1) and shall not be a de novo review.

(12) When an investigation of a contractor is undertaken, the department shall promptly furnish to the contractor or the contractor's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The department shall make the complaint and supporting documents available to the contractor. The complaint or supporting documents shall contain information regarding the specific facts that serve as the basis for the complaint. The contractor may submit a written response to the information contained in such complaint or document within 20 days after service to the contractor of the complaint or document. The contractor's written response shall be considered by the probable cause

panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the board or the chair of the probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to a contractor if the act under investigation is a criminal offense.

History.—ss. 12, 17, ch. 79-200; s. 371, ch. 81-259; ss. 2, 3, ch. 81-318; s. 7, ch. 83-160; ss. 87, 119, ch. 83-329; s. 9, ch. 87-74; ss. 14, 20, 21, ch. 88-156; s. 13, ch. 89-162; s. 34, ch. 89-374; s. 24, ch. 90-109; s. 40, ch. 90-228; s. 39, ch. 91-137; s. 4, ch. 91-429; s. 63, ch. 92-149; s. 18, ch. 93-166; s. 9, ch. 96-298; s. 73, ch. 96-388; s. 226, ch. 96-410; s. 1129, ch. 97-103; s. 12, ch. 97-228; s. 146, ch. 98-166; s. 67, ch. 98-287; s. 9, ch. 98-419; s. 27, ch. 99-254; s. 205, ch. 2000-160; s. 3, ch. 2005-227; s. 35, ch. 2009-195; s. 4, ch. 2021-124.

¹Note.—Section 10, ch. 2021-124, provides that “[t]his act applies to contracts executed on or after July 1, 2021.”



Building Contractors Examining Board

825 Ohio Avenue
Lynn Haven FL 32444

Construction Licensing Board Findings of Fact:

Hearing Date:	Copy Mailed to Violator or Agent On:
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I. THE FOLLOWING ARE APPLICABLE TO THIS HEARING (Check appropriate boxes)

- VIOLATOR PRESENT VIOLATOR'S AGENT PRESENT NO SHOW
 NON-COMPLIANCE NON-PAYMENT REPEAT VIOLATION
 CONTINUING VIOLATION APPEAL WITHDRAWN
 HEARING CONTINUED (Date) _____
 HEARING RESCHEDULED VIOLATION DISMISSED DECISION DEFERRED

II. THE FOLLOWING DEMONSTRATIVE EVIDENCE WAS OFFERED

- BUILDING OFFICIAL'S AFFIDAVIT OTHER AFFIDAVIT (s) FIELD REPORT (s)
 PLANS MAPS INVOICES CORRESPONDENCE PHOTOGRAPHS
 OTHER _____

III. SUMMARY OF EVIDENCE PRESENTED

1. BY DEPARTMENT: VIOLATION(s) ISSUED IN ACCORDANCE WITH THE REQUIREMENTS STIPULATED UNDER THE PROVISIONS OF CHAPTER 14 OF THE CITY CODE.
2. BY VIOLATOR OTHER _____
 TESTIMONY (UNDER OATH) NO TESTIMONY OFFERED

IV. BASIC AND UNDERLYING FACTS

THE DEPARTMENT IS CORRECT NOT CORRECT IN ITS ASSESSMENT OF THE SUBJECT VIOLATION(S)

(Further explanation, if any _____

V. FUNDAMENTAL ISSUE Whether the Department presented a preponderance of evidence to indicate that the violators is responsible for the subject violation(s) YES NO

VI. ULTIMATE FINDINGS

1. It is the determination of this Board that the subject violation WAS WAS NOT issued in accordance with the provisions of Chapter 14-217 of the City Code.

2. Based on the foregoing, this Board finds the violator(s) GUILTY NOT GUILTY of the subject matter.

3. ITS IS HEREBY ORDERED THAT THE FOLLOWING ACTIONS BE TAKEN

- A) Violator’s Certificate of Competency shall be suspended for _____ days.
- B) Violator’s Certificate of Competency shall be revoked, and a new Certificate of Competency may not be issued to such violator until _____.
- C) Violator shall pay to the City Clerk \$ _____ for the investigative and legal cost of this hearing. (NOTE: Cost assessed shall bear interest at the rate provided for judgement in the circuit court and may be enforced as provided by law). Chapter 14-217(g)

Date Decision Rendered	Board – Chair Signature
<p>NOTE: If you wish to appeal the Building Contractors Examining Board, you must do so in the manner provided in Chapter 14-217(b) of the Code Ordinances for the City of Lynn Haven no later than 30 days from the date the Board decision is rendered. You must also file a copy of any document filed pursuant to any such appeal with the Building Department at the above address and with the City attorney office.</p>	