



**MONROE COUNTY GROWTH MANAGEMENT BUILDING DEPARTMENT**  
*Middle Keys/Main Office: 2798 Overseas Highway, Marathon, FL 33050 (305) 289-2501*  
*Upper Keys Office: 102050 Overseas Highway, Key Largo, FL (305) 453-8800*  
*Lower Keys Office: 5503 College Road, Key West, FL 33040 (305) 295-3990*

**MONROE COUNTY PROHIBITED ACTIONS  
COMPLAINT MEMORANDUM**

Dear Consumer,

Thank you for contacting the Monroe County Building Department regarding the problems with your home.

In order for Monroe County to process your complaint against an individual, it is mandatory that you submit a written statement of the prohibited action(s) as described in the Monroe County Code Sec. 6-202 Prohibited Actions with each appropriate number circled, which has been attach to this page for your convenience. In addition to your letter of complaint, you must include all other appropriate supporting documentation such as copies of receipt(s), photos, contracts, cancelled checks (account numbers blacked out), etc., to substantiate the complaint.

Furthermore, all complaints' must be signed and notarized, and must include name, mailing address, daytime phone number(s), and an e-mail address, if applicable.

Please mail your complaint along with all supporting documentations to one of the above addresses.

Once our office is in receipt of your complaint, we will then forward to the Building Official for review. Upon finding probable cause that an alleged violation did occur, a Notice to Appear for Hearing will be issued for the next available Contractors' Examining Board (CEB) hearing to the contractor and any witnesses pursuant to M.C.C. 6-201.(a), In the event that you withdrawal your complaint, you must submit a notarized letter to the Department.

If you have any questions, please do not hesitate to contact us: [contractor-license@monroecounty-fl.gov](mailto:contractor-license@monroecounty-fl.gov)

Cordially,

Contractor Licensing Coordinator

Attachments: MCC 6-202 Prohibited Actions

**MUNICODE:**

- **Sec. 6-202. - Prohibited actions.**

It shall be unlawful for any contractor, as defined by this article, operating anywhere within the county, licensed individually or as a firm contractor, officers, directors or qualified representative of a firm contractor, to commit any one or more of the following acts or omissions:

(1)

Contract or do any work outside the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified; or to perform or offer to purport to perform any architectural or engineering or surveying services in violation of state statutes;

(2)

Abandon a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days;

(3)

Divert funds or property received for the execution or completion of a specific construction project or operation, or for a specified purpose to any other use whatsoever;

(4)

Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative. Material diversion from specifications or plans means such construction that is not in conformity to the plans and specifications of a construction job and that would, if the customer were the purchaser of a completed house, commercial building, or other structure, affect the customer's willingness to purchase the structure and that would be a basis for reasonable parties to decrease the purchase price;

(5)

Disregard or violate, in the performance of his contracting business, any of the building, safety, health, insurance or workmen's compensation laws of the state or resolutions of the board of county commissioners concerning the same;

(6) Misrepresent any material fact in his application and supporting papers in obtaining a license under this article;

(7) Commit mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

a.

Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;

b.

The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned;

c.

The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in costs was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer; or

d.

The contractor's job has been abandoned, or completed and the contractor has been paid in full, and it is shown that a subcontractor on the job has not been paid in full;

(8) Perform any act that assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificate holder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered;

(9) To knowingly combine or conspire with an uncertified or unregistered person by allowing his certificate, registration, or certificate of authority to be used by the uncertified or unregistered person with intent to evade the provisions of this

chapter. When a certificate holder or registrant allows his certificate or registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this chapter;

(10)

Do any fraudulent act as a contractor by which another is substantially injured; or

(11)

Disregard or violate the following:

a.

Any county ordinance concerned with building and construction standards or contracting and that is within the jurisdiction of the contractors examining board; or

b.

Any state statute concerned with building and construction standards or contracting and any administrative rule promulgated thereunder.

(Code 1979, § 6-66; Ord. No. 16-1975, § 8; Ord. No. 16-1990, § 2; Ord. No. 17-1995, § 1; Ord. No. 25-2000, §§ 1—3; Ord. No. 12-2001, § 1; Ord. No. 5-2002, §§ 1, 2)