

ORDINANCE NO. 2001-21

AN ORDINANCE TO BE KNOWN AS THE HERNANDO COUNTY CONSTRUCTION LICENSING CODE, AMENDING HERNANDO COUNTY CONSTRUCTION CODE CHAPTER 8, ARTICLE 2, DIVISION 2: PROVIDING FOR PURPOSE; PROVIDING FOR AUTHORITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR QUALIFICATIONS FOR PRACTICE, RESTRICTIONS; PROVIDING FOR EVIDENCE OF WORKERS' COMPENSATION INSURANCE; PROVIDING FOR BUSINESS ORGANIZATIONS, QUALIFYING AGENTS; PROVIDING FOR RESPONSIBILITIES; PROVIDING FOR BUSINESS RECORDS REQUIREMENTS; PROVIDING FOR CERTIFICATE HOLDERS ELIGIBLE TO PARTICIPATE IN PROJECTS UNDER SECTION 235.31, FLORIDA STATUTES; 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 CONTRACTS PERFORMED BY UNLICENSED CONTRACTORS UNENFORCEABLE; PROVIDING FOR STIPULATED AGREEMENTS; PROVIDING FOR BIDS FOR CONSTRUCTION, IMPROVEMENT, ETC., OF PUBLIC BUILDINGS TO BE ACCOMPANIED BY EVIDENCE OF CERTIFICATION OR REGISTRATION; PROVIDING FOR POWERS OF COUNTY; PROVIDING FOR PROHIBITIONS, PENALTIES, VIOLATIONS; PROVIDING FOR CITATIONS, ENFORCEMENT PROCEDURES, ADMINISTRATIVE HEARINGS; PROVIDING FOR SPECIAL MASTER, HEARINGS; PROVIDING FOR SPECIAL MASTER, POWERS AND AUTHORITY; PROVIDING FOR COLLECTION AND RECOVERY OF CIVIL PENALTIES; PROVIDING FOR APPELLATE REVIEW; PROVIDING FOR PROVISIONS DEEMED SUPPLEMENTAL; PROVIDING FOR TRAINING OF DESIGNATED CODE ENFORCEMENT OFFICER, FIELD INVESTIGATOR, BUILDING OFFICIAL OR HIS/HER DESIGNEE; PROVIDING FOR SCHEDULE OF CIVIL PENALTIES; PROVIDING FOR CONSUMER REVIEW PANEL; PROVIDING FOR CONSTRUCTION LICENSING BOARD; PROVIDING FOR BOARD, POWERS & DUTIES; PROVIDING FOR DISCIPLINARY PROCEEDINGS; PROVIDING FOR INVESTIGATION, AUTHORITY; PROVIDING FOR FINAL ORDER, APPEAL; PROVIDING FOR CERTIFICATE OF COMPETENCY, REQUIRED; PROVIDING FOR CERTIFICATE ELIGIBILITY REQUIREMENTS; PROVIDING FOR APPLICATIONS AND EXAMINATIONS; PROVIDING FOR ISSUANCE; PROVIDING FOR BOND REQUIREMENT; PROVIDING FOR PROOF OF LIABILITY, PROPERTY DAMAGE AND WORKERS' COMPENSATION INSURANCE; PROVIDING FOR VIOLATIONS, REMEDIES AND PENALTIES; PROVIDING FOR GRANDFATHERED CERTIFICATES; PROVIDING FOR JOURNEYMAN; PROVIDING FOR CERTIFICATION AND REGISTRATION, RENEWALS, ENDORSEMENTS; PROVIDING FOR REGISTRATION; PROVIDING FOR EMERGENCY REGISTRATION UPON DEATH OF CONTRACTOR; PROVIDING FOR SEVERANCE OF PARTS; PROVIDING FOR REPEALER CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. BY AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 8, ARTICLE 2, DIVISION 2, SEC. 8-25 THROUGH SEC. 8-85 AS FOLLOWS:

Sec. 8-25. 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.

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CLERK OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

(Ord. No. 99-10, § 1, 6-22-99)

Sec. 8-26. Authority.

This article is adopted pursuant to the general laws of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the health, safety and general welfare of the people and environment of Hernando County, Florida.

(Ord. No. 99-10, § 2, 6-22-99)

Sec. 8-27. Exemptions.

Exemptions to this code shall be as follows:

- (1) Contractors that work on bridges, roads, streets, highways, or railroads.
- (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 license holder. However, 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:
 - a. Holds himself or his employer out to be licensed or qualified by a licensee;
 - b. Leads the consumer to believe that the employee has an ownership or management interest in the company; or
 - c. Performs any of the acts which constitute contracting.

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.

For the purpose of this part, "employee" is defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

- (3) An authorized employee of the United States, this State, or any municipality, county, irrigation district, reclamation district, or other political subdivision, except school boards, the Board of Regents, and community colleges, unless for the purpose of performing routine maintenance or repair or construction not exceeding two hundred thousand dollars (\$200,000.00) to existing installations; if the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment. If the construction, remodeling, or improvement exceeds two hundred thousand dollars (\$200,000.00), the school board, the Board of Regents, and community colleges shall not divide the project into separate components for the purpose of evading this section.
- (4) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not underway at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee.

- (5) Public utilities, including telecommunications companies as defined in Chapter 364.02(7), Florida Statutes, on construction, maintenance, and development work performed by their employees. Including, but not limited to, work on bridges, roads, streets, highways, or railroads, which work is incidental to their business.
- (6) The sale or installation of any finished products, materials, or articles of merchandise which are not fabricated into and do not become a permanent fixed part of the structure, except for in-ground spas and swimming pools that involve excavation, plumbing, chemicals, or wiring of any appliance without a factory-installed electrical cord and plug. This subsection shall not be construed to limit the exemptions provided in subsection (7).
- (7) Owners of property when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, when building or improving farm outbuildings or 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, at a cost not to exceed twenty-five thousand dollars (\$25,000) on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this code, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within 1 year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified under this code and state law and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot and a person who is the owner of any legal or equitable interest in the property (lease, agreement for deed, contract for deed etc.). The owner of a mobile home situated on a leased lot or person having legal or equitable interest in the property as described above, must furnish with the permit application: proof of ownership in the form of a copy of a lease, contract for deed or other similar document; and written consent form the owner of record (as determined by county computer records) authorizing the issuance of an owner/builder permit for the construction. To qualify for exemption under this subsection, an owner must both: successfully pass an oral/written exam which demonstrates to the satisfaction of the Building Official or his/her designee that the applicant possesses adequate knowledge and familiarity with applicable codes and laws (effective April 1, 2002), and personally appear and sign the permit application and a disclosure statement. The Building Official or his/her designee shall establish and have final approval as to the type and content of the exam. The exam may be permit type specific and therefore limited to the scope of work the owner is to perform under a permit issued under this exemption. A disclosure statement shall be in substantially the following form:

"Disclosure Statement"

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 with certain restrictions even though you do not have a license.

- 1. You must provide direct, on-site supervision of the construction yourself.
- 2. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building at a cost of twenty-five thousand dollars (\$25,000.00).

3. The building must be for your own use or occupancy. It may not be built or substantially improved for sale or lease. If you sell or lease a building you have built or substantially improved yourself within one year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. Additional permits may not be issued to a violator of this exemption. Penalties will be sought against a violator/unlicensed contractor.
4. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building.
5. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. Any person working on your building who is not duly licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide worker's compensation for the employee, all as prescribed by law.
6. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done.
7. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.
8. You must furnish copies of all contracts concerning the work being permitted, if requested.
9. You must change the permit from your name to a licensed contractor if you hire a contractor to complete the work.

As the owner/contractor on this permit, you understand that you are responsible for all work performed pursuant to this permit. Hernando County will look to you for corrections of any deficiencies in the work. Violating this exemption is grounds for permit revocation. The Building Official shall have the authority to require you to secure a licensed contractor to complete the work authorized under this permit if inspections by the Building Division reveal that you are not competent to accomplish the construction.

"Owner's Signature"

- (8) Any construction, alteration, improvement, or repair carried on within the limits of any site, the title to which is in the United States or with respect to which federal law supersedes this part.
- (9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than one thousand dollars (\$1,000.00), but this exemption does not apply:
 - a. If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than one thousand (\$1,000.00) for the purpose of evading this code.
 - b. To a person who advertises that he is a contractor or otherwise represents that he is qualified to engage in contracting.
 - c. If the construction, repair, remodeling, or improvement involves or consists of the acts as set forth in section 8-27(8) of this code.
- (10) a. Any construction or operation incidental to the construction or repair of irrigation and drainage ditches;

- b. Regularly constituted irrigation districts or reclamation districts; or,
 - c. Clearing or other work on the land in rural districts for fire prevention purposes or otherwise except when performed by a licensee.
- (11) A registered architect or engineer acting within the scope of his practice or any person exempted by the law regulating architects and engineers, including persons doing design work as specified in Chapter 481.229(1)(b), Florida Statutes; provided, however, that an architect or engineer shall not act as a contractor unless properly licensed.
- (12) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of the contractor.
- (13) Any person who is licensed pursuant to Chapter 527, Florida Statutes when such person is performing the work authorized by such license.
- (14) Any person who sells, services, or installs heating or air conditioning units which have a capacity no greater than three (3) tons or thirty-six thousand (36,000) Btu, which have no ducts, and which have a factory-installed electrical cord and plug.
- (15) The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services.
- (16) An architect or landscape architect licensed pursuant to Chapter 481, Florida Statutes, or an engineer licensed pursuant to Chapter 471, Florida Statutes, who offers or renders design-build services which may require the services of a contractor certified or registered pursuant to the provisions of this chapter, as long as the contractor services to be performed under the terms of the design-build contract are offered and rendered by a certified or registered general contractor in accordance with this chapter.
- (17) The installation of alarm systems on motor vehicles and boats.
- (18) Any person defined and licensed as a fire protection system contractor under Chapter 633, Florida Statutes, while engaged in work as a fire protection system contractor.
- (19) The installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof, when those items are for the purpose of transmitting data, voice communications, or commands as part of:
- a. A system of telecommunications, including computers, telephone customer premises equipment, or premises wiring; or
 - b. A community antenna television or radio distribution system.
- (20) Any one-family, two-family, or three-family residence constructed by Habitat for Humanity International, Inc., or its local affiliates. Habitat for Humanity International, Inc., or its local affiliates, must:
- (a) Obtain all necessary building permits.
 - (b) Obtain all required building inspections.
 - (c) Provide for supervision of all work by an individual with construction experience.

