

CONSTRUCTION INDUSTRY LICENSING BOARD OF PALM BEACH COUNTY

RULES AND REGULATIONS

Per Chapter 67-1876, as amended, Section 3(F)(01/06)

- 1.) The Construction Industry Licensing Board of Palm Beach County shall approve the examining agency who shall prepare, administer, proctor and grade all contractors' examinations. (2-93)
- 2.) All applications are to be acted on by the Board at regularly scheduled meetings, including applications to sit for exam, activate certificates, reinstate, reciprocate, re-qualify or qualify additional firms; and change company name. However upon declaration of emergency by the governor, temporary reciprocity may be granted to active contractors from other Florida counties meeting established requirements. Such temporary reciprocity will be in effect for 90 days then require Construction Industry Licensing Board approval. Temporary emergency reciprocity may be rescinded by staff upon receipt of valid complaints not immediately resolved. (01-01-06)
- 3.) The Director is authorized to establish reciprocity with any County or municipality within the state of Florida that uses an independent testing agency, approved by this Board, to prepare, administer, proctor and grade all examinations, provided the applicant achieves a minimum passing grade of 75 percent. (2-93)
- 4.) Contractors are required to provide proof of insurance during the duration of active certification. Minimum insurance for all contractors in all classifications is \$100,000/\$300,000 general liability and \$10,000 property damage. All contractors are to furnish a license bond to be used to repair damage done to government infrastructure, in the amount of \$2,000 that runs concurrently with the licensing year, or years. Further, all contractors shall furnish proof of worker's compensation insurance or accepted certificate of exemption. (01-01-06)
- 5.) Retention period for all records shall be as established by the Records Retention requirements of Palm Beach County and/or the State of Florida, as applicable. (11/91)
- 6.) Applicants may request a 50% refund of application fees. The

request must be in writing within 30 days of the initial submittal of the application and received prior to CILB review in order to receive a refund. A staff error will result in a full refund.(1-22-01)

- 7.) Applicants may take a maximum of four (4) examinations in a twelve (12) month period with no successive examinations. (2-94)
- 8.) The 1st Friday of each month is to be the last day for filing complete applications to be acted upon at the next scheduled Board meeting. Additionally, all requests for inclusion on the agenda of a regularly scheduled meeting must be received in writing by the first Friday of the month. (11/91) Any exceptions must be approved by the Director or authorized designee. (1-22-01)
- 9.) The Director, or authorized designee, shall have the authority to deny the processing of any application for examination, reciprocity, change of status or reinstatement, where such application and the supporting documentation is incomplete. The criteria used in determining incomplete status shall be that provided for in Special Act, Chapter, 67-1876, as amended, or adopted rules and regulations of the Board. The applicant, however, shall have the right to appeal any such decision to the Construction Industry Licensing Board. Such appeal shall in writing, setting forth the specific criteria the applicant disagrees with. Any written appeals will be scheduled pursuant to Board rules and regulations as they pertain to monthly agenda deadline dates. (01-01-06)
- 10.) Credit reports are required on the individual or individuals in the case of new or un-established sole proprietorships or partnerships. Applications to re-qualify or transfer an existing certificate of competency will include credit reports on the person or firm presently listed on the certificate and on the new firm, principals or officers. Applications for newly established or un-established corporations require credit reports on each officer. Applications by well established businesses and corporations are to be accompanied by credit reports on the firm and on the qualifying agent. Applicants who qualify additional firms must include credit reports on all other firms qualified and the principals of the new firm. The qualifying agent must appear at the meeting at which the application is to be considered. All credit reports received are to be

original credit reports from a nationally recognized credit bureau. Public records pertaining to judgments, bankruptcies and tax liens must be searched and results noted on the credit report. Also, credit reports on other officers, owners, directors or on firm(s) applicant or other individual, may have claimed to have owned, operated or qualified in the past, may be required by the Board. (11/91)

