

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 20, 2026

☐ Consent ☒ Regular
☐ Public Hearing

Department: Planning, Zoning, and Building

Submitted By: Code Compliance

Submitted For: Contractors Regulation

I. EXECUTIVE BRIEF

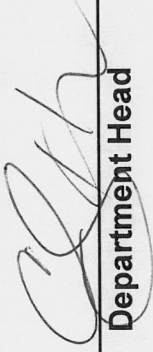
Motion and Title: Staff recommends motion to approve on preliminary reading and permission to advertise for public hearing on November, 17, 2026 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 7, ARTICLE II: CONTRACTORS, (ORDINANCE 97-56 & 97-57), SECTION 7-16 THROUGH SECTION 7-19, SECTION 7-21 AND SECTION 7-23; AUTHORIZING THE ADOPTION OF A RESOLUTION TO ESTABLISH A PENALTY SCHEDULE FOR VIOLATIONS OF SECTION 7-17 OF THE CODE; PROVIDING FOR CLARIFICATION OF THE CONTRACTING INDUSTRY LICENSING BOARD'S AUTHORITY TO ISSUE CEASE AND DESIST ORDERS; PROVIDING UPDATED LANGUAGE BASED ON ADMINISTRATIVE UPDATES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

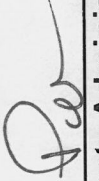
Summary: This Ordinance updates Chapter 7, Article II of the County Code of Ordinances (Code) to reflect administrative changes to the Contractor's Regulation and Code Compliance Divisions, to authorize the adoption of a penalty schedule resolution to impose statutory maximum penalties for certain construction industry related code violations per §489.127(5) Florida Statutes, and to clarify the Construction Industry Licensing Board's (CILB) authority to issue cease and desist orders per §489.113(2) Florida Statutes. Countywide (RM)

Background and Policy Issues: (See page 3).

Attachments:

1. Proposed Ordinance
2. Proposed Resolution
3. Business Impact Estimate

Recommended by:  9/22/2024
Department Head Date

Approved by:  9/28/24
Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2027	2028	2029	2030	2031
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
(County)					
In-Kind Match					
(County)					
NET FISCAL IMPACT	*				
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0			
Is Item Included in Current Budget:	Yes		No		
Is this item using Federal Funds:	Yes		No		
Is this item using State Funds:	Yes		No		

Budget Account No: Fund Dept Unit Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:
* Fiscal impact cannot be determined at this time

C. Departmental Fiscal Review:

Aaron Maharaj
Digitally signed by Aaron Maharaj...

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB 9/23/2022
9/24/26 Fu
Contract Development and Control

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

Continued from page 1

Background and Policy Issues:

As the Code is currently written, the maximum penalty for violations of Section 7-17 of the Code is a \$500 citation, that the CILB may increase to \$1,000 depending on the following factors: the gravity of the violation; corrective action taken by the violator; and previous violations committed by the violator. Florida Statutes authorizes the County to issue citations up to \$2,000 for unlicensed activity and allows the CILB to increase that amount to \$2,500, based on the previously mentioned considerations. The CILB and staff support amending the Code to align with the Statutory maximum penalties, as they will serve to more effectively deter violators than the previous maximum penalties did.

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 7, ARTICLE II: CONTRACTORS, (ORDINANCE 97-56 & 97-57), SECTION 7-16 THROUGH SECTION 7-19, SECTION 7-21 AND SECTION 7-23; AUTHORIZING THE ADOPTION OF A RESOLUTION TO ESTABLISH A CITATION PENALTY SCHEDULE FOR VIOLATIONS OF SECTION 7-17 OF THE CODE; PROVIDING FOR CLARIFICATION OF THE CONTRACTING INDUSTRY LICENSING BOARD'S AUTHORITY TO ISSUE CEASE AND DESIST ORDERS; PROVIDING UPDATED LANGUAGE BASED ON ADMINISTRATIVE UPDATES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, the Palm Beach County Board of County Commissioners (the “Board”)
2 adopted Ordinances 97-56 & 97-57 in order to ensure that individuals engaged in the
3 construction business are duly qualified and that construction is done according to code; and
4 **WHEREAS**, the Chapter 7, Article II of the Palm Beach County Code of Ordinances
5 currently provides for prohibitions against unlicensed contracting and penalties in the form of
6 civil citation penalties up to five hundred dollars (\$500.00) per citation; and
7 **WHEREAS**, if a respondent appeals a citation and the Construction Industry Licensing
8 Board of Palm Beach County (the “CILB”) finds a violation exists, it may increase to the
9 penalty amount to one thousand dollars (\$1000.00) per citation; and
10 **WHEREAS**, § 489.127, Florida Statutes, provides that local governments may levy
11 civil penalties up to two thousand dollars (\$2,000.00) for an unlicensed contractor violation;
12 and
13 **WHEREAS**, § 489.131, Florida Statutes, provides that local governments may levy
14 civil penalties up to five thousand dollars (\$5,000.00) for violations committed by locally
15 licensed or registered contractors; and
16 **WHEREAS**, the CILB was created by special act and § 489.113, Florida Statutes,
17 authorizes a county construction licensing board created by special act to issue cease and desist
18 orders to prohibit any person from engaging in the business of contracting who does not hold
19 the required certification or registration; and