This exemption does not apply to electrical and such work requires licensure as provided and required by this code.

- (21) The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with local building codes, local licensure requirements, or other local ordinance provisions.

Sec. 8-28. Definitions.

Words not defined in this code shall have the meaning stated in the Webster's 8th New Collegiate Dictionary as revised.

Alarm System means any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.

Board means the Hernando County Construction Licensing Board.

Building Official means for the purposes of this code any of those employees of Hernando County government with building construction regulation responsibilities who are charged with the responsibility for the enforcement of the provisions of this code; to include direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, other construction codes as required by state law or county ordinance. This term is synonymous with "building official" as used in the administrative chapter of the Standard Building Code and the South Florida Building Code.

Business Organization means any partnership, corporation, business trust, joint venture, or other legal entity which engages or offers to engage in the business of contracting or acts as a contractor as defined in this code.

Certificate means certificate of competency, certificate of authority or registration. Certificates are issued either by an applicable state agency or Hernando County. The Principal Office shall administer and issue certificates.

Certificate of Competency means a license (certificate) issued to a person evidencing that the person is qualified to engage in the business of contracting, sub-contracting or the work of a specific trade.

Certificate of Authority means a license (certificate) issued to either a financially responsible officer or business organization/entity. The Board shall approve the application form and minimum criteria required for approval and issuance of such a certificate. The Principal Office shall administer and issue certificates.

Certification means the act or process of obtaining or holding a certificate of competency, certificate of authority or registration issued by the department and/or Principal Office Hernando County or the Department of Business and Professional Regulation Construction Industry Licensing Board.

Certified Contractor means any contractor business organization or financially responsible officer who possesses and has obtained a certificate of competency, certificate of authority or registration issued by the department and/or Principal Office, or the Department of Business and Professional Regulation and who shall be allowed to contract in a jurisdiction subject to any applicable restriction associated therewith

Consumer Representative means any resident of Hernando County appointed to serve on the construction licensing board. A consumer representative may not be a member or practitioner of a profession or trade actively engaged in business regulated by the construction industry licensing board or a member or practitioner of any closely related profession or trade actively engaged in business. A consumer representative may not be the spouse, son, daughter, or adopted son or daughter of: a practitioner of a profession or a trade regulated by the construction industry licensing board, a member of any closely related profession or trade, actively engaged in business.

Contracting means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in the definition of "contractor", "specialty contractor," "financially responsible officer," and "qualifying business," all as defined by this code. 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 licensure, agent qualification or other qualification as required by this code, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding license. However, the term "contracting" shall not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell or sells completed residences on property on which the individual or business entity has any legal or equitable interest, if the services of a qualified contractor certified or registered pursuant to the requirements of this code have been or will be retained for the purpose of constructing such residences

Contractor means the person who is qualified for and shall only be responsible for the project contracted for and means, except as exempted in this part, the person, business organization and/or entity who, for compensation, undertakes to, submits a bid to, or does himself or in conjunction with others, construct, repair, alter, remodel, service, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this definition as follows or the subsections set forth within the definition of "specialty contractor" as defined by this code:

- (a) For the purposes of this code, a person, business organization, and/or entity whose job scope is that which is not defined by this code, but is that which when performing work, registration is required for the issuance of permits, is subject to this code and the penalties set forth herein.
- (1) **Alarm system contractor** means a contractor whose business includes the execution of contracts requiring the ability, experience, financial means, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes.
 - a. Alarm system contractor I means an alarm system contractor whose business includes all types of alarm systems for all purposes.
 - b. Alarm system contractor II means an alarm system contractor whose business includes all types of alarm systems, for all purposes other than fire, except as herein provided.
- (2) **Building contractor** means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which commercial or residential buildings do not exceed three (3) stories in height, and accessory use structures in connection therewith, or a contractor whose services are limited to remodeling, repair, or improvement of any size building, if the services do not affect the structural members of the building.

- (3) **Class A air conditioning contractor** means a contractor whose services are unlimited in the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection herewith; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto. This license shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.
- (4) **Class B air conditioning contractor** means a contractor whose services are limited to twenty-five (25) tons of cooling and five hundred thousand (500,000) Btu of heating in any one system in the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto. This license shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.
- (5) **Class C air conditioning contractor** means a contractor whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems being serviced, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. No person not previously registered or certified as a Class C air conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air conditioning contractors who held Class C licenses prior to October 1, 1988.
- (6) **Commercial pool/spa contractor** means a contractor whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steel work, installation of light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical

feeders of any type, plastering of the interior, construction of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment. The installation of coatings or surfacing materials such as marcite and other similar materials requires licensure.

- (6) **Commercial pool/spa contractor** means a contractor whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steel work, installation of light niches, construction of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable water lines.
- (7) **Electrical contractor or unlimited electrical contractor** means a contractor who conducts business in the electrical trade field and who has the experience, financial means, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.
- (8) **General contractor** means a contractor whose services are unlimited as to the type of work which he may do, except as provided in this part.
- (9) **Mechanical contractor** means a contractor whose services are unlimited in the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and

natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

- (10) **Plumbing contractor** means a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, when not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, when not prohibited by law, design the following without obtaining any additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities; venting systems; public or private water supply systems; septic tanks; drainage and supply wells; swimming pool piping; irrigation systems; or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas (excluding liquid petroleum gases), and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, when not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers to the extent authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor shall apply to private property and public property, shall include any excavation work incidental thereto, and shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified herein as being the work of a trade other than that of a plumbing contractor. Nothing in this definition shall be construed to limit the scope of work of any certified specialty contractor. Nothing in this definition shall be construed to require certification or registration under this code of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater.
- (11) **Residential contractor** means a contractor whose services are limited to construction, remodeling, repair, or improvement of (1) one-family, (2) two-family, or (3) three-family residences not exceeding two (2) habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.
- (12) **Residential pool/spa contractor** means a contractor whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any residential swimming pool or hot tub or spa, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of housing for pool equipment, and installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, installation of housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and

associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment. The installation of coatings or surfacing materials such as marcite and other similar materials requires licensure.

- (13) **Roofing contractor** means a contractor whose services are unlimited in the roofing trade and who has the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair waterproof, stop leaks, or extend the life of the roof.
- (14) **Sheet metal contractor** means a contractor whose services are unlimited in the sheet metal trade and who has the experience, financial means, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, when not prohibited by law, of ferrous or nonferrous metal work of U.S.No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same and including the balancing of air-handling systems, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system.
- (15) **Solar contractor** means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to the provisions of Florida Statutes, Chapter 489, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide any services enumerated in this paragraph that are within the scope of the services such contractors may render under this code.
- (16) **Swimming pool/spa servicing contractor** means a contractor whose scope of work involved the servicing, repair, water treatment, and maintenance of any swimming pool or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of new additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, maintenance and installation of pool interior finishes including but not limited to fiberglass, marcite, diamond brite, vinyl, and other similar type interior finishes, reconstruction of decks, and reinstallation or addition of pool heaters. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purpose of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the

cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

- (17) **Underground utility and excavation contractor** means a contractor whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary sewer collection systems, main water distribution systems, and storm sewer collection systems and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multi-occupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. An underground utility contractor shall not install any piping that is an integral part of a fire protection system as defined in Chapter 633.021(7), Florida Statutes, beginning at the point where the piping is used exclusively for such system.

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 Development Department.

County-registered contractor means a person or entity required to register with the Hernando County Development Department as provided in this code and the building official.

Department means the Hernando County Development Department.

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

Financially Responsible Officer (FRO) means a person other than the primary qualifying agent who possesses a certificate of authority issued by the Principal Office. Applications for financially responsible officers shall be approved by the Board and administered by the Principal Office. A financially responsible officer assumes personal responsibility for all financial aspects of the business organization and is issued the appropriate certificate of authority.

Governing body means the Hernando County Board of County Commissioners.

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

License means official or legal permission to do a specific thing. Proof of permission is usually granted in the form of a document, card or certificate, registration, or certificate of authority or certificate of competency issued by the department, Principal Office or Department of Business and Professional Regulation. An occupational license issued by a tax collector shall not substitute for other required licenses, registrations or certificates and is required in addition to any and all other applicable licenses or registrations. An occupational license shall not authorize a person and/or entity to violate any of the provisions of this code.

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.

Municipality means the incorporated areas of Hernando County.

Owner / Builder shall be defined as owners of property when acting as their own contractor, having successfully passed an oral/written competency exam and providing direct, onsite supervision themselves of all work not performed by licensed contractors, when building or improving farm outbuildings or 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, at a cost not to exceed twenty-five thousand dollars (\$25,000) on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this code, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within one (1) year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is duly registered or certified under this code or state law and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot and a person who is the owner of any legal or equitable interest in the property (lease, agreement for deed, contract for deed etc.).

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 in this code, as attested by the department.

Principal Office means The Office of Contractor Certification (licensing) within the development department.

Qualified Business (QB) means a business organization/entity not regulated by the Department of Business and Professional Regulation that possesses a certificate of authority issued by the Principal Office . Applications for qualified business certificate of authority shall be approved by the Board and administered by the Principal Office.

