

ORDINANCE NO. 91-15

FEB 21 1991
SECRETARY OF STATE

AN ORDINANCE TO BE KNOWN AS THE HERNANDO COUNTY CONSTRUCTION LICENSING ORDINANCE: PROVIDING FOR PURPOSE; PROVIDING FOR EXEMPTIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR CONSTRUCTION LICENSING BOARD; PROVIDING FOR RULE-MAKING AUTHORITY OF THE BOARD; PROVIDING FOR QUALIFICATIONS FOR PRACTICE AND RESTRICTIONS; PROVIDING FOR EVIDENCE OF WORKERS COMPENSATION COVERAGE; PROVIDING FOR BUSINESS ORGANIZATIONS, QUALIFYING AGENTS; PROVIDING FOR RESPONSIBILITIES OF QUALIFYING AGENTS; PROVIDING FOR PROHIBITIONS, PENALTIES; PROVIDING FOR DISCIPLINARY PROCEEDINGS; PROVIDING FOR COMPLAINTS; PROVIDING FOR INVESTIGATIONS; PROVIDING FOR LETTER OF REPRIMAND; PROVIDING FOR HEARINGS; PROVIDING FOR FINAL ORDER, STAY OF EXECUTION, REHEARING AND APPEAL; PROVIDING FOR FINAL ORDER REINSTATEMENT PROCEDURES; PROVIDING FOR CERTIFICATES OF COMPETENCY; PROVIDING FOR GRANDFATHERED CERTIFICATES; PROVIDING FOR JOURNEYMAN, REGISTERED AND LICENSED; PROVIDING FOR BUILDING PERMITS; PROVIDING FOR FEES; PROVIDING FOR CONTRACTOR TO SAVE AND HOLD HARMLESS COUNTY; PROVIDING FOR ADVERTISING; PROVIDING FOR HINDRANCE OF FUNCTIONS; PROVIDING FOR LIABILITY; PROVIDING FOR SEVERANCE OF PARTS; PROVIDING FOR REPEALER CLAUSE; PROVIDING FOR VIOLATIONS, REMEDIES, AND PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA.

SECTION 1. SHORT TITLE

This Ordinance shall be known as and may be cited as the "Hernando County Construction Licensing Ordinance".

SECTION 2. PURPOSE

The Hernando County Board of County Commissioners recognizes that the construction and home improvement industries may pose a danger of significant harm to the public when incompetent or dishonest contractors provide unsafe, unstable or short-lived

products or services. Therefore, it is necessary in the interest of the public health, safety, and welfare to regulate the construction industry.

There is hereby adopted by the County of Hernando, Florida, for the purpose of establishing and prescribing rules and regulations for Construction Licensing, those sections of Chapter 489, Florida Statutes, as amended, with the exceptions and additions as noted herein.

SECTION 3. EXEMPTIONS CHAPTER 489.103

Exemptions to this ordinance shall be as defined in Chapter 489.103(1-16) and Chapter 489.503(1-15) Florida Statutes as amended with the following changes:

CHAPTER 489.103

- (2) Any employee of a certificate holder who is acting within the scope of the license held by that certificate holder and with the knowledge and permission of the certificate holder.

However:

- (a) If the employer is not a certificate holder in that type of contracting, and the employee performs any of the following, the employee is not exempt.
- (b) The intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions.
- (3) An authorized employee of the United States, this State, Hernando County or any municipality within Hernando County, if the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.
- (7) Owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease; or building or improving

commercial buildings or farm outbuildings at a cost of under \$25,000.00 on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this ordinance, proof of the sale or lease, of more than one such structure by the owner-builder within one (1) year after completion of same is prima facie evidence that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and the following disclosure statement.

