



Complaint Filing Process For Design or Construction Professionals¹

If you want to file a complaint against a contractor, architect, engineer, building code administrator or inspector, landscape architect, or interior designer, you will need to gather all the necessary information and use the process established by Florida's Department of Business and Professional Regulation (DBPR). This fact sheet will provide you with some guidance, but *it is strongly recommended that you consult with an attorney before filing a complaint.*

IMPORTANT: Filing a complaint against a person's professional or trade license is NOT designed to award damages or compensation to a consumer. If you are seeking completion of a contract, repairs, or a monetary award of damages, you must take legal action other than filing a DBPR complaint.

A complaint filed with DBPR is used to seek disciplinary or other action against a person's license. This process is appropriate to inform the government regulatory state agency (DBPR) of a violation of law or administrative rule that may require the assessment of some sort of penalty against the licensee.

Types of complaints – There are two basic types of complaints: one against a licensed person, or one against an unlicensed person. In order for a complaint against a licensed person to be successful, the licensee must have violated one or more specific requirements or provisions under that person's licensure law and rules. The standards for a successful complaint against a licensed individual can be very high because the person has already taken the steps to prove he or she is qualified and the government action may threaten the person's ability to earn a living. On the other hand, the standards for a successful complaint against an unlicensed person are easier to meet because that person has done nothing to meet the state's qualifications to practice a trade or profession.

Most complaints will be handled through DBPR by completion of a universal form (DBPR 0070 – Uniform Complaint Form), but there are some exceptions:

- Complaints against architects or interior designers require a specific form and will be processed through the law firm of Smith, Thompson, Shaw & Manausa, P.A. and information can be obtained at www.stslaw.com/board.htm or by calling 850-893-4105.

- Complaints against engineers require a specific form and will be processed separately through the Florida Board of Professional Engineers / Florida Engineering Management Corporation and information can be obtained at www.fbpe.org or by calling 850-521-0500.

- Complaints against construction contractors (excludes electrical or alarm contractors) require the DBPR 0070 form plus an additional form (DBPR CILB 4355) and information can be obtained at the same location as for other DBPR forms (please see below).

- Complaints against construction, electrical, or alarm contractors with a license called a "registered" license must be filed with the county or municipal government that issued the license and forms or other requirements vary by jurisdiction.

General Information For Processing of Complaints – Complaints are taken into a central location for initial review. An incomplete complaint form will slow the process – you want to make sure what you submit is complete the first time. Once it is determined the complaint form is complete, it will be sent to a DBPR investigator who is responsible for verifying and collecting information to determine whether or not the complaint can move forward.

Before any action will be taken on a complaint, there must be a determination of "probable cause" that a violation may have occurred. Generally, this means that there must be some evidence of wrongdoing and that the specific wrongdoing is a violation of the licensure law or rules governing the trade or profession (an act may not be a violation of a licensure obligation – this must first be determined).

If a complaint passes these first two levels of review, it will then be sent to the particular board or office with specific responsibility for governing the trade or profession.

¹**DISCLAIMER** – This piece is intended to give the reader only general factual information current at the time of publication. This piece is **not** a substitute for professional advice and should not be used for guidance or decisions related to a specific design or construction project. This piece is not intended to reflect the opinion of any of the entities, agencies or organizations identified in the materials and, if any opinions appear, are those of the individual author and should not be relied upon in any event. Applicable to 2004 Florida Building Code.

The licensee who is the subject of a complaint will have one or more opportunities to present explanations or defenses in this process.

The complaint process can take months, even a year or longer, before there is a final result – be prepared to wait a very long time for an answer. For this and other reasons, you should not depend on a licensure complaint as your only means of relief if you have a problem resulting from design or construction in Florida.

Steps For Filing a Complaint – The first step is to know the individual's type of license so that you can determine the appropriate form and the board or office responsible for monitoring the activities of this trade or profession. The trade and profession licensees covered here are architects, engineers, building code administrators and inspectors, construction contractors, electrical contractors, interior designers, and landscape architects.

Although the complaint form for some of these professions is the same, you will first want to verify that you are using the correct form for the specific trade or profession.

To file a complaint you will need to gather some general information, including your name, contact information (mail address, telephone number, and e-mail address), name, license, and other information about the subject person of the complaint, and a description of the complaint. As a general rule, you will get better results with the most complete information. This means you should take the time to find complete information on the subject person of the complaint, including correct and complete name spelling, license number, any mail or telephone contact information, any company or other business entity information, any permit or other authorization information, and anything else that will help DBPR investigators verify the complaint. Most of the complaint forms require a signature from the person submitting it.

The description of your complaint should concentrate on those matters that allow DBPR and the board or office to take action against a licensee. Spending extra time to focus and organize this description will be time well spent and is crucial for a successful complaint. The alleged violation should be listed first to provide the investigator with context in reading the rest of your description. Specific dates, locations, amounts, permit numbers, and court case numbers that are relevant should be carefully gathered and included in this description. A description provided in chronological order is very important. You may want to conclude your description with the reason(s) you believe your complaint requires action, although your reasons may not ultimately be the basis for any action (or lack of action) against a licensee. You should plan to submit copies of any supporting documentation along with your complaint (to send it later is very risky as it may be lost or misdirected and never match up with your original complaint).

Your Follow Up on a Filed Complaint – One of the most important steps in the complaint process is to be sure you keep (or print) a copy of the complaint exactly as you filed it. You will need this for reference, and you may need this for other action or steps you take on this matter.

After your complaint is filed, you should expect to hear something back (such as verification of receipt of the complaint) from DBPR in two weeks or less. If you are not contacted, you should call 850-487-1395 and ask for verification of whether your complaint was received.

Cautions:

- This information is provided for guidance only and is not a substitute for legal advice – it is strongly recommended that you consult an attorney for assistance in seeking any remedy or relief from or action against a licensee.
- Filing a DBPR complaint against a licensee is NOT sufficient to satisfy the requirements in law for relief under the Florida Homeowner's Construction Recovery Fund under section 489.140, Florida Statutes. If you are seeking the relief provided under this law, please consult an attorney.
- Because the processing and ultimate outcome of a DBPR complaint may take months or even longer than a year, you should not wait until a complaint is decided before you take any other action. Please consult an attorney.

Government Agencies/Offices:

Florida Department of Business and Professional Regulation, Office of Unlicensed Activity: 850-487-1395 / www.myflorida.com/dbpr

Florida Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, Construction Industry Licensing Board, Electrical Contractors Licensing Board, or Board of Landscape Architects: 850-487-1395 / www.myflorida.com/dbpr

Board of Architecture and Interior Design, contact through Smith, Thompson, Shaw & Manausa, P.A. www.stslaw.com/board.htm / 850-893-4105

Florida Board of Professional Engineers / Florida Engineering Management Corporation: www.fbpe.org / 850-521-0500

Your county or municipal building department (please see the government section of your telephone book—look under “building,” “plans,” “inspections,” or “zoning.”)

Other Resources:

The Florida Bar: 850-561-5600 / www.flabar.org

Your local bar association (listing generally found in the business section under your city or county name in your local telephone book)

Don't know where to go for an answer to a specific question?

Contact: Building A Safer Florida, Inc. 1-850-222-2772 or www.buildingasaferflorida.org

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