A person doing business as an individual or under a fictitious name as a sole proprietorship is not required to obtain a qualified business certificate of authority (QB License).

Registration means the act or process of registering a local certificate of competency with the Department of Business and Professional Regulation (DBPR) or the act or process of registering a state certified license with the Principal Office or the act or process of registering with the Principal Office for the purpose of being able to obtain a permit. The latter of the three (3) registrations is done by those persons/entities not required to be certified but otherwise regulated by this code and/or the Florida Building Code or other applicable codes which in relation to the work being performed; a building/zoning/landscaping permit is required.

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 and examination as provided in this code, as attested by the department.

Shall and May. The term "shall" is mandatory and "may" is permissive. The word "shall" takes precedence over "may."

Specialty Contractor means a contractor whose scope of work and responsibility is limited to a particular phase of construction described in the categories of the subsection:

- (1) **Demolition contractor** means the scope of certification includes demolition and removal of structures, such as dwellings, commercial buildings and foundations.
- (2) **Excavation contractor** means the scope of certification includes the excavation or removal of material such as rock, gravel and sand to construct or excavate canals, lakes, levees, and includes the clearing of land of surface debris; and vegetation, the grubbing of roots, the removal of debris; and the leveling and grading of the surface lands incidental thereto.
- (3) **Elevator specialty electrical contractor** means the scope of certification includes and is limited to the electrical portion of the installation, repair, assembly, service and maintenance of elevators, conveyors, electrified dumbwaiters, escalators and moving sidewalks and all automatic and manual controls, signal systems and all other devices and manual controls, and electrical wiring appurtenant to the safe and efficient operation of such elevators. However, the scope of such certification shall not include work beyond the last disconnecting means or the terminal equipment adjacent to or in the elevator shaft or designated construction area.
- (4) **Gypsum drywall contractor** means the scope of certification includes and is limited to the installation of drywall, all necessary and incidental metal accessories including non-load bearing metal studs, runners, hangers, channels, drywall metal suspension accessories and prefabricated ceiling materials; and the preparation of the surface over which drywall product is to be applied. This includes the application of base and finish coats specifically designed for the gypsum drywall products.
- (5) **Insulation contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to install, repair, maintain, and replace, insulation on or in walls and attics, in compliance with the Florida Model Energy Code.
- (6) **Lawn sprinkler systems contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to install, repair, maintain, and replace, lawn sprinkler irrigation systems.
- (7) **Lighting maintenance specialty electrical contractor** means the scope of certification includes and is limited to the installation, repair, alteration, or replacement of lighting fixtures in or on buildings, signs, billboards, roadways, streets, parking lots and other similar structures. However, the scope of the certification does not include the provision of, or work beyond, the last electrical supplying source, outlet, or disconnect means.
- (8) **Marine contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to install, alter, repair, maintain, relocate, and replace, supporting members for piers and docks; i.e., piles or pilings, columns, posts, stanchions. The scope of work of such contractor shall include all construction below, above or beyond, the mean low water line, for the sole purpose of constructing erecting or dismantling of piers, docks and seawalls.
- (9) **Masonry contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to install, repair, maintain, and replace, any assembly of pre-formed masonry block, glass block, brick, or other masonry products in conjunction with the use of a compatible binder or filler for the purpose of creating a

structure of any type, including the forming and pouring of the beams and lintels.

- (10) **Outdoor sign specialty electrical contractor** means the scope of certification includes and is limited to the fabrication, erection, installation, alteration, repair, or service of the wiring of outdoor electrical signs and outside lighting. The scope of certification shall not include the provisions of, or any work beyond, the last disconnect means or terminal point. However, a contractor certified under this category may provide the electrical entrance requirements for metering and main disconnect of remote billboards or signs which are independent of any structure or building and which require no more than twenty-five (25) Kilowatts at two hundred fifty (250) volts maximum.
- (11) **Natural gas specialty contractor** means the scope of certification includes and is limited to natural gas systems, and such person has the knowledge, experience, and skill to install, alter, extend, or repair natural gas piping, appliances, gas mains, lines, laterals, tanks, and other appurtenances.
- (12) **Residential electrical contractor** means the scope of certification includes and is limited to installation, repair, alteration, addition to, or design of electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, in a one-, two-, three-, or four-family residence not exceeding two (2) stories in height, and accessory use structures in connection with the residence. The electrical service installed or worked upon is limited to single phase, four hundred (400) ampere single service.
- (13) **Residential solar water heating contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to size, install, alter, repair, maintain, relocate, replace, or use residential domestic potable solar water heating systems, to include solar heating panels and all appurtenances, apparatus or equipment used in connections is limited to solar domestic hot water systems for one-family, two-family or three-family residences not exceeding two (2) stories in height, and solar swimming pool heaters for residential swimming pools. The residential solar water heating contractor must subcontract any work for which a local certificate of competency in the respective trade category is required. Nothing in this rule shall be deemed to restrict or limit in any manner the legal authority of Certified Mechanical Contractors, Certified Class A and B Air Conditioning Contractors, or Certified Plumbing Contractors, to install Residential Solar Water Heating Systems.
- (14) **Specialty structure contractor (aluminum contractor)** means the scope of certification includes and is limited to the execution of contracts requiring the experience, financial means, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, dismantling, adjustment, alteration, repair, servicing and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers specifications in the aluminum metal, vinyl and fiberglass screening and allied construction materials. The scope of such work shall include and be limited to screened porches, screened enclosures, pool enclosures, pre-formed panel-post and beam roofs, mobile home panel roof-overs, residential glass window and door enclosures, vinyl panel window enclosures and single story self-contained aluminum utility storage structures not exceeding five hundred (500) square feet. The scope of the work shall include wood work incidental to the aluminum and allied materials construction work. It shall be limited to the construction of wood framing for walls of uninhabitable utility storage structures, raised wood decks for enclosures, and the repair and/or replacement of wood incidental to the installation of glass windows and doors, installation of siding, soffit, fascia, gutters, and preformed panel-post and beam roofs. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable. The scope of such work shall

include masonry concrete work and be limited to foundations, slabs and block kneewalls incidental to the aluminum and allied materials construction work. The aluminum contractor, whose services are limited, shall not perform any work that alters the structural integrity of the building including but not limited to roof trusses, lintels, load bearing walls and foundations. The aluminum contractor shall subcontract, with a licensed qualified contractor in the field concerned, all other work incidental to that which is defined herein but which is the work of a trade other than that of an aluminum contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of work of any specialty contractor.

- (15) **Steel erection contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to install, repair, maintain, and replace, steel framework, columns, sheathing, beams and fabrication of metal buildings.
- (16) **Structural carpentry contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to install, repair, maintain, and replace, all types of structural wood construction.
- (17) **Structural concrete contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to install, repair, maintain, and replace, concrete foundations designed to accept any structure when in the design of that structure, a footer is required. The scope of work of such contractor shall include, but not be limited to, the pouring and finishing of concrete driveways, sidewalks, patios and miscellaneous slabs.
- (18) **Tile contractor** means the scope of certification includes and is limited to the execution of contracts requiring the skill, knowledge, ability and experience to install, repair, maintain, and replace, terrazzo, marble floors and all types of hard tile for both interior and exterior waterproofing and cosmetic purposes.
- (19) **Special Master** means an individual selected by the Board who is authorized to enforce all of the applicable provisions of this code or other codes as may be deemed necessary, as amended or otherwise authorized by future law. The Special Master shall be a member in good standing with the Florida Bar. Selection of a Special Master by the Board is governed by rules and policies established by the Board. The Board should consider criteria that ensures a selected candidate demonstrates an understanding, familiarity and/or knowledge of construction, common construction practices and associated laws, rules and codes.
- (20) **State-certified contractor** is any contractor who possesses a certificate of competency issued by the Department of Business and 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.
- (21) **State-registered contractor** is any contractor who has registered with the Department of Business and 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.
- (22) **Story** means that portion of a building included between the upper surface of a floor or average grade, finished or unfinished, open or enclosed, and the upper surface of the floor or roof next above and having a ceiling height of seven (7) feet (minimum) and eleven (11) feet (maximum).

- (23) **Structural component** means any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

Words not defined herein shall have the meaning stated in Florida Statutes or other nationally recognized codes, manuals or standards adopted elsewhere in this chapter. Words not defined in those documents shall have the meaning in the Websters New Ninth Collegiate Dictionary, as revised.

In case of a conflict in definitions or codes, the appropriate definition (or code) to be applied shall be one applicable to the trade/subject. In case of a conflict between different parts of this code, conflicts with the same code; or conflicts between the more stringent requirements shall be applicable.

(Ord. No. 99-10, § 4, 6-22-99)

Sec. 8-29. Qualifications for practice; restrictions.

- (1) Persons not state-certified, who desire to engage in contracting on a county-wide basis, shall be certified or registered.
- (1.5) Any person who desires to engage in contracting on a county basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified/registered pursuant to this code/state law. To establish competency, a person shall pass the appropriate examination (if appropriate) approved by the Board/Principle Office and provide all required documents such as but not limited to insurance, identification, bond and copies of other applicable licenses.
- (2) A contractor shall subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air conditioning work unless such contractor holds a state certificate of competency or local certificate of competency in that respective trade category. However:
 - (a) A general, building, or residential contractor, except as otherwise provided in this code, shall be responsible for any construction or alteration of a structural component of a building or structure, and any general contractor or underground utility and excavation contractor may perform clearing and grubbing, grading, excavation, and other site work for any project. Any building or residential contractor may perform clearing and grubbing, grading, excavation and other site work, limited to the lot on which any specific building is located.
 - (b) A general, building, or residential contractor shall not be required to subcontract the installation or repair made under warranty of wood shingles, wood shakes, or asphalt or fiberglass shingle roofing materials on a new building of his own construction.
 - (c) A general contractor shall not be required to subcontract structural swimming pool work.
 - (d) 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.
 - (e) A general contractor shall not be required to subcontract the continuation of utility lines

from the mains in mobile home parks, and such continuations are to be considered a part of the main sewer collection and main water distribution systems.

