

39 **Section 2.** The provisions of Chapter 18, Article II, Section 18-57(1), Qualifications of the
40 License Compliance Special Master, are amended as follow:

41 (1) Must be a member in good standing of the Florida Bar for a minimum of five years
42 and shall have demonstrated adequate knowledge of the County Code of
43 Ordinances and F.S. Ch. 489, part 1 and part II.

Section 3. The provisions of Chapter 18, Article II, Section 18-58(b) and (c), Appointment
and removal of the License Compliance Special Master, are amended as follows:

44 (b) Appointments shall be for a term of one year. There shall be no limit on the number
45 of reappointments that may be given to any individual, provided however, a
46 determination as to removal or reappointment must be made by the board of
47 county commissioners at the end of each one-year term.

48 (c) The license compliance special master shall not be a county employee but shall
49 be compensated at an hourly rate to be established by contract.

50 **Section 4.** The provisions of Chapter 18, Article II, Section 18-59, Jurisdiction of the
51 License Compliance Special Master, are hereby amended as follows:

52 Sec. 18-59. – Jurisdiction of the license compliance special master.

53 (a) The license compliance special master shall have the jurisdiction to hear and
54 decide citations and administrative complaints alleging violations of chapter 18,
55 this article, and Ch. 489, parts I and II, Florida Statutes, .

56 (b) The jurisdiction of the license compliance special master shall not be exclusive.
57 Any alleged violation of the county codes may be enforced by appropriate action
58 before a special master as established by Section by 162.03(2) or an action
59 brought in any court of competent jurisdiction.

60 (c) The license compliance special master shall not hear any case in which he or she
61 has a conflict of interest through familial relationship, personal or business financial
62 interest, or other conflict of interest recognized under the rules regulating the
63 Florida bar.

64 **Section 5.** The provisions of Chapter 18, Article II, Section 18-60, Powers and Duties of
65 the License Compliance Special Master, are hereby amended as follow:

66 Sec. 18-60. - Powers and duties of the license compliance special master as to matters
67 concerning locally licensed or registered contractors.

68 (a) The license compliance special master shall have the power to:

69 (1) Conduct disciplinary hearings based on the sworn petition of a code
70 enforcement officer, field investigator, the building official or his/her designee
71 alleging violations of any provision of this article or Ch. 489, parts I and II,
72 Florida Statutes.

- 73 (2) Take testimony under oath.
- 74 (3) Issue a final order setting forth findings of fact and conclusions of law as well
75 as disciplinary action to be taken for such violation.
- 76 (4) Require restitution.
- 77 (5) Suspend or revoke a certificate of competency, local license or registration for
78 any individual or business organization that associates a person as an officer,
79 director, or partner, or in a managerial or supervisory capacity, after such
80 person has been found in violation or to have been an officer, director, partner,
81 trustee, or manager of a disciplined business organization who knew or
82 reasonably should have known of the conduct leading to the discipline.
- 83 (6) Assess fines not to exceed \$5,000.00.
- 84 (7) Assess against the violator reasonable costs of investigation and prosecution
85 of the violation, including attorney's fees and costs for the special master's time.
86
- 87 (8) Recommend a penalty to be issued against the violator by the State of Florida
88 Department of Business and Professional Regulation.
- 89 (b) The license compliance special master shall conduct hearings on a regular
90 scheduled monthly basis or more frequently upon request of the director of
91 planning and development.

92 **Section 6.** The following is hereby added as Chapter 18, Article II, Section 18-61, Powers
93 and Duties of the Licensing Compliance Special Master as to Matters Concerning State
94 Certified Contractors:

95 Sec. 18-61. – Powers and duties of the licensing compliance special master as to matters
96 concerning state certified contractors:

97 (a) Upon sworn petition by a code enforcement officer, field investigator, the building
98 official or his/her designee alleging fraud or a willful violation of the building code, the
99 license compliance special master may under authorization of Section 489.113(4)(b),
100 Florida Statutes, conduct disciplinary proceedings against a certified contractor and
101 may, upon finding the certified contractor guilty of fraud or willful violation of the
102 building code:

- 103 (1) Deny, suspend, or revoke the authority of the certified contractor to obtain a
104 building permit or limit such authority to obtaining permits with specific
105 conditions.
- 106 (2) Recommend a penalty to be issued by the State of Florida Department of
107 Business and Professional Regulation or other appropriate licensing board,
108 including imposition of a fine, order of restitution, suspension, restriction or
109 revocation of the violator's license.