DISCLOSURE STATEMENT(OWNER/BUILDER AFFIDAVIT)

"State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence. You may also build or improve a commercial building or farm outbuilding at a cost of \$25,000.00 or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you sell or lease more than one building you have built yourself within one (1) year after the construction is complete, the law will presume that you built it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your construction must be done according to building codes and zoning regulations. It is your responsibility to make sure that people employed by you have licenses required by state law and by Hernando County ordinances. You must furnish copies of all contracts, concerning the work being permitted, if requested. You must change the permit from your name to a licensed contractor if you hire a contractor to complete the work."

As the contractor on this permit, I understand that I am responsible for all work performed pursuant to this permit, Hernando County will look to me for corrections of any deficiencies in the work, violating this exemption is grounds for permit revocation, if inspections by the building division reveal that I am not competent to accomplish the construction the Building Official shall have the authority to require me to secure a licensed contractor to complete the work authorized under this permit.

Owners' Signature

(15) The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services. No ordinance may be adopted to require such operators to become licensed as plumbers therefore preventing the installation and maintenance of such water conditioning units.

CHAPTER 489.503

(1) Any employee of a certificate holder or business organization authorized to engage in contracting who is acting within the scope of the license held by that certificate holder and with the knowledge and permission of the certificate holder. However:

(a) If the employer is not a certificate holder in that type of contracting, and the employee performs any of the following, the employee is not exempt:

(b) The intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions.

SECTION 4. DEFINITIONS CHAPTER 489.105

Definitions in this ordinance shall be as defined in Chapter 489.105, Florida Statutes, as amended with the following changes, additions and deletions:

Administrative Authority means the Manager of the Department of Development or an authorized representative.

Board 489.105(1) means the Hernando County Construction

Licensing Board. This board created by and members appointed by, the Board of County Commissioners, to maintain the proper standard of construction in Hernando County.

Department 489.105(2) means the Hernando County Development Department.

Certificate 489.105(7) means a certificate of competency issued by the Hernando County Construction Licensing Board or the Department of Professional Regulation Construction Industry Licensing Board.

Certification 489.105(11) means the act of obtaining or holding a certificate of competency issued by the Hernando County Construction Licensing Board or the Department of Professional Regulation Construction Industry Licensing Board.

Chief Administrator means the Hernando County Board of County Commissioners.

Chief Appointing Authority means the Hernando County Board of County Commissioners.

Contracting 489.105(6) means, except as exempted in this Ordinance, engaging in the business of a contractor and includes, but is not limited to, performance of any of the acts as set forth in the definitions of Class and Specialty contractors. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require certification or agent qualification, the offering, negotiation for a bid, or attempted sale, of these services requires the corresponding certification.

Class Contractors shall be as defined in Chapter 489.105(3)[a-n], Chapter 489.505(2)[a-b], Chapter 489.505(12), and 489.133.

Contractor 489.105(3) means the person who is qualified for and responsible for the entire project contracted for and means, except as exempted in this Ordinance, the person who, for compensation, undertakes to, submits a bid to, or does himself or by others construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to

real estate, for others or for resale to others, to include any service, repair, water treatment including, but not limited to, the direct infusion of chlorine gas, and maintenance of any swimming pool or hot tub or spa, whether public or private.

County means the unincorporated area of Hernando County, Florida.

County Certified Contractor means any contractor who possesses a certificate of competency issued by the Hernando County Construction Licensing Board.

County Registered Contractor means a person or entity required to register with the Hernando County Department of Development as provided in this ordinance and the Building Official.

Entity means any firm, person, partnership, association, corporation, company or other organization.

Governing Body means the Hernando County Board of County Commissioners.

Homeowner is a person who owns real property and lives on that property at least 51 per cent or more of each year.

Journeyman is a person who performs or oversees the manual work of installing systems devices and repairs under the supervision of a Master. A Journeyman may not enter into contracts to perform work pursuant to this Ordinance. A Journeyman may be either registered, or licensed by examination.

Local construction regulation board means the Hernando County Construction Licensing Board, created by the governing body and members of such board appointed by the governing body.

Manager means the administrator appointed by the Governing Body to enforce the provisions of this ordinance, or any duly authorized representative of such administrator.