- (f) A solar contractor shall not be required to subcontract minor electrical, mechanical, plumbing, or roofing work so long as that work is within the scope of the license held by the solar contractor and where such work exclusively pertains to the installation of residential solar energy equipment.
 - (g) 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 he is certified or registered as a roofing contractor.
- (3) Nothing in this code shall be construed to prevent any contractor (excluding specialty contractors) from acting as a prime contractor where the majority of the work to be performed under the contract is within the scope of his license. Nothing in this code shall be construed to prevent any contractor from subcontracting to other licensed contractors that remaining work to be performed under the contract, which is not within the scope of his license and which is part of the project contracted.
 - (4) When a state certified contractor desires to engage in contracting in Hernando County, as a prerequisite therefor, he or she shall be required to exhibit and file with the Board's Principal Office a copy of his/her certificate together with applicable insurance and bond. In lieu of the preceding an individual may appear personally with his/her certificate and insurance each time a permit is applied for and picked up.

(Ord. No. 99-10, § 13, 6-22-99)

Sec. 8-30. Evidence of workers' compensation insurance.

Any person, business organization, or qualifying agent who is certified or registered under this code or by state law, and who engages in the business of contracting in this county shall provide evidence of workers' compensation insurance pursuant to Chapter 440, Florida Statutes, as a condition precedent to the issuance or renewal of a certificate or registration. The failure to maintain workers' compensation coverage as required by law shall be grounds to revoke, suspend, or deny the issuance or renewal of a certificate or registration; as a violation of Section 8-62 (d,j,n).

Sec. 8-31. Business organizations, qualifying agents.

- (1) If an individual proposes to engage in contracting in the individual's own name, or a fictitious name where the individual is doing business as a sole proprietorship, registration or certification may be issued only to that individual.
- (2)
 - (a) If a person and/or applicant proposes to engage in contracting as a business organization, including any partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name or a fictitious name where the applicant is doing business as a sole proprietorship, the person and/or applicant must obtain a certificate of authority for the business organization. The business organization must apply for a certificate of authority through a qualifying agent and under the fictitious name, if any (effective April 1, 2002).
 - (b) The application for a certificate of authority must state the name of the partnership and of

its partners; the name of the corporation and of its officers and directors and the name of each of its stockholders who is also an officer or director; the name of the business trust and its trustees; or the name of such other legal entity and its members and must state the fictitious name, if any, under which the business organization is doing business.

1. The application for primary qualifying agent must include an affidavit on a form provided by the Board attesting that the applicant has final approval authority for all construction work performed by the entity and that the applicant has final approval authority on all business matters, including contractors, specifications, checks, drafts, or payments, regardless of the form of payment, made by the entity, except where a financially responsible officer is approved.
 2. The application of financially responsible officer must include an affidavit on a form provided by the Board attesting that the applicant's approval is required for all checks, drafts, or payments, regardless of the form of payment, made by the entity and that the applicant has authority to act for the business organization in all financial matters.
 3. The application for secondary qualifying agent must include an affidavit on a form provided by the Board attesting that the applicant has authority to supervise all construction work performed by the entity as provided in section 8-32(2).
- (c) In addition, if a fictitious name is used, the applicant must furnish evidence of statutory compliance with, the provisions of Chapter 865.09(7) Florida Statutes.
- (d) A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with Board rules and state statutes.
- (e) A certificate of authority, when issued upon application of a business organization and through a qualifying agent, will be issued to the business organization and the name of the business organization must be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within forty-five (45) days after such change occurs, mail the correct information to the Principal Office.
- (f) A certificate of authority must be renewed every two years from the date of original issuance. Upon this code becoming effective, all business organizations/entities required to obtain a certificate authority must obtain such certificate no later than the expiration date of the certificate of competency of its respective qualifying agent(s). In the event of more than one qualifying agent, expiration of the first certificate of competency shall be used.
- (g) Any person certified or registered pursuant to this code, Chapter 489, Florida Statutes, who has had his license revoked shall not be eligible to be a partner, officer, director, or trustee of a business organization defined by this section for a five-year period from the date of revocation. Such person shall also be ineligible to reapply for certification or registration under this code for a period of five (5) years from the date of revocation.
- (3) (a) The qualifying agent shall be certified or registered under this code in order for the business organization to be certified or registered in the category for which the qualifying

agent is certified or registered. If any qualifying agent ceases to be affiliated with such business organization, the qualifying agent shall notify the Principal Office. If such qualifying agent is the only certified or registered individual affiliated with the business organization, the business organization shall notify the Principal Office that the qualifying agent has ceased his affiliation with such business organization. The business organization shall have sixty (60) days from the termination of the qualifying agent's affiliation in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed, unless the supervisor of the Board's Principal Office or chair of the Board has granted a temporary nonrenewable certificate or registration to the financially responsible officer, the president, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary certificate or registration shall only allow the entity to proceed with incomplete contracts. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization prior to the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.

- (b) The qualifying agent shall inform the Principal Office in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization, and he or such new business organization shall supply the same information to the Principal Office as required of applicants under this code.
 - (c) Upon a favorable determination by the Principal Office, after investigation of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the Principal Office shall issue, without an examination, a new certificate or registration in the qualifying agent's name, and the name of the new business organization shall be noted thereon together with a new certificate of authority in the business organization's name.
- (4) When a qualifying agent, on behalf of a business organization, makes application for an occupational license, the application shall be made jointly in the name of the qualifying agent and the name of the business organization. The occupational license, when issued, shall be issued to the qualifying agent and the business organization, upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by the Principal Office, and the state and local license number shall be noted thereon.
- (5) (a) Each registered or certified contractor shall affix the number of his registration or certification to each application for a building permit and on each building permit issued and recorded. As a precondition for the issuance of a building permit, a contractor taking out the permit must provide verification giving his or her state certification or registration number [s.489.119(6)(a)]. Compliance with this section may be achieved either by personally appearing at each permit application and issuance with proof of licensure and insurance or by filing said information with the Board's Principal Office.
- (b) The registration or certification number of each contractor or certificate of authority number for each business organization shall appear in each offer of services, business proposal, or advertisement, regardless of the medium, as defined by Board rule, used by that contractor or business organization in the practice of contracting. For the purposes of

this part, the term "advertisement" does not include business stationery or any promotional novelties such as balloons, pencils, trinkets, or articles of clothing.

- (6) Upon approval each qualifying agent shall pay the principle office an amount equal to the original fee for certification or registration of a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the Principal Office shall require him to present evidence of ability and financial responsibility for each such organization. The issuance of additional certifications or registrations is discretionary with the Principal Office.
- (7) If a business organization or any of its partners, officers, directors, trustees, or members is found guilty or enters a plea of no contest for violating Chapter 489.129(2), Florida Statutes, or this code, the Principal Office may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent or a certificate of authority to a business organization on behalf of a qualifying agent.

(Ord. No. 99-10, § 17, 6-22-99)

Sec. 8-32. Responsibilities.

- (1) A qualifying agent is a primary qualifying agent unless he or she is a secondary qualifying agent under this section.
 - (a) All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization; for all field work at all sites; and for financial matters, both for the organization in general and for each specific job.
- (2)
 - (a) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the Board, by all qualifying agents for the business organization.
 - (b) The joint agreement must be submitted to the Principal Office for approval. If the Principal Office determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents.
 - (c) The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.
 - (d) A designated sole primary qualifying agent has all the responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.
 - (e) A secondary qualifying agent is responsible only for:
 - 1. The supervision of field work at sites where his or her license was used to obtain

- the building permit; and
 - 2. Any other work for which he or she accepts responsibility.
 - (f) A secondary qualifying agent is not responsible for supervision of financial matters.
- (3)
 - (a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate this status as such by giving actual notice to the business organization, to the Board, and to all secondary qualifying agents of his or her intention to terminate this status. The notice to the Board must include proof satisfactory to the Board that he or she has given the notice required in this paragraph.
 - (b) The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the Board, whichever first occurs.
 - (c) If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.
 - (d) Any change in the status of a qualifying agent is prospective only. A qualifying agent is not responsible for his or her predecessor's actions, but is responsible, even after a change in status, for matters for which he or she was responsible while in a particular status.
- (4) Upon approval by the Principal Office, a business entity may designate a financially responsible officer for purposes of certification or registration. A financially responsible officer shall be responsible for all financial aspects of the business organization and may not be designated as the primary qualifying agent. The designated financially responsible officer shall furnish evidence of the financial responsibility, credit, and business reputation of either himself or herself, or the business organization he or she desires to qualify, as determined appropriate by the Principal Office.
 - a. Where a business organization has a certified or registered financially responsible officer, the primary qualifying agent shall be responsible for all construction activities of the business organization, both in general and for each specific job.
 - b. The Board shall adopt rules prescribing the qualifications for financially responsible officers, including net worth, cash, and bonding requirements. These qualifications must be at least as extensive as the requirements for the financial responsibility of qualifying agents.

(Ord. No. 99-10, § 18, 6-22-99)

Sec. 8-33. Business records requirements.

- (1) All contractors who are registered or certified pursuant to this code shall maintain complete financial and business records for the immediately preceding three (3) years. The business and financial records to be maintained shall include minutes of corporate meetings, business contacts,

telephone records, insurance policies, letters of complaints, notices received from government entities, bank statements, canceled checks, records of accounts receivable and payable, financial statements, loan documents, tax returns, and all other business and financial records the contractor maintains in the regular course of business. Upon request of the Board or its Principal Office, a contractor shall provide any such business records. Failure to provide such records upon request shall be considered a violation of section 8-62(j) and section 8-63 of this code.