110 (3) Order the violator to pay costs of the investigation and prosecution of the
111 violation, including attorney's fees and costs of the special master's time.

112 (b) Upon sworn petition by a code enforcement officer, field investigator, the building
113 official or his/her designee that a certified contractor has been found guilty of fraud
114 or a willful violation of the building code in another county or municipality within the
115 previous twelve months, the license compliance special master may, under
116 authorization of Section 489.113(4)(b), Florida Statutes, conduct disciplinary
117 proceedings against a certified contractor and may deny, suspend, or revoke the
118 authority of the certified contractor to obtain a building permit or limit such authority
119 to obtaining permits with specific conditions.

120 (c) Upon sworn petition by a code enforcement officer, field investigator, the building
121 official or his/her designee alleging violations other than fraud or a willful violation
122 of the building code, the license compliance special master may under
123 authorization of Section 489.131(7)(c), Florida Statutes:

124 (1) Recommend a penalty to be issued by the State of Florida Department of Bus
125 iness and Professional Regulation or other appropriate licensing board,
126 including imposition of a fine, order of restitution, suspension, restriction or
127 revocation of the violator's license.

128 (2) Order the violator to pay costs of the investigation and prosecution of the
129 violation, including attorney's fees and costs of the special master's time.

130 **Section 7.** The provisions of Chapter 18, Article II, Section 18-61, Hearing procedure for
131 Hearings before the License Compliance Special Master, are hereby renumbered and
132 amended as follows:

133 **Sec. 18-62.** - Hearing procedure for hearings before the license compliance special
134 master.

135 (a) At the time and place determined by the director of planning and development or
136 his or her designee, or at such other times as may be necessary, and or upon
137 request of a license compliance officer or the building division director, the license
138 compliance special master shall call a hearing. However, no hearing shall be set
139 for a date less than 20 days after service of the notice of hearing.

140 (b) All hearings before the license compliance special master shall be open to the
141 public.

142 (c) Minutes shall be kept of all hearings conducted by the license compliance special
143 master.

144 (d) The building division shall provide clerical and administrative personnel as may be
145 necessary for each special master.

- 146 (e) The proceedings of the hearing may be recorded by a stenographer at the expense
147 of the requesting party.
- 148 (f) Each case before the license compliance special master shall be presented by the
149 license compliance officer issuing the citation, or the administrative complainant
150 or the building division director.
- 151 (g) Each party shall have the right to be represented by an attorney at its own expense.
152 All testimony shall be given under oath and shall be recorded by electronic device.
153 The license compliance special master shall take testimony from the license
154 compliance officer issuing the citation, the administrative complainant, the building
155 division director, as applicable, and the alleged violator. Each party shall have the
156 right to call and examine witnesses, to introduce exhibits, and to cross-examine
157 opposing witnesses on any issue relevant to the matter. The license compliance
158 special master and attorney from the county attorney's office shall have the right
159 to question the alleged violator and any witness giving testimony.
- 160 (h) At any time prior to the hearing date the special master assigned to hear the case
161 may, at the request of the designated code enforcement officer, field investigator,
162 building official or his/her designee or legal counsel assigned by the county
163 attorney's office, or at the request of an alleged violator and/or his/her attorney,
164 issue subpoenas directing witnesses to appear and give testimony at the hearing.
165 If on the date set for the hearing the alleged violator or his/her attorney fail to
166 appear, the special master may find the alleged violator in default and shall
167 proceed with the hearing and accept evidence relevant to the existence of a
168 violation of this article and/or applicable codes, law, rules and associated practices.
169
- 170 (i) If the person issued the citation or his designated representative appears at the
171 administrative hearing and proves that the citation is invalid or that the violation
172 has been corrected prior to appearing before the license compliance special
173 master, the license compliance special master may dismiss the citation unless the
174 license compliance special master finds the violation to be irreparable or
175 irreversible.
- 176 (j) The formal rules of evidence shall not apply, but fundamental due process shall be
177 observed. The license compliance special master may accept any relevant and
178 material evidence. The license compliance special master's decision shall be
179 based upon competent and substantial evidence.
- 180 (k) In order to support a finding of guilt in any matter before the license compliance
181 special master, the special master must find by a preponderance of the evidence
182 that the violator was legally responsible for the violation of the county code, an
183 ordinance, or state statute cited in the civil citation.