1 **WHEREAS**, the Board finds that adopting a resolution that provides for a fee schedule
2 of civil penalty amounts up to the statutory maximum of two thousand dollars (\$2,000.00) for
3 unlicensed contracting and clarifying the CILB’s authority to issue cease and desist orders will
4 further assist in deterring unlicensed contracting activity in the County and align the County’s
5 actions with the authority provided by Statute; and
6 **WHEREAS**, the Board finds that adopting amendments is in the best interest of the
7 health, safety, and general welfare of citizens in the unincorporated area of Palm Beach
8 County.
9 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**
11 **Section 1. Chapter 7, Article II, Section 7-16, entitled "Definitions" is hereby amended**
12 **as follows:**
13 ...
14 ~~Code enforcement compliance officer or investigator~~ shall mean any authorized agent or employee
15 of the county whose duty it is to assure code compliance ~~these persons~~ designated by Palm Beach
16 County ~~contractors certification division~~ Code Compliance Division for investigation and
17 enforcement of the regulations contained in Laws of Florida, Chapter 67-1876, Fla. Stat. Chapter
18 489, and this article.
19 ...

20 **Section 2. Chapter 7, Article II, Section 7-17, entitled "Prohibitions" is hereby amended**
21 **as follows:**
22 ...
23 (b) No person shall:
24 (1) Engage in the business or act in the capacity of a contractor without having met
25 the provisions of the Special Act.
26 (2) It is unlawful for a person who is required to possess a certificate of
27 competency, but who does not possess a current certificate of competency:
28 a. To advertise to the public in a newspaper ad, social media, airwave
29 transmission, or a telephone directory, or by issuance of a card, or otherwise,
30 that he/she is a contractor, or is qualified to engage in business as a contractor;
31 ...

1 Section 3. Chapter 7, Article II, Section 7-18, entitled “Issuance of citation,

2 administrative hearing and penalties” is hereby amended as follows:

3 (a) *Designation of code enforcement compliance officers.* The county hereby designates the
4 ~~investigators with the county contractor certification division as code enforcement~~
5 compliance officers with the authority to enforce the provisions of F.S. section 489.127,
6 F.S. section 489.131 Laws of Florida, Chapter 67-1876, and this article ~~against persons~~
7 ~~who engage in construction activity that requires a county certificate of competency or state~~
8 ~~certification or registration.~~ Nothing in this section shall be construed to authorize
9 disciplinary proceedings against individuals holding the proper valid state certification.

10 (b) *Issuance of citation.*

11 (1) *Issuance of citation.* Whenever, based upon personal investigation and in accordance
12 with policies and procedures established by the ~~contractor certification code~~
13 compliance division, the ~~investigator~~ code compliance officer has reasonable and
14 probable grounds to believe that a person has committed a prohibited act (as set forth
15 in section 17-17 of this article), the officer may issue a citation to the respondent
16 which shall include the following information:

- 17 a. Date and time of issuance.
- 18 b. Name and address of person to whom the citation is issued.
- 19 c. Time and date of violation.
- 20 d. A brief description of the violation and the facts constituting reasonable cause.
- 21 e. The name of the ~~investigator~~ code compliance officer.
- 22 f. The procedure for the person to follow in order to pay the civil penalty or to
23 contest the citation.
- 24 g. The applicable civil penalty if the person elects not to contest the citation.

25 (2) *Citation penalty.* A penalty schedule for violations of this section shall be established
26 by the Board of County Commissioners by resolution. ~~The maximum civil penalty~~
27 ~~which may be levied by citation shall not exceed five hundred dollars (\$500.00).~~
28 Moneys collected in payment for citations shall be retained by the county to support
29 future enforcement activities.