- (2) Each certificate holder or registrant shall be solely responsible for notifying the Principal Office in writing of the certificate holder's or registrant's current mailing address and phone number. If the mailing address is not the certificate holder's or registrant's physical address, the certificate holder or registrant shall also supply the physical address.
 - (a) A certificate holder's or registrant's failure to notify the Principal Office of a change of address or phone number shall constitute a violation of this code.
 - (b) The certificate holder or registrant shall be responsible for retaining proof that the certificate holder or registrant has notified the Principal Office of the certificate holder's or registrant's current address of record.
- (3) Notwithstanding any other provision of law, service by regular mail to a certificate holder's or registrant's address of record shall constitute adequate and sufficient notice to the certificate holder or registrant for any official communication to the certificate holder or registrant by the Board or the Principal Office, except when other service is required pursuant to the provisions of Chapter 455.224, Florida Statutes or Chapter 455.225, Florida Statutes or this code.

(Ord. No. 99-10, § 20, 6-22-99)

Sec. 8-34. Certificate holders eligible to participate in projects under section 235.31, Florida Statutes.

Notwithstanding any provisions to the contrary in section 235.31, Florida Statutes, relating to prequalification of bidders, any person holding a certificate shall be deemed qualified to participate in any project thereunder.

(Ord. No. 99-10, § 21, 6-22-99)

Sec. 8-35. Building Permits.

- (1) For the purposes of this code the governing of permits and ancillary issues shall be as provided for in both this code, other applicable county ordinances and the Florida Building Code as amended.
- (2) If any building or structure is being constructed, altered, enlarged, repaired, replaced, demolished or otherwise constructed without a permit or any building permit or applicable permit issued for such building or structure expires or is revoked by the building official, and the owner of the building or structure fails within 30 days of the revocation or expiration to obtain either a certificate of occupancy as provided by the Florida Building Code or other applicable county ordinance or to obtain another building permit or applicable permit; then that building or structure shall be deemed a public nuisance and therefore declared unsafe. Penalties for maintaining a nuisance/unsafe buildings or structures shall be as provided for by the Standard Unsafe Building and Abatement Code (1985 edition) as amended and adopted by Hernando County Ordinance.

- (3) A permit holder (owner/contractor) is responsible for requesting; a final inspection within (10) calendar days of the completion of permitted work, and if applicable; a reinspection within (7) days of the issuance of a red-tag.
- (a) A person failing to request an inspection as described in this section is deemed to have violated this code, including but not limited to Section 8-47 & 8-62 (d), (J), (n) & (p), and is subject to applicable disciplinary guidelines/penalties as provided for in this code.
- (4) The Building Official, his/her designee or other persons charged with the enforcement of this code, other county ordinances and the Florida Building Code as they may relate to permitting; are hereby authorized to issue stop-work orders. A stop work order shall order all work and/or acts being performed in violation of a particular ordinance or law be ceased immediately.
- (a) It shall be unlawful for any person to continue to work or perform acts for which a stop work order was issued. A person failing to comply with a stop work order or otherwise violate a stop work order; shall be deemed to have violated this code and subject to applicable disciplinary guidelines/penalties as provided herein.
- (5) The governing body, or any official of the governing body; may institute any appropriate action or proceedings in a civil action in the circuit court to restrain, correct or abate any violation of this code or the Florida Building Code or to prevent the occupancy of any building or structure that is erected, constructed, reconstructed, altered, repaired or maintained in violation of this code or the Florida Building Code.
- (6) With respect to evaluation of design professionals' documents, if the department, building official or his/her designee finds it necessary, in order to enforce compliance with the Florida Building Code and issue a permit, to reject design documents required by the code three or more times for failure to correct a code violation specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by rule of the Florida Building Commission adopted pursuant to chapter 120, a fine shall be imposed, each time after the third such review the plans are rejected for that code violation, a fee of four times the amount of the proportion of the permit fee attributed to plans review. (Specific Authority s. 553.80[2][b])
- (7) With respect to inspections, if the department, building official or his/her designee finds it necessary, in order to enforce compliance with the Florida Building Code, to conduct any inspection after an initial inspection and one subsequent reinspection of any project or activity for the same code violation specifically and continuously noted in each rejection, including, but not limited to, egress, fire protection, structural stability, energy, accessibility, lighting, ventilation, electrical, mechanical, plumbing, and gas systems, or other requirements identified by rule of the Florida Building Commission adopted pursuant to chapter 120, the local government shall impose a fee of four times the amount of the fee imposed for the initial inspection or first reinspection, whichever is greater, for each such subsequent reinspection. (Specific Authority s. 553.80[2][b])
- (8) Upon a determination that a person licensed, certified or registered under Florida Statute Chapter 455, 471, 481, 489 and/or this code has committed a material violation of the Florida Building Code and failed to correct the violation within a reasonable time, such local jurisdiction shall impose a fine of no less than \$500 and no more than \$5,000 per material violation.

For purposes of this section and the applicable fee schedule; a material code violation is a violation that exists within a

building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided by s.553.781, failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificateholder's, or registrant's ability to obtain permits within Hernando County until the fine is paid. (Specific Authority s.553.781)

- (9) A permit shall be deemed void if a change of the primary contractor is made. No work shall proceed on a voided permit. A new permit for remaining work shall be obtained and must meet all applicable codes, laws and ordinances. Notification may be in writing and provided by way of regular mail, facsimile or email.

(Ord. No. 99-10, § 30, 6-22-99)

Sec. 8-36. Fees.

The board of county commissioners is authorized to charge fees for the implementation of this code. 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.

(Ord. No. 99-10, § 31, 6-22-99)

Sec. 8-37. Contractor to save and hold harmless county.

By application and acceptance of permit or license under the provisions of this code, a contractor agrees to hold 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.

(Ord. No. 99-10, § 36, 6-22-99)

Sec. 8-38. Advertising.

- (1) All advertising medium, to include, but not limited to, newspapers, airwave transmissions, and phone directories, used by contractors shall contain their appropriate certificate number, state registration if applicable, jurisdiction or company, and qualifying agent's name.
- (2) Advertising firms or media shall ensure that advertisements of contractors contain the information as required by this code.
- (3) Any vehicle being utilized by a contractor or specialty contractor, as defined by this code, for construction-related business activities, shall be marked in a manner which clearly exhibits a valid Hernando County or State of Florida certification number together with the name of the licensed individual, the name of the entity in which the license holder is conducting business (if not conducting business as an individual) and the type of certificate held; i.e., "Building Contractor", "Electrical Contractor", "Structural Concrete Contractor." Employee-owned vehicles used for transportation to and from construction sites only are exempt from this requirement. Violators of this section shall be subject to penalties as set forth in this code and rules adopted and approved by the Hernando County Construction Licensing Board.
- (4) If a vehicle has the name of a contractor or business organization, or any text or artwork which

would lead a reasonable person to believe that the vehicle is used for contracting, the registration or certification number of the contractor or certificate of authority number of the business organization must be conspicuously and legibly displayed with the name, text, or artwork [s.489.119(6)(c)].

- (5) The registration or certification number of each contractor or certificate of authority number for each business organization shall appear in each offer of services, business proposal, bid, contract, or advertisement, regardless of medium, as defined by Board rule, used by that contractor or business organization in the practice of contracting [s.489.119(6)(b)].
- (6) Any person who willfully refuses to sign and accept a citation commits a misdemeanor of the second degree, punishable as provided in Florida Statute, section 775.082 or Florida Statute, section 775.083.

(Ord. No. 99-10, § 33, 6-22-99)

Sec. 8-39. Hindrance of functions.

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

(Ord. No. 99-10, § 34, 6-22-99)

Sec. 8-40. Liability.

Any officer, 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 article shall be vigorously defended by Hernando County, Florida, until the final termination of the proceedings.

(Ord. No. 99-10, § 35, 6-22-99)

Sec. 8-42. Contracts performed by unlicensed contractors unenforceable.

As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain his license in accordance with this code shall be unenforceable in law, and the court in its discretion may extend this provision to equitable remedies. However, in the event the contractor obtains or reinstates his license, the provisions of this section shall no longer apply.

(Ord. No. 99-10, § 23, 6-22-99)

Sec. 8-43. Stipulated agreements.

The Board, Special Master, field investigator or Building Official or his/her designee may offer a stipulated agreement to a contractor charged with a violation of this code.

A licensed contractor may voluntarily enter into a stipulated agreement to amicably resolve allegations of wrongdoing. A licensed contractor doing so; neither admits or denies any guilt as to the allegations.

A stipulation shall only become effective upon the approval of the Board, Special Master, or building official or his/her designee. A stipulation shall be consistent with established and approved board rules as to disciplinary guidelines.

Upon failure of a contractor to accept and enter into a stipulated agreement, a field investigator or Building Official or his/her designee; shall have the authority to initiate enforcement proceedings as set forth and provided by this code.

Sec. 8-44. Bids for construction, improvement, etc., of public buildings to be accompanied by evidence of certification or registration.

Hernando County shall require that bids submitted for construction, improvement, remodeling or repair of public buildings be accompanied by evidence that the bidder holds an appropriate certificate or registration, unless the work to be performed is exempt under this code or section 489.103, Florida Statutes. Any contractor not domiciled in this state shall submit to the county proof of workers' compensation coverage and evidence that the contractor's carrier or self-insurer has current knowledge of the contractor's intent to do business in Hernando County.

(Ord. No. 99-10, § 29(1), 6-22-99)

Sec. 8-45. Powers of county.