Master is a person who assumes responsible charge and directions of other persons in the installations of systems, devices, and repairs. A Master may enter into contracts to perform work pursuant to this ordinance.

Municipality means the unincorporated areas of Hernando

County.

Owner/Builder shall be defined as in Chapter 489.103(7) Florida Statutes as amended.

Primary Qualifying Agent means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the contracting activities of the business organization with which he is connected; who has the responsibility to supervise, direct, manage and control construction activities on a job for which he has obtained the building permit; and whose technical and personal qualifications have been determined by investigation and examination as provided by this Ordinance or as provided by Florida Statute Chapter 489 and is county or state certified.

Secondary Qualifying Agent means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation as provided in this Ordinance or as provided by Florida Statute Chapter 489 and is county or state certified.

Specialty contractor 489.105(12) means a contractor whose scope of work and responsibility is limited to a particular phase of construction or whose scope of work is limited to a subset of the activities described in the categories established by the Construction Licensing Board by resolution.

State Certified Contractor means any contractor who possesses a certificate of competency issued by the Department of Professional Regulation and who shall be allowed to contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.

State Registered Contractor means any contractor who has registered with the Department of Professional Regulation pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. Registered contractors may contract only in such jurisdictions.

chapter

SECTION 5. CONSTRUCTION LICENSING BOARD 489.107

(1) To carry out the provisions of this article there is created within the Department of Development a Construction Licensing Board (hereafter referred to as the "Board"). Members shall be appointed for a four (4) year term by the Hernando County Board of County Commissioners.

(2) The board shall consist of (7) members and four (4) alternate members, of whom:

(a) One (1) member shall be a Building Contractor or a General Contractor.

(b) The alternate builder member shall be either a Residential Contractor, Building Contractor, or General Contractor.

(c) Three (3) members and three (3) alternate members shall represent the remaining class contractor trades, plumbing, electrical, and mechanical. Each trade being represented by a single member.

(d) Three (3) members shall be lay persons.

(e) The Board members shall hold an active certificate in their respective trade, with the exception of the lay persons. Two (2) of the lay persons shall have background in the construction industry.

Building	1 Member - 1 Alternate Member
Plumbing	1 Member - 1 Alternate Member
Electrical	1 Member - 1 Alternate Member
Mechanical	1 Member - 1 Alternate Member
Laity	3 Members

(3) The Chairman and Vice-Chairman shall be elected by the Board members in the form of a motion, and shall serve for a one (1) year term to begin and end on the date of the first regularly scheduled meeting of each new year. The Chairman and Vice-Chairman shall have full voting privileges.

(4) In the absence of both Chairman and Vice-Chairman when a quorum is present, the attending members shall designate an Acting Chairman to preside over the proceedings. The Acting Chairman shall have full voting privileges.

(5) No Board member may sit upon the Board during the hearing of any matter in which he has a personal interest, in accordance with applicable state laws governing conflicts of interest defined according to Chapter 112, Florida Statutes.

(6) The Building Official shall appoint a secretary and serve as technical advisor to the Board and shall have no vote and shall receive no additional compensation for this duty.

(7) The seven (7) members and four (4) alternate members shall be appointed by the Governing Body for four (4) year terms and shall continue unless sooner removed for neglect of duty (which shall include three (3) consecutive unexcused absences), incapacity, or other sufficient causes. No member shall serve more than two (2) consecutive terms.

(8) Four (4) members of the Board shall constitute a quorum, in the application of any provision of this ordinance or the official duties of this Board. Alternate members shall not vote, except during the absence of the trade member. Affirmative votes of the majority present shall be required. No hearing shall be held against a contractor unless a Board member of that respective trade is present.

(9) No Board member or alternate member shall receive any compensation for the duties stated herein.

(10) The Board shall meet as necessary for the performance of its functions, and shall designate the places for examination, at such times as provided by other sections of this Ordinance, of all applicants desiring to engage in or work in the construction trades as controlled by Certificates of Competency as specified by this Ordinance. The Board shall adopt rules and regulations for the proper and effective discharge of their official duties.