- 11.) The Board may consider certification applications from persons who have not had their civil rights restored.(01-01-06)
- 12.) The Director or authorized designee may notify violators to appear before the Board to show cause why their certificate should not be revoked or suspended on any violation of the Special Act which the Director or Field Investigator verifies. (1-22-01)

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13.) Fee Schedules
Effective Date

Application Fees
 01/01/08

Examination - Contractor		\$450
Examination - Journeyman		\$100
Reciprocity - Contractor		\$450
Reciprocity - Journeyman		\$ 25
Qualify Second Company or Corporation		\$500
Change Company Name		\$450
Activate Certificate		\$450
P.B.C. Enrollment of Certified Contractors Certification & Insurance.		\$25
Renewal of Active Contractor's Certificate *		\$250
Renewal of Inactive Contractor's Certificate *		\$150
Renewal of Journeyman Certificate, yearly		\$25
Replacement of Lost Certificate of Competency		\$50
Reinstate Expired Certificate - Contractor		\$500
Reinstate Expired Certificate - Journeyman		\$100
Reciprocal Letter		\$75
Late Renewal - Contractor	Per. Mon.	\$25
Late Renewal - Journeyman	Per. Mon.	\$5
Search of Board Records Letter		\$75
Re-exam Authorization	-Trade	\$50
	-Business & Law	\$50
	-Journeyman	\$25
Owner/Builder Competency Exam		\$25

*Renewal fees prorated yearly.

- 14.) Examinations may consist of more than one independently graded section(s). The sections shall not be averaged. In order to achieve a 75% passing grade on the examination as required by section 5 (C)(2) of the Special Act, Chapter 67-1876, as amended applicants shall be required to achieve a minimum passing grade of 75% on each section of the examination. Applicants shall be required to pay proper fees and to only retake the section of the examination which they failed. (01/01/06)
- 15.) If a licensed contractor is unable to fulfill his or her duties and responsibilities established by the license, Florida Statutes and Special Act, Chapter 67-1876, as amended because of illness, incarceration or other incapacity, the Board or hearing officer shall have the authority, pursuant to Section 11 of Special Act, Chapter 67-1876 as amended, to take appropriate action. The Board or hearing officer shall hold a hearing and comply with the notice and hearing procedures set forth in these Rules and Regulations. In any action taken by the Board or hearing officer to suspend a license for the period of incapacity or incarceration, the Board or hearing officer may establish the grounds to remove suspension and delegate to the Director the authority to remove the suspension upon fulfillment of such conditions. (01/01/06)
- 16.) Applicants for reciprocity and certified Palm Beach County contractors filing applications to activate, re-qualify or qualify additional firms are subject to Board approval after showing financial responsibility, credit reputation, business reputation and the business reputation of any business or agency on behalf of which the applicant proposes to engage in contracting, including firms the applicant previously qualified, or presently qualifies. (10/88)
- 17.) Experience required to qualify for certification as a contractor or journeyman is defined as "hands-on" field experience and/or supervision in the field. (1-22-01)
- 18.) FINANCIAL RESPONSIBILITY, DEFINITION, GROUNDS FOR DENIAL:
 - 1.) For purposes of this rule, the phrase "financial responsibility" is defined as the ability to safeguard that the public will not sustain economic loss resulting from the contractor's inability to pay his lawful obligations under the contract.

