

Licensing Regulation and Enforcement



The Program

In 1993, the Brevard Board of County Commissioners approved the initiation of a countywide Unlicensed Contractor Program to mitigate problems associated with the construction work of unlicensed contractors in Brevard County. In brief, the Unlicensed Contractor Program states that any construction work performed in Brevard County must be completed by a licensed contractor who has an up-to-date Brevard County Certificate of Competency (License) or a State of Florida license.



The Hazards of Unlicensed Contractors

There are many concerns with the use of unlicensed contractors which ultimately affect the consumer. The hiring of an unlicensed contractor is the direct responsibility of the consumer; thus the consumer is accountable for all outcomes associated with the contractor's work. The use of an unlicensed contractor often leads to unsafe and hazardous construction and additional cost to the consumer.

The use of an unlicensed contractor may yield the following problems:

- **Inability to receive inspections from Brevard County Building Code or City Building Departments.**

In order to apply for a building permit from any building department in Brevard County, a contractor must have a valid license. Failure to obtain required permits will result in jobs being

performed without inspections. Such unauthorized construction leaves the consumer with no assurance as to whether the construction work was performed correctly and is safe.

- **Failure to meet the Florida Building Code** Unlicensed contractors are unable to apply for a building permit therefore their construction work cannot be reviewed or inspected. This eliminates the opportunity to ensure that the work meets Florida Building Code (FBC) requirements. Failure to meet the FBC requirements may result in unsafe and hazardous conditions.

- **Substandard Workmanship** Since unlicensed contractors do not go through the process of obtaining a license, they are not aware of required construction standards understood by licensed contractors. This leads to shoddy and substandard workmanship. Review of construction plans and inspections by building departments in Brevard County ensures that work has been performed correctly and meets the standards of the Florida Building Code (FBC).

- **Further cost to the consumer** The work of unlicensed contractors is often substandard and ultimately leads to costly repairs and corrections that require the services of a licensed contractor. Thus the consumer may pay more money for the job than if they had initially hired a licensed contractor.

- **Fraud and exploitation of consumers by unlicensed contractors** The continued hiring of unlicensed contractors encourages "roving", unlicensed contractors who are involved in illicit construction practices. These contractors embark on work throughout the County, often taking money for jobs that are never started, not completed, or are poorly constructed. Ultimately the consumer pays the additional expense for such activities.

- **Consumer liability for damages and injuries on the job site**

The consumer is responsible for the hiring of an unlicensed contractor. Consequently, the consumer is responsible for any damages and injuries incurred on the job site since unlicensed contractors often do not have general liability and workers compensation insurance.

- **Legal action against the consumer** Since the consumer is responsible for the hiring of unlicensed contractors, they run the risk of being involved in legal action. This legal action may involve lawsuits from various parties due to the unauthorized construction work, thus incurring further cost on the consumer.

- **Code enforcement fines** The hiring of unlicensed contractors violates Florida Building Code requirements. This may subject the consumer to fines and the possibility of facing a quasi-judicial hearing in front of a Hearing Officer.



Warning Signs Alerting You To Unlicensed Contractors

Often the consumer is not aware which contractors are licensed and which are not. There are various warning signs that should alert a consumer to an unlicensed contractor. Some common warning signs include the following:

- **A large down payment requested before work begins** Unlicensed contractors may request a large down payment before work begins. Payments should

only be for a part of the work. In order to be licensed, contractors must demonstrate sufficient financial ability to perform the type of work for which the license is specified.

- **Many requests for money during early phases of construction** The contractor must demonstrate adequate financial ability to obtain a license.

- **You are asked to obtain the building permit** A licensed contractor who is in good standing will always obtain the permit. If you obtain the builder permit, you will be held responsible for complying with the Florida Building Code and can be held responsible for workers injured on the job.

- **The contractor is not willing to put all terms in writing and offers only a verbal contract** This is always a sign of trouble. An unlicensed contractor may not provide a written contract to guarantee work that must be completed.

- **The contractor does not have proof of insurance** Licensed contractors must have general liability, property damage and workers' compensation insurance in effect at all times.

- **You are informed that the job does not require a building permit** Check with your local building official. Almost all projects, with few exceptions, require a building permit.