Nothing in this code limits the power of Hernando County:

- (a) To regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which is designed to secure compliance with and aid in the implementation of state and local building laws.
- (b) To enforce other laws for the protection of the public health and safety.
- (c) To collect occupational license and inspection fees for engaging in contracting or examination fees from persons applying for certification. However, nothing in this code shall be construed to require general contractors, building contractors, or residential contractors to obtain additional occupational licenses for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.
- (d) To adopt any system of permits requiring submission and approval of plans and specifications by the department, for work to be performed by contractors before commencement of the work.
- (e) To require one bond for each contractor certificate in an amount not to exceed five thousand dollars \$5,000, which bond shall be conditioned only upon compliance with the Florida Building Code adopted pursuant to s. 553.73. Any such bond must be equally available to all contractors without regard to the period of time a contractor has been certified or registered and without regard to any financial responsibility requirements. Any such bonds shall be payable either to the Construction Industry Recovery Fund or the department as appropriate and filed with the Principal Office of the Board. All such bonds shall be included in meeting any financial responsibility requirements imposed by any statute or rule. Any contractor who provides a third party insured warranty policy in connection with a new building or structure for the benefit of the purchaser or owner shall be exempt from the bond requirements under this subsection with respect to such

building or structure.

(Ord. No. 99-10, § 29(2), 6-22-99)

Sec. 8-46. Prohibitions, penalties, violations.

- (1) Each violation and each separate day a violation of this code continues shall be considered a separate and distinct offense. However, a citation must be issued for the alleged violation for each day an alleged violation continues to exist in order for a separate fine to be imposed.
- (2) Any person found to be in violation of the provisions of this article shall be guilty of a civil infraction.
- (3) The act for which a citation is issued shall cease upon issuance of the citation. It shall be unlawful for any person to continue an act for which a citation is issued unless compliance with the citation and/or this code is achieved.
- (4) A duly licensed contractor who fails to pay a citation or file an Election of Rights may be deemed as committing negligence and misconduct in the practice of contracting and therefore in violation of this code and subject to the disciplinary guidelines and penalties contained herein and approved by Board rule.
- (5) It shall be a violation of this code for any person, individual, partnership, corporation, firm, association or other entity to:
 - a. Falsely hold himself or a business organization out as *licensed*, a certificate holder, or registered contractor.
 - b. Falsely impersonate a certificate holder or registered contractor.
 - c. Falsely present himself as a certified or registered contractor under another person's certificate or registration.
 - d. Give false or forged evidence to the Hernando County Construction Licensing Board, a member thereof or the Board's Principal Office or an employee thereof for the purpose of obtaining a certificate of competency.
 - e. Use or attempt to use a certificate, license or registration which has been suspended or revoked.
 - f. Engage in the business and/or act in the capacity of a contractor without being duly registered or certified.
 - g. Advertise himself and/or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.
 - h. Operate a business organization engaged in contracting after 60 days from the date its only qualifying agent ceased to be affiliated with the business organization without designating another primary qualifying agent.
 - i. Commence or perform work for which a building/zoning/landscaping permit is required by state or local law without such permit(s) being in effect. (For the purpose of this section the term effect means a permit issued and does not mean a permit applied for)
 - j. Proceeding on any job without first obtaining applicable inspection.
 - k. Knowingly hire or perform work for person who is not a duly certified, licensed or registered contractor.
 - l. Engage in the business and/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 a valid occupational license.
 - m. Fail to mark or improperly mark; any motor vehicle being utilized by a contractor defined by this code, for construction related business activities.

- n. Fail to possess or have readily accessible; proof of being duly licensed.
- o. Violate a stop work order.

(6) No person associated with a contracting firm qualified by a qualifying agent shall:

- a. Conceal or cause to be concealed, or assist in concealing from the primary qualifying agent, any material activities or information about the contracting firm.
- b. Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent.
- c. Knowingly cause any part of the contracting firm's activities, financial or otherwise, to be conducted without the primary qualifying agent's supervision.
- d. Assist or participate with any qualifying agent in the violation of any provision of this code.
- e. Any person who willfully refuses to sign and accept a citation issued by a designated code enforcement officer, field investigator and/the Building Official or his/her designee shall be guilty of a misdemeanor of the second degree, punishable as provide in F.S. 775.082 and/or 775.083.

Sec. 8-47. Citations, enforcement procedures, administrative hearings.

This section establishes a means of enforcing violations of this code. A person or business organization/entity found violating this code is subject to either formal or informal administrative hearings. Formal administrative hearings shall be conducted before a Special Master as defined and established by this code. Informal hearings shall be conducted before the Board. Administrative hearings may involve and are not limited to: county certified/registered contractors; state certified/registered contractors; uncertified/unregistered/unlicensed contractors; unpermitted work; commencing work without applicable permit; vehicle marking; advertising and other violations as set forth in this code now and in the future as may be adopted.

- (1) A field investigator, Building Official or his/her designee shall have the authority to issue citations and initiate enforcement proceedings against any person who is either duly or not duly: licensed/certified/registered as a contractor, subcontractor or specialty contractor.
- (2) A field investigator, Building Official or his/her designee shall have the authority to issue citations and initiate enforcement proceedings against any person; without regard to licensure; who commences, performs or proceeds; on any job without first obtaining the applicable building/zoning/landscaping permit(s) and inspection(s). No Special Master shall have the power to initiate such proceedings.
- (3) A field investigator, Building Official or his/her designee shall have the authority to issue a citation to any person alleged to have violated this code.
- (4) A field investigator, Building Official or his/her designee shall have the authority to issue a citation for each day that a violation exists beyond a date set for compliance. The citation form shall include, but not be limited to the following:
 - a. Date and time of issuance.
 - b. Name of person issuing citation.
 - c. Name and address of alleged violator.
 - d. Ordinance(s) alleged to have been violated.
 - e. Brief description of the nature of the violation, including location, date and time of violation.
 - f. Amount of the applicable civil penalty as it applies to a first violation; failure to enter an

- increased civil penalty for a repeat violation shall not prevent imposition of the increased civil penalty in appropriate cases.
- g. Procedure for the person to follow to pay the civil penalty, or to contest the citation.
 - h. Notice that additional citations may be issued for each day that the applicable violation is found to exist.
 - i. Notice that failure of the alleged violator to request an administrative hearing within ten (10) days after service of the citation upon him shall constitute a waiver of the alleged violator's right to an administrative hearing before the Special Master or the Board, and that such waiver shall constitute an admission of violation.
- (5) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.
- (6) A person who has been served with a citation shall elect either to:
- a. Correct the violation (if not irreparable or irreversible) and pay the civil penalty in the manner indicated on the citation or;
 - b. File with the Principal Office an "Election of Rights" either disputing the matter and requesting a "Formal Hearing" before the Special Master or not disputing the matter and requesting an "Informal Hearing" before the Board.
 - 1. An Election of Rights shall be filed within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays.
- (7) Failure by the alleged violator to file an "Election of Rights" within the time frame set forth in this section shall constitute a waiver of the alleged violator's right to a hearing. A waiver of the right to a hearing shall be deemed an admission of the violation and penalties may be imposed accordingly. Failure of the alleged violator to file an "Election of Rights" or pay the fine shall cause the citation to become a final order of the Special Master and/or Board.

Sec. 8-48. Special Master, hearings.

- (1) There is hereby created, for the purpose of conducting an administrative (formal) hearing pursuant to this code, the position of Special Master. The Special Master shall be selected by the Board. The Special Master shall be a member in good standing with the Florida Bar engaged in the practice of law, be familiar with and have an understanding of construction practices, laws, rules and codes associated thereto.
- a. A Special Master serves at the pleasure of the Board. Compensation for the Special Master will be as established by contract. A person appointed as Special Master must be a member of the Florida Bar for five (5) years. A Special Master may not hold any other appointive or elective office while serving as a Special Master.
- (2) Upon receipt of a timely request for an informal hearing, the matter shall be set for hearing before the Board on the next regularly scheduled hearing date or as soon thereafter as possible.
- (3) Upon receipt of a timely request for a formal hearing, the matter shall be set for hearing before either the Special Master or Board, on the next regularly scheduled hearing date or as soon thereafter as possible.

- (4) Upon receipt of the request for an administrative hearing, the county shall serve a notice of hearing to the alleged violator, which notice shall include, but not be limited to, the following:
- a. Place, date and time of the hearing.
 - b. Right of alleged violator to be represented by an attorney.
 - c. Right of alleged violator to present witnesses and evidence and conduct the cross-examination.
 - d. A conspicuous statement reflecting the requirements of F.S. ch.286 that a person deciding to appeal any decision of a Special Master or Board will need to ensure that a verbatim record of the proceedings is made.
 - e. In lieu of providing a notice of hearing as provide above, the county may include a hearing date in the citation that will be scheduled if the alleged violator files an "Election of Rights" requesting a hearing, provided that the citation includes the information required by this subsection.
- (5) No hearing shall be scheduled on a date sooner than ten(10) days from the date of service of the citation on the alleged violator unless there is reason to believe that a violation presents a serious threat to the public health, safety or welfare. All hearing shall be administratively scheduled by the Board's Principal Office.
- (6) All hearings shall be open to the public. All testimony shall be under oath, minutes shall be taken, and the proceeding shall be recorded.
- (7) The Principal Office shall provide clerical and administrative personnel as may be necessary for each Special Master.
- (8) Each case before a Special Master shall be presented by a designated code enforcement officer, field investigator, Building Official or his/her designee or legal counsel assigned by the county attorneys office.
- (9) Formal rules of evidence shall not apply, but fundamental principals of due process shall be observed and govern the proceedings. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a state court.
- (10) In the case of formal hearings each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any relevant matter, to submit rebuttal evidence. In the case of formal hearings before a Special Master each party shall also have the right to have subpoenas issued in his behalf by the Special Master.(specific authority s.162)
- a. At any time prior to the hearing date the Special Master assigned to hear the case may; at the request of the designated code enforcement officer, field investigator, Building Official or his/her designee or legal counsel assigned by the county attorneys office; or at the request of an alleged violator and/or his/her attorney; issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for the hearing the alleged violator or his/her attorney fail to appear, the Special Master may find the alleged violator in default and shall proceed with the hearing and accept evidence relevant to the existence of a violation of this code and/or applicable codes, laws, rules and associated practices.
- (11) Lack of a state certificate, state certification or state registration may be established by confirming with the State Department of Business and Professional Regulation (DBPR) that the named violator does not hold a state certificate/registration. An original or certified copy of a written

statement from the custodian of the records of the Principal Office that contact with DBPR was made and confirmation as to non-licensure was achieved regarding any named violator; shall be admissible into evidence and sufficient to establish the presumption that the alleged violator is not a state-certified contractor. The alleged violator has the right to present evidence to overcome this presumption.