- 2.) The financial responsibility grounds on which the Board may refuse to qualify an applicant shall include:
- (a.) Failure to submit any of the items required by the Board in the application or additional information related to the application.
 - (b.) Evidence that the applicant has filed voluntary or involuntary bankruptcy within the past five years preceding the application, resulting in loss to consumers and Tax Liens filed by any government entity (1-22-01)
 - (c.) The existence, within the past five years preceding the application, of an unsatisfied court judgment rendered against just obligations to parties with whom the applicant conducted business as a contractor.
 - (d.) An unfavorable credit report or history as indicated by any of the documents submitted.
 - (e.) A determination by the Board that the applicant lacks the financial stability necessary to assure compliance with the standards set forth in Section 1. of this rule. As guidelines for the determination of financial stability, the Board shall consider the applicant's responses to the questions set forth in the notarized affidavit furnished with the application and the applicant or firm's financial statement. (10-88)
 - (f.) A determination by the Board that the applicant does not meet the following Net Worth requirements for his or her trade: **GENERAL, BUILDING, RESIDENTIAL, \$20,000; CARPENTRY, DEMOLITION, ELECTRICAL, HARV, PLUMBING, ROOFING, PRE-STRESSED CONCRETE ERECTION, STRUCTURAL STEEL, SWIMMING POOL CONSTRUCTION, UNDERGROUND UTILITIES, \$10,000; MARINE, \$5,000. ALL OTHER CATEGORIES/SPECIALTY CONTRACTORS, \$2,500. NET WORTH** shall be defined as having 50(%)percent in cash, (half can be in equipment and half in cash) and shall be verified by a bank letter and/or (3) three consecutive months bank statements. (1-01-02)

19.) As provided by Chapter 67-1876 as amended Special Acts, Laws of Florida, Section 3 (H), the position of Hearing Officer is hereby established. This Board, at its regular meetings, will make the final determinations and/or disciplinary actions regarding contractors charged with violations predicated on the facts outlined during the original hearing and the recommendation of the Hearing Officer. Board members in their second or third year, shall rotate as Hearing Officer, as needed. The time of the hearing shall be determined by the Hearing Officer, at his/her convenience. (01/01/06)

20.) Notice and Service of Process:

- 1.) Notice of Hearings or proceedings before the Board or the Hearing Officer shall incorporate and set out the following:
 - (a.) The name of the complainant if other than the Board;
 - (b.) The name of the respondent;
 - (c.) The nature of the hearing or proceeding;
 - (d.) The time, date and place of the hearing or proceeding;
 - (e.) A statement that "failure to attend may result in an order being issued adverse to your interests;"
 - (f.) That all parties may be represented by counsel; and
 - (g.) That all parties shall be given an opportunity to present witnesses and evidence in support of their position, and (1-22-01)
 - (h.) A statement that If any person decides to appeal any decision made by the Board with respect to any matter considered at the hearing, he/she will need a record of the proceeding, and that, for such purpose he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony & evidence upon which the appeal is to be based. (1-22-01)

- 2.) All notices, including, but not limited to complaints, notices of violations and other pleadings, required by Chapter 67-1876, Laws of Florida, as amended, shall be served by:
 - (a.) Hand delivery to the respondent's usual place of residence with someone in the family older than fifteen years of age and informing the person of the contents of the notice; (01/01/06)
 - (b.) Hand delivery to a person in charge if service is being made upon a business organization; or
 - (c.) Certified mail, return receipt requested. When a person cannot be served by hand delivery or certified mail and after a diligent search and inquiry, then service is sufficient if made by publication of the notice of hearing in a newspaper of general circulation in Palm Beach County once a week for two consecutive weeks.(01/01/06)
- 3.) Service of notices by hand delivery shall be made by an officer authorized to serve process under the laws of the State of Florida or by authorized_staff employed by the Contractor Certification Division. (01/01/06)

21.) Evidence:

- 1.) Irrelevant, immaterial or unduly repetitious evidence may be excluded by the chair of the Board or Hearing_Officer, but all other evidence of a type commonly relied upon by reasonable, 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.(1/22/01)
- 2.) 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.