The powers and duties of the Board shall be as follows:

1. To prescribe forms for applications for Certificates of Competency, and such other documents as it shall deem necessary for the conduct of business.
2. To conduct disciplinary proceedings against certified contractors when the report of the Building Official

or its investigators shows possible grounds of violations of any provision of this ordinance by a certified contractor.

3. To suspend, revoke, or place on probation the Certificate of Competency of any contractor found by the Board to have violated any provision of this Ordinance.
4. To suspend, revoke, place on probation or restrict in any manner deemed necessary, the permit pulling privileges of any contractor working in Hernando County found by the Board to have violated any provision of this Ordinance.
5. To issue letters of reprimand to any contractors found by the Board to have violated any provision of this Ordinance.
6. To establish specific, non-arbitrary disciplinary guidelines applicable to each specific ground for disciplinary action which may be imposed by the Board.
7. To establish specific, non-arbitrary guidelines applicable to all applicants for the purposes of determining competency to hold a Certificate of Competency.
8. To satisfy itself as to the character and integrity of each applicant for a Certificate of Competency. The Board, for such purposes, may require such pertinent information as it may deem necessary, including but not limited to: Summary of experience, employment history, credit report, photograph.
9. To make interpretations of the limits and extent of work to be authorized under each specialty contractor category and to distinguish various specialties one from another.
10. To create, define and establish Specialty Contractors.

(11) The Board shall ensure that neat and accurate records are kept of all official actions, deliberations, transactions and

correspondence, and shall render such reports and information as the Governing Body may direct. The Building Official, through his staff, shall prepare and maintain such records subject to the approval of the Board.

SECTION 6. RULE-MAKING AUTHORITY OF THE BOARD CHAPTER 489.108

The board is authorized to make such rules not inconsistent with law which are necessary to carry out the duties and authority conferred upon it by this Ordinance.

SECTION 7. QUALIFICATIONS FOR PRACTICE; RESTRICTIONS CHAPTER 489.113

Qualifications for practice and restrictions shall be as defined in Chapter 489.113 Florida Statutes as amended, with the following changes, additions and deletions.

489.113(1) Any person who desires to engage in contracting in Hernando County shall, as a prerequisite thereto, establish his competency and qualifications pursuant to this Ordinance.

489.113(2) No person who is not duly licensed shall engage in the business of contracting in Hernando County.

(a) DELETE

(b) DELETE

489.113(3) A contractor shall subcontract the electrical, mechanical, plumbing, roofing, sheet metal, swimming pool and air conditioning work for which a certificate of competency is required unless such contractor holds a certificate of competency or license of the respective trade category, as required by this Ordinance. However, a general, building, or residential contractor shall not be required to subcontract the installation of wood shingles, wood shakes, or asphalt or fiberglass shingle roofing materials on a new building of his own construction, and a general contractor shall not be required to subcontract structural swimming pool work. Further, a general contractor, on new site development work, site redevelopment work, mobile home parks, and commercial properties shall not be required to subcontract the construction of the main sanitary sewer collection system, the storm collection

system, and the water distribution system, not including the continuation of utility lines from the mains to the buildings. Further, as to mobile home parks, the general contractor shall not be required to subcontract the continuation of utility lines from the mains, and the continuations are to be considered a part of the main sewer collection and main water distribution systems. No general, building or residential contractor certified after 1973 shall act as, hold himself out to be, or advertise himself to be a roofing contractor unless duly licensed as a roofing contractor. Any general contractor currently qualifying as a swimming pool company shall have a period of one (1) year from the effective date of this Ordinance in which to obtain either a commercial or residential pool license.

