



61G4-23.0001 Notice of Noncompliance

(1) As an alternative to the provisions of Sections 455.255(1) and (2), Florida Statutes, the Department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation.

(2) Minor violations that do not endanger the public health, safety and welfare, and which do not demonstrate a serious inability to practice the profession are:

(a) Failure to maintain proof of current workers' compensation or general liability insurance, as required by Rule 61G4-15.003, F.A.C.

(b) Failure to inform CILB of change of name style, address, or that the licensee has ceased qualifying a business, as required by Rule 61G4-15.007, F.A.C.

(c) Failure to include license number on an advertisement offer of services, business proposal, bid or contract as required by Section 489.119, F.S.

(d) Failure to register local license with the CILB prior to contracting, as required by Sections 489.115(1) and 489.117(1), F.S.

(e) Failure to qualify a firm, or acting under a name not on license.

(f) Contracting outside the geographic scope of the license where the jurisdiction in which the contractor is not licensed is adjacent to one where the contractor is properly licensed, and the practice outside the geographic scope of the license was not willful.

(g) Contracting with a delinquent license.

(h) Failure to register a qualified business organization.

(i) Failure to obtain an inspection.

(j) Failure to correct a code violation.

(k) Failure to honor a written contractual warranty.

(3) This designation of violations as minor for the purposes of Section 455.225(3), F.S., is limited to initial violations in which corrective action is commenced within 15 days of the Department's issuance of a notice of noncompliance. The violation must be corrected within 15 days. If it cannot be corrected within 15 days, then corrective action must be commenced within 15 days and the licensee must move with due

diligence to complete the corrective action. A violation which continues past that period shall no longer be deemed a minor violation and shall be treated as a citation offense, pursuant to Rule 61G4-19.001, F.A.C. Violations of this section, except as provided herein, shall be handled in accordance with the standard disciplinary guidelines. Nothing provided in this section shall restrict the Board from seeking full prosecution in such instances where aggravating circumstances are present which would preclude a minor violation dismissal.

Specific Authority 455.225(3), 489.108, 489.129(1)(j) FS. Law Implemented 455.224, 455.225(3) FS. History—New 12-31-95, Amended 4-24-96, 11-13-97.