



Resilient Environment Department
BUILDING CODE DIVISION / CLE
 2307 West Broward Boulevard, Suite #300, Fort Lauderdale, Florida 33312 • 954.765.4400 / 954.765.4574

July 10, 2025

Hipolito Cruz Jr., Director
 Resilient Environment Department
 Building Code Division
 2307 W. Broward Blvd., Suite #300
 Fort Lauderdale, FL. 33312

Re: Preventing Recovery from the Restitution Trust Fund from Work Stemming from
 Unlicensed Contractors

Dear Mr. Cruz:

At its meeting of July 10, 2025, Division I of the Central Examining Board ("Division I") passed a motion asking that I write you to express Division I's concern regarding the potential depletion of the Central Examining Board's Restitution Trust Fund ("RTF").

As you are aware, Chapter 2021-214, Laws of Florida, as amended ("HB 735"), expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations; notwithstanding, any licensing of occupations authorized by general law is exempt from the preemption ("Preemption of Local Licensing").

In 2024, the state established by rule several specified certified specialty contractor categories for voluntary licensure ("Voluntary Licenses"). In other words, persons performing work under the Voluntary Licensure categories may, but are not required, to obtain a license to legally perform the work within the applicable category and obtain a permit for the work without holding a Voluntary License ("Voluntarily Unlicensed Contractor"). This will result in a greater number of persons legally performing work without a license, thereby reducing the incidence of illegal unlicensed contracting. Chapter 9 of the Broward County Code of Ordinances ("Code") currently allows any person who received an order of restitution from either Division of the Central Examining Board or a hearing officer resulting from the work of a licensed contractor or illegally unlicensed contractor to seek recovery from the RTF. The RTF is funded by any civil penalty recovered by the County in an action against any licensed contractor, business organization, or financially responsible officer, and fifty-five percent (55%) of any civil penalty recovered in an action against any illegally unlicensed contractor. The Central Examining Board will not have jurisdiction over Voluntarily Unlicensed Contractors, nor would their work be considered illegal unlicensed contracting. Therefore, a Voluntarily Unlicensed Contractor would not contribute to the RTF.

In light of the foregoing, it is anticipated that an increase in the amount of work being lawfully done without a license and the reduction in licenses issued by the County will result in a reduction in the monies available in the RTF.

Moreover, Division I is aware that the Florida Homeowners' Construction Recovery Fund (i.e., the state's restitution trust fund) ("State Recovery Fund") only allows for recovery by those persons who contract with licensed contractors. Division I recommends that the Code be amended to create consistency with the State Recovery Fund to allow recovery of RTF monies by solely those persons contracting with licensed contractors.

Division I hereby requests the Building Code Division take all actions necessary to draft an Ordinance amending Chapter 9, to ensure that a person cannot make a claim against the RTF for work performed by either an illegally unlicensed contractor (consistent with the State Recovery Fund) or by a Voluntarily Unlicensed Contractor.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Malcolm G. MacInnes", with a long horizontal flourish extending to the right.

Malcolm G. MacInnes
Division I Chair



Resilient Environment Department
BUILDING CODE DIVISION / CLE
2307 West Broward Boulevard, Suite #300, Fort Lauderdale, Florida 33312 • 954.765.4400 / 954 765 4574

June 12, 2025

Hipolito Cruz Jr., Director
Resilient Environment Department
Building Code Division
2307 W. Broward Blvd., Suite #300
Fort Lauderdale, FL 33312

Re: Preventing Recovery from the Restitution Trust Fund from Work Stemming from
Unlicensed Contractors

Dear Mr. Cruz:

At its meeting of June 12, 2025, Division II of the Central Examining Board ("Division II") passed a motion asking that I write you to express Division II's concern regarding the potential depletion of the Central Examining Board's Restitution Trust Fund ("RTF").

As you are aware, Chapter 2021-214, Laws of Florida, as amended ("HB 735"), expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations; notwithstanding, any licensing of occupations authorized by general law is exempt from the preemption ("Preemption of Local Licensing").

In 2024, the state established by rule several specified certified specialty contractor categories for voluntary licensure ("Voluntary Licenses"). In other words, persons performing work under the Voluntary Licensure categories may, but are not required, to obtain a license to legally perform the work within the applicable category and obtain a permit for the work without holding a Voluntary License ("Voluntarily Unlicensed Contractor"). This will result in a greater number of persons legally performing work without a license, thereby reducing the incidence of illegal unlicensed contracting. Chapter 9 of the Broward County Code of Ordinances ("Code") currently allows any person who received an order of restitution from either Division of the Central Examining Board or a hearing officer resulting from the work of a licensed contractor or illegally unlicensed contractor to seek recovery from the RTF. The RTF is funded by any civil penalty recovered by the County in an action against any licensed contractor, business organization, or financially responsible officer, and fifty-five percent (55%) of any civil penalty recovered in an action against any illegally unlicensed contractor. The Central Examining Board will not have jurisdiction over Voluntarily Unlicensed Contractors nor would their work be considered illegal unlicensed contracting. Therefore, a Voluntarily Unlicensed Contractor would not contribute to the RTF.

In light of the foregoing, it is anticipated that an increase in the amount of work being lawfully done without a license and the reduction in licenses issued by the County will result in a reduction in the monies available in the RTF.

Moreover, Division II is aware that the Florida Homeowners' Construction Recovery Fund (i.e., the state's restitution trust fund) ("State Recovery Fund") only allows for recovery by those persons who contract with licensed contractors. Division II recommends that the Code be amended to create consistency with the State Recovery Fund to allow recovery of RTF monies by solely those persons contracting with licensed contractors.

Division II hereby requests the Building Code Division take all actions necessary to draft an Ordinance amending Chapter 9, to ensure that a person cannot make a claim against the RTF for work performed by either an illegally unlicensed contractor (consistent with the State Recovery Fund) or by a Voluntarily Unlicensed Contractor.

Sincerely yours,



Roman Sanchez
Division II Chair