SECTION 8. EVIDENCE OF WORKERS' COMPENSATION COVERAGE
CHAPTER 489.114

Evidence of workers' compensation coverage shall be as defined in Chapter 489.114, Florida Statutes, as amended with the following changes, additions and deletions:

Any person, entity, or qualifying agent engaged in the business of contracting in this County, state certified, county certified or registered under this Ordinance shall, as a condition precedent to registration, issuance or renewal of a certificate or registration of the contractor, provide evidence of workers' compensation coverage pursuant to Chapter 440, Florida Statutes, by submitting a copy of the insurance policy or a certificate of insurance issued by the carrier or self-insurer to the contractor showing the date and duration of the coverage. The failure to maintain worker's compensation coverage shall be grounds for denial of registration or revocation or suspension of a certificate.

SECTION 9. BUSINESS ORGANIZATIONS, QUALIFYING AGENTS
CHAPTER 489.119

Business organizations; qualifying agents shall be regulated as in Chapter 489.119, Florida Statutes as amended.

SECTION 10. RESPONSIBILITIES OF QUALIFYING AGENTS
CHAPTER 489.1195

Responsibilities of qualifying agents shall be as defined in Chapter 489.1195, Florida Statutes as amended.

SECTION 11. PROHIBITIONS, PENALTIES CHAPTER 489.127

(1) No person shall:

(a) Falsely hold himself or a business organization out as a licensee.

(b) Falsely impersonate a licensee or certificate holder.

(c) Present as his own the license or certificate of another.

(d) Give false or forged evidence to the Construction Licensing Board or the Development Department for the purpose of obtaining a certificate.

(e) Use or attempt to use a license or certificate which has been suspended or revoked;

(f) Engage in the business or act in the capacity of a contractor or advertise himself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly licensed.

(g) Operate a business organization engaged in contracting after sixty (60) days following the termination of its only qualifying agent without designating another primary qualifying agent.

(2) Any person who violates any of the provisions of subsection (1) is guilty of a misdemeanor of the first degree punishable as provided in s.775.082, s. 775.083, or s.775.084.

(3) To enforce violations of paragraph (f) of subsection (1) this department is hereby adopting Chapter 489.127(3) Florida Statutes as amended.

SECTION 12. DISCIPLINARY PROCEEDINGS CHAPTER 489.129

Disciplinary proceedings shall be as defined in Chapter 489.129 Florida Statutes as amended, with the following changes; [Delete: 1(i), 2,4 and 6]

(1) The Construction Licensing Board may revoke, suspend, or deny the issuance or renewal of the certificate of a county certified contractor, place a contractor on probation, restrict the permit pulling privileges of a contractor, require continuing education of a contractor, require financial restitution to a consumer, assess costs associated with investigation and prosecution

against a contractor, or reprimand or censure a contractor if the contractor, or if the business organization for which the contractor is a primary qualifying agent or is a secondary qualifying agent responsible under this Ordinance or Chapter 489.1195, Florida Statutes, is found guilty of any of the following acts:

(a) Obtaining a certificate by fraud or misrepresentation.

(d) Willfully or deliberately disregarding and violating the applicable building codes or laws of the State or of Hernando County or Hernando County's municipalities.

(h)(1.) The contractor has received any payment(s) on account for real property improvement(s) and has not applied such portion of any payment(s) to the payment of all amounts then due and owing for services and labor which were performed on, or materials which were furnished for, such improvement prior to receipt of the payment. This paragraph does not prevent any person from withholding any payment, or any part of a payment, in accordance with the terms of a contract for services, labor, or materials, or pursuant to a bonafide dispute regarding the amount due, if any, for such services, labor, or materials.

SECTION 13. COMPLAINTS

Complaints regarding contractors shall be submitted in writing upon a form prescribed by the Building Official.

SECTION 14. INVESTIGATION

At any time that it shall come within the knowledge of the Building Official that any of the foregoing grounds for disciplinary action may exist as to any contractor, it shall be the duty of said Building Official or its appointed investigators to make a full fact gathering investigation and file a report thereof, together with a statement as to whether or not such grounds do exist. In the event that it shall come within the knowledge of the Board that any such grounds for disciplinary action may exist as to any contractor, the Board may direct the Building Official to make such investigation and report.

