

A Guide to Protecting Yourself from Unlicensed Individuals Posing As Contractors

Each year homeowners and businessmen lose hundreds of thousands of dollars, not to mention the mental stress, to unlicensed individuals posing as contractors.

The Building Department is committed to doing all they can to protect the public health, safety and welfare of the citizens of the City of Anna Maria. We require applicants for licensure to provide verification of having the knowledge and skills to perform the work for which they are requesting to be licensed. Additionally, they must pass a comprehensive examination.

The Building Department is further committed to protecting the public against illegal contractors by educating the public and offering the following suggestions:

Watch for warning signs which may indicate the person/company is not licensed.....

- ✓ Newspaper/flyers or yellow page ads where only the telephone number appears and there is no business address.
- ✓ No license number on the vehicle, business card, contract newspaper/flyer or yellow page advertisement.
- ✓ A large down payment is requested before work begins.
- ✓ **You are asked to obtain the permit.**
- ✓ Individual only displays a "Local Business Tax Receipt" which is not a license to contract. An "Local Business Tax Receipt" is a privilege of engaging in or managing a business, profession or occupation... (Florida Statute 205.032)
- ✓ Permit is obtained by someone other than the person or company contracting to do the work.
- ✓ You're informed that the job does not require a permit or inspection.
- ✓ Verbal contract only, person is not willing to pull all terms in writing.
- ✓ The individual is only willing to work on week-ends or after hours.
- ✓ Many requests for money (draws) during early phases of construction.
- ✓ You are asked to make checks payable in the individual's name when it should be in a company name,

Did You Know.....

- According to Florida Statute 455.228, if you hire an unlicensed individual, the Department of Business Regulations (D.B.P.R.) may issue a cease and desist order and also may take you to Circuit Court and could impose a civil penalty of up to \$5,000 for aiding and abetting unlicensed activity. You could also be liable for court costs.
- Also, Florida Statute 489.128 reads: "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 his license...shall be unenforceable in law, or in equity..."
- The hiring of an unlicensed individual could cause you to pay more for the job, than if you had hired a licensed contractor. Especially if the work is done incorrectly or never finished. You may have to pay twice or more for the same job to be corrected or finished.

If the unlicensed individual fails to pay his sub-contractors or suppliers, you may be required to pay them, even though you have already paid the "contractor".

- Any work, in the City of Anna Maria, for which a Certificate of Competency or license is required, should be performed by licensed contractors. Any work subcontracted out should also be performed by licensed contractors. Unless the contractor holds a Certificate of Competency or license which includes such work within its scope, then they may carry out the work with employees who are subordinate to the licensed contractor.
- As the property owner, you are responsible for making sure that the proper permits are obtained for the job.
- You may be held liable for any injuries on your property if the unlicensed individual has no insurance or worker's compensation.

For Your Information There is one classifications of licensed contractors recognized in the City of Anna Maria: **STATE CERTIFIED**, who have taken a state exam and can contract anywhere in the state of Florida

STATE REGISTERED, contractors who have taken a local exam and are licensed in other local jurisdictions such as Manatee and Satasota Couties or the local cities cannot work in the City of Anna Maria as the City has no inter-local agreement of reciprocity with any other jurisdiction.

You Can Help Yourself

You can greatly reduce your risk of loss to an unlicensed contractor by doing the following:

- Call to obtain a second bid for the work to be done
- Require references and call to verify those references.
- Call the Building Department at 941-708-6132, ext. 25 to confirm that the contractor is licensed or to find out if a permit is required. In some instances, additional information may be needed to determine if a permit is required.