



Character good enough for licensure

When good moral character counts

The DBPR is the agency that oversees the licensing and regulating of businesses and professionals in the State of Florida, and for contractors, the department includes the Construction Industry Licensing Board. The board oversees the licensing of contractors.

Under section 489.111, F.S., applicants who desire to become certified may be licensed by examination. Those qualified are any person who has applied to the department in writing, is 18 years of age or older, is of good moral character and meets eligibility requirements according to one of several criteria found within the statute.

The board reserve the right to refuse to certify an applicant for failure to satisfy the requirement of good moral character, but only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor *and* a finding by the board of a lack of good moral character is supported by clear and convincing evidence.

Clear and convincing evidence falls somewhere between the two other evidence standards, “beyond a reasonable doubt” and “preponderance of the evidence.” We’ve all heard about beyond a reasonable doubt and it may be thought of as evidence that is so overwhelming that a reasonable person could not deny it. Preponderance of the evidence is easier described by imaging the scales of justice, with Lady Justice holding them in her hand. Whenever the scales tip ever so slightly in one direction, then the preponderance of evidence has been met. Another way to think of it is when “more likely than not,” something occurred, etc.

Clear and convincing evidence is not as stringent as beyond a reasonable doubt because a person’s liberty is not generally an issue, but it’s also not as uncomplicated as preponderance of the evidence, which only requires the slightest amount of evidence. A person who may be thought to be unqualified for licensure does not have to worry about the smallest amount of evidence of a lack of moral character from ruining his or her chances of becoming licensed and the board does not have the burden of proving that a lack of good moral character is so obvious that anyone would see it. An example of a lack of good moral conduct that may be found by clear and convincing evidence is a fraud committed by the applicant that has harmed another person or party.

If the board does find an applicant unqualified for a certificate because of a lack of good moral character, it must furnish the applicant a statement containing the findings of the board, 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.

[Click to read the statute](#)