SECTION 15. "LETTER OF REPRIMAND"

The Building Official may, at his option and discretion, issue a Letter of Reprimand to a contractor when grounds exist for disciplinary action on a **FIRST OFFENSE** upon proof of the alleged violation being corrected and upon proof of aggravating and mitigating circumstances.

SECTION 16. HEARINGS

At any time the report of the Building Official or his appointed investigators, shall show the existence of one or more violations set forth in Section 12 of this Ordinance, written notice shall be served upon the alleged violator, notifying the alleged violator of the alleged grounds for disciplinary action and of the time, date and place of a hearing before the Board thereupon, which notice shall be served not less than ten (10) days prior to said hearing. The alleged violator shall have the right to appear at such hearing, be represented by counsel, produce evidence and cross-examine witnesses. Service may be accomplished by certified mail.

SECTION 17. FINAL ORDER; STAY OF EXECUTION; REHEARING; APPEAL

If after such hearing, the Board shall determine that one or more grounds for disciplinary action exist, it shall enter a written disciplinary order, signed by the Chairman, stating the form of disciplinary action and any conditions imposed by the Board against the violator. An order of the Board shall take effect immediately, provided, however, that the Board shall have the power to rehear or reconsider its order, if within thirty (30) days after the entry of such order, the violator shall by written petition, file a request to rehear or reconsider such order.

SECTION 18. FINAL ORDER REINSTATEMENT PROCEDURES

After disciplinary action and final order of the Construction Licensing Board, the Board may reinstate the certificate and or privileges of a contractor upon proof of the contractor complying with all provisions of the final order of the Board and if applicable any conditions imposed by the Board. In the absence of any provision or condition in the final order the Board may at its own sound discretion authorize reinstatement. A contractor disciplined by the Board may request, by written petition, appearance before the

Board for reinstatement, upon proper showing to the Hernando County Building Division that all loss caused by the act or omission for which the disciplinary action was imposed has been fully satisfied and that all conditions imposed by the final order have been complied with. Immediate notice of a Final Order or Reinstatement Order of the Construction Licensing Board shall be given to the County Tax Collector or other person having responsible charge of issuance of occupational licenses within the County.

SECTION 19. CERTIFICATES OF COMPETENCY

A. Certificate of Competency Required

1. Contractor

All persons or entities shall be duly licensed by all appropriate agencies and authorities of Hernando County and the State of Florida, and be in possession of necessary certificates of competency, or registrations and occupational licenses as required by the pertinent ordinances, agencies, and authorities of Hernando County, and the State of Florida, prior to engaging in the business or acting in the capacity of a contractor or advertising themselves as available to engage in the business or acting in the capacity of a contractor. No building permit shall be issued to any person or entity until such entity or person is duly licensed. No contractor shall allow any subcontractor to work on any job under his supervision, unless such subcontractor is in possession of all necessary Certificates of Competency or registrations and occupational licenses as required by the pertinent ordinances, agencies and authorities of Hernando County, and the State of Florida.

B. Certificate Eligibility Requirements

Certificate eligibility shall be as determined by the Construction Licensing Board.

Any and all persons desiring to obtain a Certificate of Competency must and shall score a passing grade on an examination administered by a specified independent examiner or by the State of Florida Licensing Board or its successor. A passing grade shall be deemed to be seventy percent (70.0%) or better. Additionally, the

applicant shall demonstrate proof of experience in the field for which he applies. Requirements for proof of experience shall be determined by the Board, by rule. All persons shall be of good character and shall be in sound financial standing.

C. Applications and Examinations

1. Applications

Applications for competency examinations shall be submitted to the Building Division on forms supplied by the Building Official. Applications shall be complete and accurate and shall be accompanied by the examination fees as required. Applications for special examinations shall be accompanied by the required fee.

2. Examinations

Competency examinations shall be administered by a specified independent examiner. A list of specified independent examiners shall be approved by resolution of the Construction Licensing Board. Special examinations may be administered by a specified independent examiner upon request by the applicant. Any person that fails to pass an examination may take additional examinations administered by a specified independent examiner upon availability of such examinations.

