



## ***Ask Fred***

Good moral character is a qualification for certification as a contractor in Florida, but who decides?

Question: Is it true an applicant for certification as a contractor could be denied because the applicant doesn't have good moral character?

Answer: Under section 489.111, F.S., the licensing board has the discretion to determine whether or not an applicant has good moral character, and may refuse to certify an applicant if the applicant fails to satisfy the requirement of good moral character. The board may only deny certification if a connection exists between the lack of good moral character of the applicant and the performance of his professional responsibilities as a contractor.

The board must find a lack of good moral character by clear and convincing evidence. That means that the professional responsibilities of the contractor must be directly compromised because of the lack of good moral character, which is a legal standard and not a moral standard, even though "moral" character is under scrutiny.

In other words, is the moral character of the contractor so poor as to cause him or her to fail to perform his or her duties satisfactorily? The answer may only be determined by hearing or reviewing the evidence presented to the board, all of which must be clear and convincing. Clear and convincing evidence is the mid-level evidence that is required to prove a matter. The lowest amount of evidence required to prove a matter is by a preponderance of the evidence, while the most stringent standard is beyond a reasonable doubt. What that means is that it takes quite a bit of proof to show that a person's moral character makes it impossible for him to satisfactorily perform his contractor duties. Whether or not the conduct proves a lack of moral character is an evidentiary question and the type that the board would have to consider case by case.

If an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board must furnish the applicant a statement containing its findings, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Thanks for asking,  
Fred Gray