



Pinellas County

Staff Report

File #: 16-1234A, Version: 1

Subject:

Ordinance amending County Code Chapter 22 (Buildings and Building Regulations), Article I (Countywide Building Construction Industry Regulations and Construction Codes), Division II (Enforcement of Countywide Standards) by revising Section 22-13 (Penalties for Violations) to increase the civil penalty amount the Construction Licensing Board may seek to recover for violations related to unlicensed contracting, consistent with state law.

Recommended Action:

Following a public hearing, adopt the proposed ordinance amending Pinellas County Code (the Code), Chapter 22 (Buildings and Building Regulations), Article I (Countywide Building Construction Industry Regulations and Construction Codes), Division II (Enforcement of Countywide Standards) by revising Section 22-13 (Penalties for Violations) to increase the civil penalty amount the Pinellas County Construction Licensing Board (PCCLB) may seek to recover for violations related to unlicensed contracting consistent with state law, which provides that a maximum civil penalty of \$2,000 may be levied in citations for such violations.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Deliver First Class Services to the Public and Our Customers

5.3 Ensure effective and efficient delivery of county services and support

Summary:

Among its many functions, the PCCLB issues citations for violations related to unlicensed contracting countywide. Under the current iteration of Section 22-13(a) of the Code, the PCCLB can only include civil penalties of exactly \$500 in these citations. Florida Statutes, Section 489.127(5)(c), however - which authorizes local governments to adopt ordinances addressing unlicensed contracting -- permits a maximum citation amount of \$2,000. The proposed ordinance addresses this disparity by authorizing the PCCLB to impose civil penalties between \$500 and \$2,000 for unlicensed contracting violations. Accordingly, the proposed ordinance offers the PCCLB greater flexibility and increased revenues. If the proposed ordinance is adopted by the Board of County Commissioners (the "Board"), the PCCLB will adopt by formal rule a penalty schedule based on violation severity. In addition to advancing public fairness, a penalty schedule would increase the efficiency of the PCCLB's enforcement process, including Special Magistrate proceedings for contested citations.

Background Information:

The PCCLB is an Independent Special District of the State created by Chapter 75-489, Laws of Florida as amended. As articulated in Section 22-11(a) of the Code, however, the Board has vested the PCCLB with authority to enforce the provisions of Chapter 22, Article I. of the Code. The prohibitions therein, which are set forth in Section 22-14 of the Code (Acts Prohibited), primarily concern unlicensed contracting. Similar state prohibitions against unlicensed contracting - and accordant mechanisms for enforcement - are found in Florida Statutes, Section 489.127.

Significantly, Florida Statutes, Section 489.127(5)(l) provides that where a local governing body such as the Board adopts an ordinance restricting unlicensed contracting under the authority of Florida Statutes, Section 489.127(5)(c), local construction licensing boards such as the PCCLB are responsible for administering citation programs to enforce same. Chapter 75-489, Laws of Florida, Part II, Section 12(11) likewise grants the PCCLB explicit authority to issue citations in accordance with Florida Statutes, Section 489.127(5). In sum, in addition to its other powers, the PCCLB has exclusive countywide authority to issue citations for unlicensed contracting practices.

The Board approved the authority to advertise this public hearing at its July 19, 2016 regular meeting.

Fiscal Impact:

Increased revenues for the PCCLB

Staff Member Responsible:

Rodney S. Fischer, PCCLB Executive Director

Partners:

Pinellas County Construction Licensing Board

Attachments:

Ordinance-Final

Ordinance-Strikethrough

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