D. Applications for and Issuance of Certificates of Competency

1. Applications for certificates of competency shall be submitted at least fourteen (14) days prior to the Board meeting at which the applicant desires Board review of the application. Applications shall include the following supplemental information:

- (a) Notarized proof of examination grade (if required).
- (b) In order to verify an applicant's experience record, the Board will require evidence as to employment either from practicing contractors in the field for which the applicant is applying, or a Class A, B, or C contractor. Such evidence should be in the form of at least two (2) notarized letters which show proof of a total of five (5) years experience in the field applied for.
- (c) A list of three (3) credit references.

- (d) A complete financial statement.
- (e) A credit report from a local credit bureau. The report is to come directly to the Building Division from the credit bureau.
- (f) Such other evidence that is pertinent to the application that the Licensing Board may construe as tangible evidence.

2. Issuance of Certificate

The information provided in the application shall be verified by the Building Division and presented to the Board for review. Each applicant is required to appear in person at the meeting. Upon approval by the Board and preparation of all appropriate documents, the applicant shall be issued a certificate of competency for the certificate or certificates applied for upon proof of posting a \$5,000.00 bond, liability insurance and worker's compensation insurance, as required by Florida Statute. Journeyman do not require bond, liability insurance or workers compensation insurance.

3. Inactive Certificates

Certificates of Competency may be rendered inactive upon written request by the certificate holder. The fee for an inactive certificate shall be one half (1/2) of the active fee for certificates. Inactive certificates may be reactivated upon written request by the holding entity when accompanied by the full renewal fee for active certificates and such other pertinent supporting information as the Building Official may deem necessary. Proof of insurance or bond is not required for inactive certificates.

4. Certificate Renewal and Expiration

Certificates of Competency will be valid for a period of two (2) years from date of issuance. Certificates of Competency may be renewed during a sixty (60) day period prior to date of issuance in the year specified on the certificate. Renewal notices shall be sent to each entity by the first working day of the month before the sixty (60) day renewal period begins. Renewal applications shall include the appropriate fee in addition to such supporting

information as may be deemed necessary by the Building Official. Inactive certificates may be renewed in accordance with this Ordinance and shall be subject to late penalty fees. Certificates which are not renewed by the expiration date indicated on the card may be renewed up to one (1) year after the expiration date indicated on the card when accompanied by the late penalty fee. Certificates not renewed by their corresponding expiration date will be automatically placed on an inactive status until renewed. Entities not renewing the certificate within the one (1) year period, shall be deleted from the County licensing files. Certificates deleted shall not be renewed. Persons having a certificate deleted shall reapply for such certificate as required by new applicants except that proof of having previously held a Hernando County certificate of competency may be utilized by the applicant to verify his or her experience record in lieu of notarized letters.

SECTION 20. GRANDFATHERED CERTIFICATES

All certificates, whether "grandfathered", approved by Board action, or issued pursuant to independent examination shall be considered equal and the holders of such certificates shall have the same privileges and shall be recognized under the reciprocal agreements.

SECTION 21. JOURNEYMAN; REGISTERED AND LICENSED

Journeyman Registration

1. Registered Journeyman

A registered journeyman may work for certified contractors subject to the following requirements:

(a) Registration Requirements

(1) A notarized statement of registration has been filed by the contractor on behalf of the journeyman certifying:

- (a) the journeyman's name and address
- (b) that the journeyman is employed by the contractor
- (c) the competency of the journeyman

(2) Payment of the appropriate fee.

- (3) A registration card has been issued to the journeyman.
- (4) The journeyman is working for the contractor named on the registration card and that contractor only.
- (5) Upon termination of employment, the journeyman shall return the registration card to the Building Division by the end of the following full working day.
- (6) Upon termination of employment, the contractor shall notify the Building Division of such termination by the end of the following full working day.