- **The contractor is only willing to work on weekends and evenings** This is often a sign that the person is an employee who is moonlighting without a license. Licensed contractors are full-time professionals.

- **Someone other than the person or company contracting to do the construction work obtains the building permit**

A licensed contractor who is in good standing will always obtain the building permit.

Contractor only displays an occupational license

In order to lawfully engage in contracting, a contractor must be certified by the State of Florida or the Brevard County Contractor Licensing Board. An occupational license is not sufficient to secure a building permit.

You are asked to make your check payable to an individual instead of a company name, you are asked to make a payment in cash, or you are asked to make the check payable to "cash"

Licensed contractors will almost always have a separate business account.

The absence of a license number in newspaper advertisements, business cards, or yellow page advertisements

Licensed contractors are required to include their Certificate of Competency license number in all advertising including on vehicles used to perform work.



The best safeguard against faulty and hazardous construction work is to make sure the contractor you hire has a *valid contractors license* from either the Brevard County Contractor Licensing Board or the State Department of Business and Professional Regulation. By using licensed contractors you can save yourself time, worry, money, and even injury. You can assist in helping to prevent these problems for yourself and others by reporting unlicensed contractor activity to the Brevard County Licensing Regulation and Enforcement Office at (321) 633-2058.

Furthermore, before hiring a contractor to perform construction work it would be wise to do the following:

Verify if the contractor has a valid State of Florida license by contacting the Department of Business and Professional Regulation at (850) 487-1395.

Verify if the contractor has a current Brevard County Certificate of Competency and can perform the specified work by contacting the Brevard County Licensing Regulation and Enforcement Office at (321) 633-2058.

If you have any further questions concerning unlicensed contractors you may contact the Brevard County Licensing Regulation and Enforcement Office at (321) 633-2058.

FLORIDA LAW

Contracts performed by unlicensed contractors unenforceable. – As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain a license in accordance with this part shall be unenforceable in law or in equity. However, in the event the contractor obtains or reinstates his or her license, the provisions of this section shall no longer apply.

“F.S. 489.128”

“Pursuant to Florida State Statute above, any contracts entered into with unlicensed contractors are unenforceable.”

This public document was paid for out of funds collected from unlicensed contractors, to inform the public about Brevard County's Unlicensed Contractor Program.

Permitting and Enforcement Department
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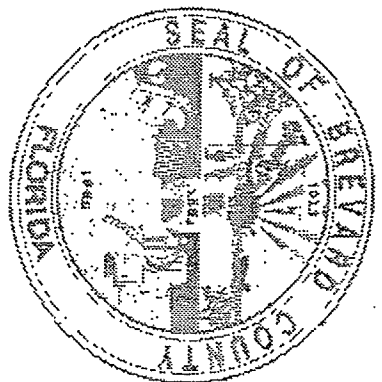
Phone: (321) 633-2058 - Fax: (321) 690-6878

An equal opportunity employer and provider of services.

Any contractor performing any scope of work in any of the following categories must have a Certificate of Competency from Brevard County or the State of Florida:

- Alarm I Contractor
- Alarm II Contractor
- Aluminum Contractor
- Building Contractor
- Drywall Contractor
- Electrical Contractor
- Electrical Sign Contractor
- Excavating/Land Clearing
- Fencing
- Floor Covering Contractor
- Floor Covering With Tile, Marble and Terrazzo Contractor
- Framing
- Garage Doors (only)
- General Contractor
- HARV Unlimited Contractor
- HARV Limited Contractor
- Irrigation Contractor
- Limited Energy Systems Contractor
- Marine I Contractor
- Marine II Contractor
- Masonry
- Masters and Journeymen
- Mechanical Contractor
- Painting Contractor
- Plumbing Contractor
- Residential Contractor
- Roofing Contractor
- Sheetmetal Contractor
- Solar Contractor
- Storm Shutter Contractor
- Stucco
- Swimming Pool Contractor
- Swimming Pool Finishing
- Sub-Contractor
- Swimming Pool Service Contractor
- Underground Utilities Contractor
- Window And Door Contractor (includes Garage Doors)

SOC - Certified Specialty
Aluminum and shutters



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