1 ...
2 (4) *Administrative hearing.* Administrative hearings on appeals of citations shall be held
3 before the CILB pursuant to the CILB's authority to conduct hearings and assess
4 penalties as set forth in F.S. section 489.127 and the Special Act or before a special
5 master as selected pursuant to Article 2 of the Unified Land Development Code. In the
6 alternative, administrative hearings may be held before designated special masters.
7 The members of the CILB may serve ex officio as special masters, with the power to
8 preside individually over administrative hearings to hear appeals of the issuance of a
9 citation. The special master shall conduct the hearing in accordance with the procedure
10 described herein.
11 ...
12 (7) If the CILB or special master finds that a violation exists, the CILB or special master
13 may order the respondent to pay a civil penalty of no more than ~~one thousand dollars~~
14 (\$1,000.00) the maximum penalties set forth in Sections 489.127 and 489.131, Florida
15 Statutes, as amended, per day for each violation. In determining the amount of the
16 penalty, the CILB or special master shall consider the following factors:
17 a. The gravity of the violation;
18 b. Any actions taken by the violator to correct the violation; and
19 c. Any previous violations committed by the violator.

20 If the county prevails in prosecuting a case before the CILB or special master, it shall
21 be entitled to recover all reasonable investigative and legal costs incurred in
22 prosecuting the case and such costs may be included in the lien authorized under this
23 article.

24 ...
25 (g) Service of notice. ~~Proper~~ The citation and notice of hearing is given where notice has been
26 must be provided to the alleged violator by either: mailed to the respondent by certified
27 mail; by hand delivery by the sheriff, or law enforcement, code compliance officer, or
28 other person designated by the County investigator; or by leaving the notice at the
29 violator's usual place of residence with some person in the family above fifteen (15) years
30 of age and informing said person of the contents of the notice; or where an investigator,

1 under oath, testifies that he/she did hand deliver the citation to the respondent which
2 included a hearing date.

3 . . .

4 **Section 4. Chapter 7, Article II, Section 7-19, entitled “Cease and desist orders” is hereby**
5 **amended as follows:**

6 ~~The investigators have the authority, in~~ In accordance with ~~Article 14 of the Palm~~
7 ~~Beach County Unified Land Development Code and F.S. Chapter 489, Florida Statutes, the~~
8 CILB may ~~to~~ issue a cease and desist order in the form of a written official order to prohibit
9 any person from engaging in the business of contracting who does not hold the required
10 certification or registration for the work being performed. The cease and desist order may be
11 posted on the premises where such violation has been committed or exists.

12 **Section 5. Chapter 7, Article II, Section 7-21, entitled “Issuance of notice to appear” is**
13 **hereby amended as follows:**

14 Code compliance officers ~~The investigators with the contractor~~ are designated code
15 enforcement officers pursuant to F.S. Chapter 162. Pursuant to the authority set forth in F.S.
16 Chapter 162, ~~an investigator~~ a code compliance officer may issue a notice to appear at any
17 hearing conducted by county court if the ~~investigator~~ code compliance officer, based upon
18 personal investigation, has reasonable cause to believe that a locally licensed contractor or
19 unlicensed contractor has committed a prohibited act set forth in section 7-17 of this article. A
20 notice to appear means a written order by ~~an investigator~~ a code compliance officer in lieu of
21 arrest requiring a person accused of violating the law to appear in a designated court at a
22 specified date and time. Prior to issuing the notice to appear, the ~~investigator~~ code compliance
23 officer shall provide written notice of the violation of this article and shall establish a
24 reasonable time period within which the person must correct the violation. Such time period
25 shall be not less than five (5) days and no more than thirty (30) days. If upon personal
26 investigation, the ~~investigator~~ code compliance officer finds that the person has not corrected
27 the violation within the prescribed time period, a notice to appear may be issued to the person
28 who committed the violation. The ~~investigator~~ code compliance officer is not required to
29 provide a reasonable time period to correct if there is reason to believe that the violation
30 presents a serious threat to the public health safety and welfare, or if the violation is irreparable
31 or irreversible.

1 **Section 6. Chapter 7, Article II, Section 7-23, entitled “Enforcement” is hereby amended**

2 **as follows:**

3 (a) Nothing herein contained shall prohibit the county from enforcing its codes and ordinances
4 by any other means. Nothing herein contained shall prohibit the CILB, or special master,
5 from exercising its full authority pursuant to the Special Act and F.S. Chapter 489, as
6 amended.