- 3.) A party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record.
- 4.) The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- 5.) The Board or Hearing Officer shall insure that a full record of the hearing is preserved, which record shall be public and open to inspection and transcription by any person.
- 6.) The office of the County Attorney shall represent the Board and advise it as to the propriety and admissibility of evidence presented at a hearing before the Board. (10/88)

22.) Hearing Procedures:

- 1.) The general procedure for hearings before the Board and the Hearing Officer shall be in such form as shall be approved by the office of the County Attorney and each party shall have the following rights:
 - (a.) To call and examine witnesses;
 - (b.) To introduce exhibits;
 - (c.) To cross-examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination;
 - (d.) To impeach any witness regardless of which party first called him to testify; and
 - (e.) To rebut the evidence.
- 2.) Any interested party or person may make application and upon good cause shown may be allowed by the Board to intervene and appear in a proceeding pending before the Board.
- 3.) A hearing may be held upon giving no less than ten (10) days notice to the respondent.
- 4.) If the contractor does not testify in his/her own behalf, he/she may be called and examined as if under cross examination.(1-22-01)
- 5.) The Board members and its attorney may also recall all witnesses and ask questions relevant to the alleged violations.

- 6.) At the end of the hearing, each party shall have five (5) minutes for a closing statement. The Chairman shall close the hearing and the Board will go into Executive Session, after which a decision will be rendered. No further testimony or party will be heard. (10/88)
- 7.) All hearings shall be open to the public. (01-01)

23.) Orders of the Board:

- 1.) After due public hearing, the Board shall orally issue its order based upon a preponderance of the evidence. All written orders shall contain findings of fact and conclusions of law. (1/01)
- 2.) If, at the conclusion of a hearing, the Board orders dismissal of the complaint and finds that the person complained against has not violated a provision of the code or laws or regulations of Palm Beach County, its municipalities or the State of Florida, then the Board shall so state and issue its order dismissing the complaint.
- 3.) To establish a cause of action under this article, the code or the laws of regulations of the State of Florida, it need not be shown that any person was actually injured.
- 4.) The Board shall retain jurisdiction over the parties to an action for a period of thirty (30) days and may modify or set aside its order at any time within thirty (30) days after the rendition of the order by rehearing upon its own motion or motion of an interested party when such rehearing is in the interest of the public. (1/01)
- 5.) An order, decision or opinion of the Board may be appealed as provided by law in the Circuit Court in and for Palm Beach County, Florida, by any party receiving an adverse ruling from the Board. (1/01)

24.) Initiation of Lawsuits on Behalf of CILB:

Prior to initiating a lawsuit in the name of the Construction Industry Licensing Board of Palm Beach County, the Attorney for the Board shall place on the agenda of the next Board meeting a request to authorize the lawsuit. The litigation shall not commence unless a majority of the Board members

present at the meeting vote to authorize the lawsuit.

Staff may, however, initiate a lawsuit in the name of the Board in those instances where it is determined by both the Director and the Attorney for the Board that timeliness is crucial to the protection of the public health, safety or welfare. In such instances, the Director shall apprise the Board of the action taken and the circumstances dictating immediate action at the next regularly scheduled meeting of the Board. (12/92)

25.) Name of Business Organization:

Names of business organizations qualified through the Construction Industry Licensing Board of Palm Beach County shall not contain any wording, which may be misleading to the public. (1/93)

26.) Principal Stockholder:

For the purposes of this Board, Principal Stockholder as set forth in Section 6 (D), of the Special Act, Laws of Florida, Chapter 67-1876 as amended, shall mean one who owns the majority of outstanding stock issued by the subject company. The majority ownership rule established by this regulation may, however, in specific instances, when the stockholder does not own a majority of the stock, be waived by the Board, in its sound discretion, for good cause shown. (01/01/06)

AMERICAN DISABILITIES ACT INFORMATION

IN ACCORDANCE WITH THE AMERICAN DISABILITIES ACT, THIS DOCUMENT MAY BE REQUESTED IN AN ALTERNATE FORMAT. CONTACT THE OFFICE OF THE CONSTRUCTION INDUSTRY LICENSING BOARD OF PALM BEACH COUNTY AT (561)233-5525.