- (12) Lack of a county certificate or county certification or registration may be established by confirming with the Principal Office, that the named violator does not hold a county certificate/certification/registration. An original or certified copy of a written statement from the custodian of records of the Principal Office that pertinent licensing records have been reviewed confirming that no record of county certification/registration exists for the alleged violator shall be admissible into evidence and sufficient to establish the presumption that the alleged violator is not a county-certified/registered contractor. The alleged violator has the right to present evidence to overcome this presumption.
- (13) The Special Master shall make findings of fact based on evidence presented. In order to make a finding affirming the issuance of a citation, the Special Master must find by a preponderance of the evidence that the alleged violator was responsible for the violation of the relevant code provision(s) as cited.
- (14) If an alleged violator is found guilty of violating this code; the Special Master may impose disciplinary penalties including fines. A violator is also liable for the costs associated with prosecution and investigation of the respective case, all at the discretion of the Special Master and/or the Board and in accordance with the adopted county fee schedule and established and adopted board rules. Said costs shall include but not be limited to; investigative time, attorney fees and Special Master fees.
- (15) In the case of unlicensed contractor hearings; if the Special Master finds that a violation exists, the Special Master may order the violator to pay a civil penalty of not less than the amount set forth on the citation, but not more than \$1000.00 per day for each violation. In determining the amount of the civil penalty, the Special Master may consider the gravity of the violation, any actions taken by the violator to correct the violation and any previous violations committed by the violator.
- (16) In the case of unlicensed contractor hearings a Special Master shall enter an order directing a violator pay a civil penalty set forth on a citation or notice of violation; upon notice from a designated code enforcement officer, field investigator, Building Official or his/her designee; the violator has not contested the citation or paid the civil penalty within the time frame allowed on the citation; or the violator has not contested the notice of violation and has not corrected the violation within the time frame set forth on a notice of violation.
- (17) In the case of formal hearings as to licensed contractors, upon conclusion of and within 10 days, a Special Master shall enter a Final Order of Disciplinary Action if appropriate. Final Orders shall contain findings of fact, conclusions of law, recommended penalty to DBPR (if appropriate), type of disciplinary action (suspension, revocation, or probation), civil penalty amount, costs associated with prosecution and investigation and include any stipulations as applicable or ordered.
 - a. Such orders shall be submitted for ratification to the Chairman of the Hernando County Construction Licensing Board.
 1. If the chairman finds material error contained within the order he/she shall remand the order back to the Special Master with written explanation as to any material error with direction as to how the error can be corrected.
 - (a) Such Final Orders shall be remedied by the Special Master and immediately served upon the Respondent without further review of the Chairman.

2. If such an order is consistent with this code and adopted board rules the order shall be ratified by the chairman and immediately served upon the Respondent.
- b. Such orders should be consistent with requirements set forth in section 8-65 of this code titled "Final order; appeal".

Sec. 8-48.5 Special Master; powers and authority

A Special Master shall have the power to:

1. To conduct disciplinary hearings against state/local certified contractors, registered contractors and business organizations or financially responsible officers issued a certificate of authority; when the report of a designated code enforcement officer, field investigator and the Building Official or his/her designee shows alleged violations of any provision of this code.
2. To issue a Final Order of Disciplinary Action against a contractor and/or a business organization and/or a financially responsible officer; for violating any provision(s) of this code specifically section 8-62.
3. Impose fines, liens and to order the foreclosure of liens, as may be granted by statute, ordinance or this code.
4. Impose all penalties and perform any function as set forth in section 8-60 of this code.
5. To suspend, or revoke a certificate, registration, or certificate of authority for any individual or business organization that associates a person as an officer, director, or partner, or in a managerial or supervisory capacity, after such person has been found under a final order to have violated this section or was an officer, director, partner, trustee, or manager of a business organization disciplined by the Board by revocation, suspension, or fine in excess of \$2,500, upon finding reasonable cause that such person knew or reasonably should have known of the conduct leading to the discipline.
6. Impose all penalties and related disciplinary action as set forth in section 8-62 of this code and pursuant to adopted board rules to include disciplinary guidelines adopted thereto.
7. Take testimony under oath.
8. Adopt rules for the conduct of its hearing.
9. Subpoena alleged violators/witnesses/persons; having knowledge or having control of books, papers, records or other evidence relevant to a hearing; or, believed to have knowledge of the facts relevant to such hearing; directing such violator/witnesses/persons to appear and provide testimony and/or produce such evidence for examination at a hearing.
 - a. Subpoenas may be served by the sheriff of the county.
10. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
11. Determine whether cited violations occurred.
12. Determine whether a reasonable time period for compliance was given.
13. Assess and order the payment of civil penalties and administrative costs as provided under this article.
14. Impose liens as provided in this code.

After the effective date of this section and appointment of a Special Master, all enforcement actions initiated hereunder or awaiting a hearing must be heard and decided in accordance with this code . The County Court shall continue to exercise jurisdiction over cases heard by it before the effective date of this section.

Additional powers and authority shall be as provided in Sections 8-60 & 6-62 of this code and as otherwise provided by County Ordinance and/or law.

Sec. 8-49. Collection and recovery of civil penalties.

1. The county shall provide for the appropriate guidelines and procedures for the administration, collection, record keeping, reporting and accountability of penalties assessed under this code.
 - a. A certified copy of an order imposing a fine, costs of investigation and prosecution and other penalties such as repair costs and restitution; may be recorded in the public records and thereafter shall constitute a lien against real and personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this code and this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, a Special Master may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.
2. Monies collected pursuant to this article shall be used to supplement future enforcement activities of the Principal Office.
3. The Principal Office and/or Hernando County shall be entitled to recover the costs of investigation and prosecution in addition to any penalty provided according to this code, adopted board rules and/or approved fee schedule, as part of the penalty levied pursuant to a citation.

Sec. 8-50. Appellate review.

The violator or the county may appeal a decision of a Special Master by certiorari to the circuit court of the fifth judicial circuit within 30 days of the date of rendition of the decision of the Special Master or Board.

Sec. 8-51. Provisions deemed supplemental.

Nothing contained within this code or its provisions shall prohibit the county from enforcing the provisions this code by any other means.

Sec. 8-52. Training of field investigator, Building Official or his/her designee.

The county shall designate and provide training as appropriate; those individuals authorized to enforce the provisions of this code.

Sec. 8-53. Schedule of civil penalties.

Civil penalties imposed by this code shall be consistent with Hernando County's Fee Schedule as adopted and approved by the Hernando County Board of County Commissioners by resolution and/or Board Rules as adopted by the Hernando County Construction Licensing Board.

Sec. 8-54. Consumer Review Panel

A Consumer Review Panel is hereby established for the purpose of hearing appeals from persons who have filed with the Principal Office a service request which is subsequently closed without action. A person may file an appeal to be heard before the panel to have their service request reviewed for probable cause as to a violation of this code or applicable state law. Such appeals must be submitted on a form approved by the Board and be accompanied with the applicable fee as established by a current fee schedule as approved by the Board of County Commissioners by resolution.

The Consumer Review Panel may be comprised of members or past members of the Board as determined by rule. Past members must possess an active contractor certificate. The Board is hereby granted the authority to adopt and implement rules as to the appointment of members, specific make-up and function of the panel. The panel will meet as necessary but no more than once per month. The Principal Office is responsible to provide administrative support and applicable record keeping for meetings of the panel. Panel members serve as volunteers and shall not be compensated.

The Consumer Review Panel is authorized to hear appeals. Upon full consideration of an appeal the panel should determine if the matter has sufficient probable cause to be brought before the Board or Special Master as an administrative hearing. If the panel determines the issue to have sufficient probable cause it shall direct the Principal Office to file an Administrative Complaint against the contractor. If the panel determines an issue lacks probable cause it should make a recommendation to the party bringing the appeal; as to any legal remedies which may be available including but not limited to: criminal proceedings, civil proceedings, referral to other state and local regulatory agencies, arbitration and mediation.

Decisions of the Consumer Review Panel as to probable cause are final. Disputes as to the closure of a service request shall only be heard by panel. A dispute/service request brought before the Board of County Commissioners shall be directed to the Consumer Review Panel. Issues involving actual building codes and their specific appeal are subject to the Florida Building Code and rules adopted thereto.

Subdivision B. Construction Licensing Board

Sec. 8-55. Creation; number and qualification of members; organization; conflict of interest; secretary and technical advisor.

- (1) Creation. To carry out the provisions of this code, there is created pursuant to the provisions of section 489.131(7), Florida Statute, the construction licensing board (hereafter referred to as the "board").
- (2) Number and qualifications of members. The board shall consist of nine (9) members, of whom:
 - (a) One (1) member shall be a general contractor; one member (1) shall be a building contractor or a residential contractor.
 - (b) One (1) member shall be a plumbing contractor; one (1) member shall be an electrical contractor; one (1) member shall be a mechanical contractor; one (1) member shall be a roofing contractor.
 - (c) Three (3) members shall be consumer representatives as defined by this code.
 - (d) Board members shall be duly licensed in their respective trade, with the exception of the consumer representatives.
- (3) Organization. The chairman and vice-chairman shall be elected by the board members in the form of a motion and shall serve for a one-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. 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.
- (4) Members not to vote where personal interest exists. 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.
- (5) Secretary and technical advisor. The building official shall appoint a secretary to the board. The building official shall serve as technical advisor to the board but shall have no vote. The building official shall receive no additional compensation for these duties.