7 (b) The director of the code compliance ~~contractor certification~~ division or designee and CILB
8 are authorized to inspect and audit the records of construction firms to determine
9 compliance with this article, the Special Act, and F.S. Chapter 489, based upon reasonable
10 suspicion that a violation of any law or ordinance has occurred.

11 (c) The director of the code compliance ~~contractor certification~~ division or designee and CILB
12 are authorized to subpoena records, surveys, drawings, contracts or other documentary
13 materials regarding activities regulated by this article, the Special Act, or F.S. Chapter 489,
14 based upon reasonable suspicion that a violation of any law or ordinance has occurred.

15 (d) The director of the code compliance ~~contractor certification~~ division or designee and CILB
16 are authorized to subpoena telephone company records regarding telephone numbers used
17 in advertisements or listings regarding regulated activity pursuant to this article, Special
18 Act or F.S. Chapter 489, where address of the telephone number and/or name and address
19 of the subscriber is unavailable to the ~~investigator~~ code compliance officer. The
20 information obtained by subpoena shall be limited to the name of the person or entity who
21 has obtained phone service, the mailing address of the person or entity who has obtained
22 phone service, and the address where the phone line in question is located.

23 **Section 7. REPEAL OF LAWS IN CONFLICT:**

24 All local laws and ordinances in conflict with any provisions of this Ordinance are
25 hereby repealed to the extent of such conflict.

26 **Section 8. SAVINGS CLAUSE:**

27 Notwithstanding the section of this ordinance regarding repeal of laws in conflict, all
28 administrative and court orders, penalties, and pending enforcement issued pursuant to this
29 authority and procedures established by Chapter 7, Article II, of the Palm Beach County Code
30 shall remain in full force and effect.

1 **Section 9. SEVERABILITY:**

2 If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any
3 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
4 such holding shall not affect the remainder of this Ordinance.

5 **Section 10. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

6 The provisions of this Ordinance shall become and be made a part of the Palm Beach
7 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
8 such, and the word Ordinance may be changed to section, article, or other appropriate word.

9 **Section 11. CAPTIONS:**

10 The captions, section headings and section designations used in this Ordinance are for
11 convenience only and shall have no effect on the interpretation of the provisions of this
12 Ordinance.

13 **Section 12. EFFECTIVE DATE:**

14 The provisions of this Ordinance shall become effective upon filing with the
15 Department of State.

16

17 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
18 Beach County, Florida, on this the ____ day of _____, 20 ____.

19

20 **SHANNON RAMSEY-CHESSMAN, PALM BEACH COUNTY, FLORIDA, BY ITS**
21 **CLERK AD INTERIM BOARD OF COUNTY COMMISSIONERS**

22

23 By: _____ By: _____
24 Deputy Clerk Sara Baxter, Mayor

25

26
27 **APPROVED AS TO FORM AND**
28 **LEGAL SUFFICIENCY**

29

30 By: _____
31 County Attorney

32

33 **EFFECTIVE DATE:** Filed with the Department of State on the ____ day of
34 _____, 20 ____.

RESOLUTION NO. R-2026 - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING A PENALTY SCHEDULE FOR VIOLATIONS OF SECTION 7-17 OF THE PALM BEACH COUNTY CODE OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County Board of County Commissioners (the “Board”) has amended Section 7-18 of the Code of Ordinances (the “Code”) to give the Board the authority to establish a penalty schedule for violations of Section 7-17 of the Code; and

WHEREAS, having a penalty schedule for violations of Section 7-17 of the Code that establishes different amounts based on the number of times a person has been found in violation of Section 7-17 of the Code and authorizing Code Compliance Officers to issue citation penalty amounts up to the statutory maximum of two thousand dollars (\$2,000.00) is in the best interest of the health, safety, and general welfare of citizens in the unincorporated area of Palm Beach County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- Section 1. The foregoing “Whereas” clauses are true and correct and made a part of this resolution.
- Section 2. The Penalty Schedule attached hereto as Exhibit “A” is hereby adopted and shall be effective immediately.
- Section 3. Should any section, paragraph, sentence, clause, or word of this resolution be held to be unconstitutional, inoperative, or void, such holding shall not affect the validity of the remainder of the resolution.

1 The foregoing Resolution was offered by Commissioner _____, who moved its
2 adoption. The motion was seconded by Commissioner _____, and upon being put to a
3 vote, the vote was as follows:

- 4 Commissioner Sara Baxter, Mayor
5 Commissioner Marci Woodward, Vice Mayor
6 Commissioner Maria G. Marino
7 Commissioner Bobby Powell Jr.
8 Commissioner Gregg K. Weiss
9 Commissioner Joel G. Flores
10 Commissioner Maria Sachs

11
12 The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of
13 _____, 2026.