184 (l) At the conclusion of the hearing, the license compliance special master shall state
185 his or her findings of fact based on the evidence in the record and conclusions of
186 law, and shall state the proper relief ordered consistent with the powers granted
187 herein. The license compliance special master shall have the findings of fact and
188 conclusions of law reduced to a written order. The order shall also include a notice
189 that it must be complied with by a specified date and that a fine may be imposed.

190 (m) In the case of a contested unlicensed contractor violation, if the special master
191 finds that a violation exists, the special master may order the violator to pay a civil
192 penalty of not less than the amount set forth on the citation, but not more than
193 \$1,000.00 per day for each violation. In determining the amount of the civil penalty,
194 the special master may consider the gravity of the violation, any actions taken by
195 the violator to correct the violation and any previous violations committed by the
196 violator.

197 (n) In the case of an uncontested unlicensed contractor violation, the special master
198 shall enter an order directing the violator to pay the civil penalty set forth on the
199 citation or notice of violation; upon notice from a designated code enforcement
200 office, field investigator, building official or his/her designee that the violator has
201 not contested the citation or paid the civil penalty within the time frame allowed on
202 the citation; or that the violator has not contested the notice of violation and has
203 not corrected the violation within the time frame set forth on a notice of violation.

204 (o) Lack of a state certificate or state registration may be established by confirming
205 with the State Department of Business and Professional Regulation (DBPR) that
206 the named violator does not hold a state certificate/registration. An original or
207 certified copy of a written statement from the custodian of the records of the
208 licensing office that contact with DBPR was made and confirmation as to non-
209 licensure was achieved regarding any named violator shall be admissible into
210 evidence and sufficient to establish the presumption that the alleged violator is not
211 a state certified contractor. The alleged violator has the right to present evidence
212 to overcome this presumption.

213 (p) Lack of a county certificate or county certification or registration may be established
214 by confirming with the building division, that the named violator does not hold a
215 county certificate/certification/registration. An original or certified copy of a written
216 statement from the custodian of records of the licensing office that pertinent
217 licensing records have been reviewed confirming that no record of county
218 certificate/certification/registration exists for the alleged violator shall be admissible
219 into evidence and sufficient to establish the presumption that the alleged violator
220 is not a county certified/registered contractor. The alleged violator has the right to
221 present evidence to overcome this presumption.

222 **Section 8.** The following is hereby added as Chapter 18, Article II, Section 18-63, Orders
223 of Special Master to be Recorded:

224 Sec. 18-63. – Orders of special master to be recorded.

225 (a) A certified copy of an order shall be recorded in the public records of the county.

226 (b) An order imposing a civil penalty against the violator shall, upon recording,
227 constitute a lien against any real or personal property owned by the violator. Upon
228 petition of the circuit court, such order may be enforced in the same manner as a
229 court judgment including a levy against personal property. However, such order
230 shall not be deemed to be a court judgment except for enforcement purposes. A
231 civil penalty imposed pursuant to this section shall continue to accrue interest until
232 the violator comes into compliance or until judgment is rendered in a suit to
233 foreclose on a lien filed pursuant to this section, whichever occurs first. After three
234 months from the filing of any such lien which remains unpaid, the board of county
235 commissioners may authorize the county attorney's office to foreclose on the lien.
236 No lien created on real property which is homestead pursuant to the provisions of
237 this section may be foreclosed on under Section 4, Article X, of the State
238 Constitution.