2. Licensed Journeyman

A licensed journeyman may work for certified contractors subject to the following requirements:

(a) Licensing Requirements

- (1) The applicant has scored a passing grade on an examination administered by a specified independent examiner. A passing grade shall be deemed to be seventy percent (70%) or better.
- (2) The applicant has supplied proof of experience in the field applied for in the form of at least two (2) notarized letters. Said letters shall show proof of at least one (1) year experience in the field applied for.
- (3) The journeyman is working as an employee of a certified contractor.
- (4) Payment of the appropriate fee.

SECTION 22. BUILDING PERMITS

The governing of the building permits shall be as provided for in the Standard Building Code as amended. To ensure compliance with Chapter 489, Florida Statutes, persons applying for permits shall submit notarized letters from all class contractors working on the job indicating they are responsible for the work (authorization

affidavits.)

SECTION 23. FEES

The Board of County Commissioners is authorized to charge fees for the implementation of this Ordinance.

The schedule of fees shall be provided for by Resolution adopted by the Board of County Commissioners. Future amendments to the schedule shall also be by Resolution. The Board of County Commissioners shall hold a public hearing with due public notice prior to the adoption of any resolution establishing or amending the fee schedule.

SECTION 24. CONTRACTOR TO SAVE AND HOLD HARMLESS COUNTY

By application and acceptance of permit or license under the provisions of this Ordinance, contractor agrees to save harmless and indemnify the County from all claims arising from accidents and damage of any character whatsoever, caused by the negligence of such contractor, person, firm, corporation, or association engaged in the building construction and repair business, or by any other unfaithful or inadequate work done whether by themselves or their agents or employees; and further that all soil and other materials excavated or removed will be replaced in a good condition with similar materials, where such excavation is made in any street, paved or unpaved. The word street as herein used shall apply also to sidewalks, curbs, gutters, and street paving.

SECTION 25. ADVERTISING

A. Contractors

It shall be the responsibility of all persons or entities engaging in the business of contracting to ensure all advertising materials display the certificate of competency number, company name, and qualifying agent's name.

B. Advertising Firms

It shall be the responsibility of all advertising firms or media to ensure that the certificate of competency number, company name, and qualifying agent's name are displayed in any advertisement of persons or entities engaging in the business of contracting.

SECTION 26. HINDRANCE OF FUNCTIONS

It shall be unlawful for any person or entity to interfere with or in any way hinder the performance of duties of any individual, officer or board duly authorized herein.

SECTION 27. LIABILITY

Any officer or employee or Board member charged with the enforcement of this code, acting for the County Commission in discharge of his duties shall not thereby be deemed to render himself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Ordinance shall be defended by Hernando County, Florida, until the final termination of the proceedings.

SECTION 28. SEVERANCE OF PARTS

Should any section, paragraph, sentence, phrase, clause or other part or provision of this Ordinance be declared by any Court to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 29. REPEALER CLAUSE

Upon the effective date of this ordinance, those previously enacted ordinances and amendments thereto which regulate the construction activities addressed by this Ordinance, namely Hernando County Ordinance No. 87-29 and subsequent amendments thereto, are hereby repealed.

SECTION 30. VIOLATIONS, REMEDIES, AND PENALTIES

Any entity violating any provision of this Ordinance shall be subject to the penalties provided for herein. The Director or his authorized representative shall issue notice to all entities violating any provision of this Ordinance and shall order that such violations cease. Should any entity fail to comply with such notice, or order, the Governing Body or its authorized official may institute appropriate action to bring such entity before a Court of Law for adjudication. Any entity violating any provision of this Ordinance

shall, upon conviction, be guilty of a misdemeanor and shall be fined or imprisoned, in accordance with the provisions of Chapter 125.69 of the Florida Statutes.

SECTION 31. EFFECTIVE DATE

This ordinance shall become effective as provided by law.

ADOPTED in Regular Session this 12th day of February, 1991, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By 
HAROLD D. VARVED, CHAIRMAN

Attest 
KAREN NICOLAI, CLERK

