



Flagler County

Board of County Commissioners

Building Department



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March HBA Newsletter

We are in the process of establishing a new item on the Building Department link from the Flagler County website. The section will be related to questions we receive associated with the Building Code and Contractor Licensing. The questions will be posted and left unanswered for a short time period. The questions will eventually be answered but the idea is to look through the statutes and codes governing our profession in search of the answers. Even those of us who work in this area will benefit since things change frequently. Just when you think you know it changes. Please check the web site for this coming attraction.

The Flagler County permit application contains areas where the type of construction and occupancy classification are required to be identified. Those areas are quite often misidentified. These two items are required to be in your plan documents prepared by your design professional. The type of construction and occupancy classification identified on the plans should match what is marked on the application. Hopefully the designers of projects will have included the information on the plans as defined in the Florida Building Code. Definitions of the type of construction can be found in the Florida Building Code chapter 6 and types of construction in chapter 3. These are important so the Certificate of Occupancy can be correctly completed and are often referenced at future dates for additional work performed at the site. We also have had insurance agents call periodically and request the information.

Recently a hearing came before the Contractor Review Board that was quite complicated and very involved. One of the issues that came out of the case was that the homeowner had hired what he thought was a licensed contractor that was going to finish the job and clean up the mess left by previous people who had agreed to do work at his site. This was not part of the hearing but was found out during the process. That contractor took in excess of 10% of the overall contract amount as a down payment which is a magic number. Florida Statute 489.126(2) (a) (b) requires a permit application to be applied for within 30 days if the 10% threshold is surpassed. Further, the start of work is required to commence within 90 days after the date permits are issued. The exception is if the person that made the payment agrees to a longer period of time in writing. In this case, that was not done and no work was started after a lengthy amount of time. Ramona Zavacky, Flagler County Licensing Manager contacted that contractor and found out that he was in the process of moving out of the state and he was advertising as not only the area he was licensed to do work but also was claiming to be licensed in another area which he was not licensed. Due to Ramona's knowledge of the law and licensing procedures as well as her quick actions in explaining the consequences of not reimbursing the money the contractor took to do work, he agreed to return the money and did so before leaving the state. The first portion of the case has been heard by the local board and forwarded to the state with a local board finding and will now be included in the state process. The local board action is considered by the State and is important in the overall process. The local findings are distributed through the network of licensing officials in and around the immediate area and the state of Florida jurisdictions through Ramona's contact list which allows for them to be made aware of the actions of the Flagler Board and assists in eliminating the ability of the individuals who may have caused consumer harm to be addressed by their local boards as well. Additional consumer harm to a citizen in

Flagler County was avoided through Ramona's assistance. This is a tremendous success story of how the CRB and licensing program worked for the protection of the public.

Unlicensed and unpermitted activity is an ongoing battle not only for us but for you as well. I have stated before that many of you have worked diligently in obtaining your licenses and paying for the proper insurances. Sometimes this is a struggle due to economic conditions. Don't allow those who do not have the proper licenses and insurances get the jobs you deserve. If you know or see of situations we need to be aware of you can contact this office anonymously and we will conduct an investigation. Just recently we were able to stop this from happening due to notification received by this office. Other recent instances that have been identified by county staff and stopped include the submittal of a falsified workers compensation certificate and a job that was found going on by a contractor that had notified this office in writing that they were not doing the work. Our limited staff does not allow for us to get them all but with your help we can put a dent in these types of activities.

Things appear to be looking up, keep up the good fight as the economy turns in the favor of construction in general.

Gary Hiatt, CBO
Flagler County