14
15
16
17 PALM BEACH COUNTY, FLORIDA, BY ITS
18 BOARD OF COUNTY COMMISSIONERS
19 CLERK

20
21 By: _____ Deputy Clerk
22

23
24
25 APPROVED AS TO FORM
26 AND LEGAL SUFFICIENCY
27

28
29
30 By: _____ County Attorney
31
32
33

1
2
3
4

Exhibit A

Penalty Schedule for Violations of Section 7-17 of the Code

Number of Offenses Committed by Respondent	Citation Penalty Amount per Offense
First Offense	\$1000.00
Second Offense or Subsequent Offense	\$2000.00

Coding: Words in strike through type are deletions from existing text. Words in underscored type are additions.

BUSINESS IMPACT ESTIMATE

Meeting Date: November 17, 2026

<u>Proposed Ordinance Title/Reference: Ordinance No: 2026-</u>	-
<u>Summary of Proposed Ordinance and Statement of Public Purpose to be Served:</u> The proposed ordinance revision makes administrative name and citation fine changes to County Ordinance Chapter 7, Article II, to reflect the merger of the Code Compliance Division and the Contractor Regulations Division. Contractor Regulation Investigators and Code Enforcement Officers are now known as Code Compliance Officers. This revision incorporates the name changes and adjusts citation fines for unlicensed contractors in accordance with Florida Statute 489.127. Florida Statutes authorize local governments to levy civil penalties of up to two thousand dollars (\$2,000.00) for contractor licensing law violations. This amendment would establish a tiered citation schedule, with a first-offense civil penalty of one thousand dollars (\$1,000.00) and a second-offense civil penalty of two thousand dollars (\$2,000.00). Palm Beach County has seen an increase in unlicensed contractors, putting the public at risk. Unlicensed contractors typically do not carry the required liability, workers' compensation insurance, or surety bond. They also do not meet the competency requirements for conducting business in the trade. This puts Palm Beach County residents and businesses at risk when they unknowingly hire unlicensed contractors. This revision seeks to increase penalties for those who continue to operate as unlicensed contractors.	
<u>Estimate of Direct Economic Impact on Private/For-Profit Businesses:</u> a. <u>Estimate of Direct Business Compliance Costs:</u> No duly licensed contracting business operating in compliance with the Code should incur compliance costs from this ordinance revision, as it affects only unlicensed businesses operating as contractors. b. <u>New Charges/Fees on Businesses Impacted:</u> Increased fines for businesses that continue operating without a license and/or out of compliance with the Code. c. <u>Estimate of Regulatory Costs:</u> No change in regulatory costs.	
<u>Good Faith Estimate of Number of Businesses Likely Impacted:</u> Contractor law violations, particularly unlicensed contracting, are a significant issue in Palm Beach County. From 2024 to 2025, annual citations rose from 234 to 479—an increase of approximately 100%. To date this year, 235 citations have been issued. The proposed ordinance revision would not affect licensed contracting businesses.	
<u>Any Additional Information:</u>	

INSTRUCTIONS

Before the enactment of a proposed ordinance, the Board of County Commissioners shall prepare or cause to be prepared a business impact estimate in accordance with this section 125.66(3), Florida Statutes.	
<u>Posting</u> The business impact estimate must be posted on the County’s website no later than the date the notice of proposed enactment is published pursuant to section 125.66(2)(a), Florida Statutes.	
<u>Exemptions</u> The business impact requirement does not apply to the following: 1. Ordinances required for compliance with federal or state law or regulation; 2. Ordinances relating to the issuance or refinancing of debt; 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget; 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a county government; 5. Emergency ordinances; 6. Ordinances relating to procurement; or 7. Ordinances enacted to implement the following: a. Development orders and development permits, as those terms are defined in section 163.3164, Florida Statutes, and development agreements, as authorized by the Florida Local Government Development Agreement Act under sections 163.3220–163.3243; b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality; c. Sections <u>190.005</u> and <u>190.046</u>; d. Section <u>553.73</u>, relating to the Florida Building Code; or e. Section <u>633.202</u>, relating to the Florida Fire Prevention Code.	
<u>Resolutions</u> Resolutions proposed pursuant to a non-exempt ordinance must include a business impact estimate.	