



### ***Power of the Board***

As a contractor, the last thing you want for your business is to have the board requiring you to make amends to a customer, via a punishment handed out. As a licensed professional, you're subject to some very strict rules that may lead to some very strict punishment for violations of those rules. The power the board holds over your license is found in section 489.129(1), F.S., and provides that the board may place you on probation or reprimand you, revoke, suspend, or deny the issuance or renewal of your certificate or registration, require you to pay financial restitution to a consumer for financial harm, impose an administrative fine of up to \$10,000 per violation, require you to complete continuing education, or assess costs associated with investigation and prosecution for committing certain acts.

In section 489.129(1)(j), the board may take one of the above actions against you if you have abandoned a construction project that you're engaged in or under contract as a contractor. The statute describes that a project is abandoned after 90 days if you terminate the project without just cause or without proper notification to the owner. The notification of termination to the owner must include the reason for termination. Abandonment is also presumed if you fail to perform work without just cause for 90 consecutive days.

Under the statute, construction is considered commenced when the contract is executed and you have accepted funds from your customer or from a lender.

The good news is that Florida Administrative Code Rule 61G4-22.001 allows that the issue of abandonment may be resolved through mediation, a much less costly form of dispute resolution where the parties agree upon the outcome. Outcomes from mediation are much less likely to include the revocation or suspension of your license and also much more likely to lead to the full completion of the project.

Since the board has the power to take actions against you that could include revocation of your license, allowing you and your customer to attempt to resolve your dispute through mediation is a huge benefit to all involved. Mediation limits the unilateral power of the board to choose the outcome, impose penalties and/or fines or require you to jump through a lot of hoops before getting back to the business of the business.

[To learn more about the actions the board may take and the violations that may be resolved through mediation, click to read the statute.](#)

[Click on the link then click on "Final 61G4-22.001" to read the FAC Rule.](#)