239 (c) If an order is complied with by the date specified in the order, the special master
240 shall issue an order acknowledging such compliance. A hearing is not required
241 for issuance of an order acknowledging compliance. The order of compliance shall
242 be recorded in the public records of the county.

243 **Section 9.** The provisions of Chapter 18, Article II, Section 18-62, Appeals of a License
244 Compliance Special Master Order, are hereby renumbered and amended as follows:

245 Sec. 18-64. - Appeals of a license compliance special master order.

246 An aggrieved party, including the board of county commissioners, may appeal a final
247 administrative order of the license compliance special master to the circuit court. Such
248 an appeal shall not be a hearing de novo but shall be limited to appellate review of the
249 record created before the license compliance special master hearing. An appeal shall
250 be filed within 30 days of the date on which the order to be appealed was executed or
251 the right to appeal shall have been waived.

252 **Section 10.** The provisions of Chapter 18, Article II, Section 18-63, Fines, are hereby
253 renumbered and amended as follows:

254 Sec. 18-65. - Fines.

255 (a) Schedule of fines. The Citrus County Board of County Commissioners does hereby
256 establish the following schedule of fines for violations:

257 (1) Falsely hold himself or herself or a business organization out as a licensee
258 certificate holder or registrant \$500.00

259 (2) Falsely impersonate a certificate holder or registrant \$500.00

- 260 (3) Present as his or her own the license, certificate, or registration of another
261 \$500.00
- 262 (4) Knowingly give false or forged evidence to the license compliance special
263 master or building division staff for the purpose of obtaining a certificate or
264 registration \$500.00
- 265 (5) Use or attempt to use a certificate or registration that has been suspended or
266 revoked \$500.00
- 267 (6) Engage in the business or act in the capacity of a contractor, or advertise
268 himself or herself or a business organization as available to engage in the
269 business or act in the capacity of a contractor without being duly registered or
270 certified.
- 271 a. Advertising only:
- 272 First offense \$100.00
- 273 Second offense \$250.00
- 274 Subsequent offenses \$500.00
- 275 b. Engaging in the business or acting in the capacity of a contractor without
276 being duly registered or certified \$500.00
- 277 (7) Operate a business organization engaged in contracting after 60 days following
278 the termination of the only qualifying agent without designating another primary
279 qualifying agent:
- 280 First offense \$100.00
- 281 Subsequent offenses \$500.00
- 282 (8) Commence or perform work for which a building permit is required pursuant to
283 F.S. Ch. 553, part IV, without such building permit being in effect:
- 284 First offense \$100.00
- 285 Second offense \$250.00
- 286 Subsequent offenses \$500.00
- 287 (9) Willfully or deliberately disregard or violate any municipal or county ordinance
288 relating to uncertified or unregistered contractors \$500.00
- 289 (b) Monies collected pursuant to violations found by the license compliance special
290 master shall be set aside by the county in a specific fund to be used to support
291 future enforcement activities against unlicensed contractors.

292 **Section 11.** The provisions of Chapter 18, Article II, Section 18-64, Discipline and
293 Penalties for Registered, Certified, and Competency Cardholders, are hereby
294 renumbered and amended as follows:

295 Sec. 18-66. - Discipline and penalties for locally licensed or registered contractors.

296 (a) Notice of noncompliance. The Citrus County Building Division shall issue a notice
297 of noncompliance as its first response to a minor violation of a regulatory law in
298 any instance in which it is reasonable to assume that the violator was unaware of
299 such a law or unclear as to how to comply with it. A violation of a regulatory law is
300 a "minor violation" if it does not result in economic or physical harm to a person or
301 adversely affect the public health, safety, or welfare, or create a significant threat
302 of such harm. A "notice of noncompliance" is a notification by the local jurisdiction
303 agency charged with enforcing the ordinance, which is issued to the licensee that
304 is subject to this article. A notice of noncompliance shall not be accompanied by a
305 fine or other disciplinary penalty, and will identify the specific ordinance that is
306 being violated, provide information on how to comply with the ordinance, and
307 specify a reasonable time for the violator to comply with the ordinance. Failure of
308 a licensee to take action correcting the violation within a set period of time would
309 then result in the institution of further disciplinary proceedings.

310 (b) The following discipline and penalties, or any combination thereof, may be imposed
311 or assessed against registered contractors or competency cardholders by the
312 special master for gross incompetency, negligence in conducting work in the trade,
313 misrepresentation, financial irresponsibility, conviction of a felony, permitting a
314 license to be used by another for the purpose of obtaining permits or doing work
315 or for any cause enumerated in Sections 489.129, 489.531 and 489.533, Florida
316 Statutes:

317 (1) Restitution may be ordered based upon a finding that a consumer has suffered
318 monetary harm.

319 (2) Suspension or revocation of the violator's competency card;

320 (3) Suspension of ability to obtain building permits;

321 (4) Revocation of building permits;

322 (5) Fines, based on the schedule set forth in Section 18-63, up to a maximum of
323 \$5,000.00;

324 (6) Assessment of costs of investigation and prosecution of the violation in
325 amounts not to exceed \$50.00 per hour and \$150.00 per hour, respectively.

326 (7) In addition to any action the license compliance special master deems
327 appropriate, there shall be issued, or cause to be issued, a recommended
328 penalty to the state construction industry licensing board, referred to in this

329 section as CILB or electrical contractor licensing board, as appropriate for
330 action on their part.

331 The recommended penalty may include a recommendation for (1) no further
332 action, (2) suspension, (3) revocation, (4) restriction, or (5) fine, or any
333 combination thereof, to be placed against the individual's state registration. The
334 license compliance special master shall inform the disciplined contractor and
335 the complainant of the local penalty imposed, the penalty recommended to the
336 CILB, their rights to appeal, and the consequences should they not appeal.

337 The license compliance special master shall upon having reached adjudication
338 or having accepted a plea of nolo contendere, immediately inform the CILB of
339 its action and the recommended state board action.

340 The disciplined contractor or the complainant may challenge the license
341 compliance special master recommended penalty to the construction industry
342 licensing board as outlined in F.S. § 489.131(7)(c). A challenge shall be filed
343 within 60 days of the issuance of the recommended penalty to the construction
344 industry licensing board. If challenged, there is a presumptive finding of
345 probable cause hearing.

346 Failure of the disciplined contractor or the complainant to challenge the license
347 compliance special master recommended penalty within the time period set
348 forth heretofore shall be deemed an admission of the violation, and the penalty
349 shall become a final order. The disciplined contractor may appeal the order to
350 the district court.

351 **Section 12. Severability.** If any section, sentence, clause, phrase or provision of this
352 Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction,
353 such invalidity or unconstitutionality shall not be construed so as to render invalid or
354 unconstitutional the remaining provisions of this Ordinance.

355 **Section 13. Scrivener's Errors.** Typographical errors which do not affect the intent of
356 this Ordinance may be authorized by the County without need of a public hearing by its
357 filing a corrected or re-codified copy of the same with the Clerk.

358 **Section 14. Codification.** The publisher of the County's Code of Ordinances, the
359 Municipal Code Corporation, is directed to incorporate this article into the Code of
360 Ordinances where indicated.

361 **Section 15. Modification.** The provisions of this Ordinance may be modified as a result
362 of considerations that may arise during public hearings. Such modifications shall be
363 incorporated into the final version of the ordinance adopted by the Board and filed with
364 the Clerk.

365 **Section 16. Effective Date.** This Ordinance shall take effect as provided by law.

366 PASSED AND DULY ADOPTED, in open session, with a quorum present and voting,
367 this the _____ day of _____, 2024.

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369
370

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

371
372

ANGELA VICK, Clerk

HOLLY L. DAVIS, Chairman

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374

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY

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376
377

DENISE A. DYMOND LYN
County Attorney