(Ord. No. 99-10, § 5(1)--(5), 6-22-99)

Sec. 8-56. Terms of office.

The nine (9) members shall be appointed by the governing body for a four-year term and shall continue unless sooner removed for malfeasance in office, neglect of duty (which shall include three (3) consecutive unexcused absences), incapacity or other sufficient causes (to include improper interference with ongoing investigations or implying or conveying influence upon a contractor or employee of the principle office or department). No member shall serve more than two (2) consecutive four-year terms, nor serve more than eleven (11) years on the board. To ensure continuity of board policies, the governing body shall initially appoint one member for a one-year term, two (2) members for two-year terms, three (3) members for three-year terms, and three (3) members for four-year terms.

Members appointed to this board prior to adoption of this ordinance may complete the remainder of his/her term without reappointment.

(Ord. No. 99-10, § 5(6), 6-22-99)

Sec. 8-57. Quorum; affirmative votes of majority required.

Five (5) members of the board shall constitute a quorum, in the application of any provision of this code or the official duties of this board. Affirmative votes of the majority present shall be required.

(Ord. No. 99-10, § 5(7), 6-22-99)

Sec. 8-58. Compensation.

No board member shall receive any compensation for the duties stated herein.

(Ord. No. 99-10, § 5(8), 6-22-99)

Sec. 8-59. Rules and regulations.

The board shall meet as necessary for the performance of its functions. The board shall adopt rules and regulations for the proper and effective discharge of their official duties. 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 code.

(Ord. No. 99-10, § 6(1), 7, 6-22-99)

Sec. 8-60. Board; powers and duties

The powers and duties of the Board and Special Master shall include the following:

- (a) To conduct informal hearings against state and local certified contractors, registered contractors and business organizations issued a certificate of authority when the report of the department, Principal Office or its investigators shows alleged violations of any provision of this code.
- (b) To suspend, revoke, or place on probation the registration, certificate of authority of a business organization or the certificate of competency of a locally certified contractor found by the Board to have violated any provision of this code.
- (c) 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 code.
- (d) To issue letters of reprimand to any contractors or business organization issued a certificate of authority found by the Board to have violated any provision of this code.
- (e) To establish specific, non-arbitrary disciplinary guidelines applicable to each specific ground for disciplinary action which may be imposed by the Board or a Special Master.
- (f) To establish and adopt rules for the application for and issuance of certificates of authority, certificates, inactive certificates, renewal and expiration of certificates of authority and certificates.
- (g) To require financial restitution to a consumer, when necessary.
- (h) To impose an administrative fine not to exceed five thousand dollars (\$5,000.00).

- (l) To require continuing education.
- (j) To assess costs associated with investigation and prosecution of the violation(s) against the contractor, including associated legal fees.
- (k) To enter into stipulations with accused parties.
- (l) To conduct informal hearings involving unlicensed contractors.
- (m) To conduct informal hearings involving certified and registered contractors to include person(s) or entities possessing certificates of authority.
- (n) To terminate informal hearings when a party asserts and/or raises an issue of disputed fact.
- (o) To refer terminated informal hearings to a Special Master.
- (p) To suspend, revoke, or deny issuance or renewal of a certificate, registration, or certificate of authority for any individual or business organization that associates a person as an officer, director, or partner, or in a managerial or supervisory capacity, after such person has been found under a final order to have violated this section or was an officer, director, partner, trustee, or manager of a business organization disciplined by the Board by revocation, suspension, or fine in excess of \$2,500, upon finding reasonable cause that such person knew or reasonably should have known of the conduct leading to the discipline.

(Ord. No. 99-10, § 6(2), 6-22-99)

Sec. 8-61. Records.

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.

(Ord. No. 99-10, § 6(30), 6-22-99)

Sec. 8-62. Disciplinary proceedings (Formal/Informal Hearings)

- (1) Authority to revoke, suspend, restrict, etc., contractors, registrations, certificates of authority and unlicensed contractors. The Board and Special Master may revoke or suspend the certificate or registration of a contractor, certificate of authority of a business organization, place a contractor on probation, restrict the permit-pulling privileges of a contractor, require continuing education of a contractor, require financial restitution of a contractor, unlicensed contractor and/or business organization issued a certificate of authority, impose an administrative fine not to exceed five thousand dollars (\$5,000.00) pursuant to section 489.131(7), Florida Statutes and/or assess costs associated with investigation and prosecution against a contractor, a registration or the person or business organization issued such, an unlicensed contractor and/or a business organization issued a certificate of authority, or reprimand or censure a contractor if the contractor, or the business organization for which the contractor is a primary qualifying agent or a secondary qualifying agent, responsible under section 8-31 of this Code; is found guilty of any of the following acts:
 - (a) Obtaining a certificate or registration by fraud or misrepresentation.

- (b) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.
- (c) Violating any provision of Chapter 455, Florida Statutes.
- (d) Violating the applicable building codes or laws of the State of Florida, or of Hernando County.
- (e) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting if the certificate holder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered. It shall be the duty of a contractor to ensure that those he employs or those employing him are duly licensed. The failure to conduct such an inquiry shall be prima facie proof of a violation of this code.
- (f) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his certificate or registration to be used by the uncertified or unregistered person with intent to evade the provisions of this code. When a certificate holder or registrant allows his certificate or registration to be used by one or more business organizations without having any active participation in the operations, management or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this code.
- (g) Acting in the capacity of a contractor under any certificate or registration issued other than the name of the certificate holder or registrant as set forth on the issued certificate or registration.
- (h) Committing mismanagement or misconduct in the practice of contracting that causes financial harm. Financial mismanagement or misconduct occurs when:
 1. Liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within seventy-five (75) days after the date of such liens.
 2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contractor price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within thirty (30) days after the date the job is abandoned; or
 3. The contractor's job has been completed and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer or was otherwise permitted by the terms of the contract between the contractor and the customer.
- (i) Being disciplined by any municipality or county for an act or violation of this code.
- (j) Failing in any material respect to comply with the provisions of this code or violating a rule or lawful order of the board.
- (k) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after ninety (90) days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for ninety (90) consecutive days.

- (l) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor and materials which results in a financial loss to the owner, purchaser or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.
 - (m) Committing fraud or deceit in the practice of contracting.
 - (n) Committing incompetency or misconduct in the practice of contracting.
 - (o) Committing gross negligence, repeated negligence or negligence resulting in a significant danger to life or property.
 - (p) Proceeding on any job without obtaining applicable local building department permits and inspections.
 - (q) Intimidating, threatening, coercing or otherwise discouraging the service of a notice to owner under Part I of Chapter 713, Florida Statutes, or a notice to contractor under Chapter 255, Florida Statutes.
 - (r) Failing to satisfy within a reasonable time the terms of a civil judgement obtained against the licensee or the business organization qualified by the licensee relating to the practice of the licensee's profession.
 - (s) Knowingly and intentionally making or furnishing a statement in the form of an affidavit, whether or not under oath, containing false information about the payment status of subcontractors, sub-subcontractors, or suppliers in connection with the improvement of real property, knowing that the one to whom it was furnished might rely on it, and the one to whom it was furnished will part with draw payments or final payment relying on the truth of such statement as an inducement to do so.
 - (t) Making or disseminating, in oral, written, or printed form, misleading advertising (representations that are known or through the exercise of reasonable care or investigation could or might have been ascertained to be untrue or misleading, which are made or were made with the intent or purpose of selling or disposing of real or personal property or services of any kind or which are made or were made to induce the public to enter into any obligation relating to such property or services).
 - (u) Violating any of the provisions of Section 8-41 of this code.
- (2) If during an informal hearing any party asserts and/or raises an issue of disputed fact, the hearing shall be terminated and a formal hearing before the Special Master shall be ordered as provided by Section 8-49 of this code.
 - (3) The certificate, registration or certificate of authority for any individual or business organization that associates a person as an officer, director, or partner, or in a managerial or supervisory capacity, after such person has been found under a final order to have violated this section or was an officer, director, partner, trustee, or manager of a business organization disciplined by the Board by revocation, suspension, or fine in excess of \$2,500, upon finding reasonable cause that such person knew or reasonably should have known of the conduct leading to the discipline; may be suspended, revoked, or denied issuance or renewal.

(Ord. No. 99-10, § 25, 6-22-99)

Sec. 8-63. Investigation, authority.

- (1) At any time that it shall come within the knowledge of a field investigator or the Building Official or his/her designee that any of the foregoing grounds for disciplinary action may exist as to any

contractor, or that a person without regard to licensure; may have violated a provision of this code; it shall be the duty of the Principal Office and/or a designated code enforcement officer, field investigator and the Building Official or his/her designee 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 violation may exist or have occurred; the Board may direct an investigation be conducted.

- (2) A field investigator or the Building Official or his/her designee may enter and inspect any place of business to which the public is invited or a construction site any reasonable time for the limited purpose of investigating compliance and/or violations of this code. Persons or entities required to be licensed pursuant to this code shall keep, maintain, and provide for inspection upon demand; those licenses and certificates of insurance required by this code.
- (3) A license must be in the possession of the certificate holder and/or be readily accessible for inspection purposes. A person unable to produce proof of licensure in that the license is not on his/her person or readily accessible shall be deemed in violation of this code and subject to a civil citation and the applicable penalty as prescribed in this code and applicable resolutions. The term readily accessible shall be limited to the license being somewhere in the immediate vicinity of the person or persons performing work or acting in the capacity of a contractor. A designated code enforcement officer, field investigator, Building Official or his/her designee is authorized to determine compliance as to the term "readily accessible".
- (4) A field investigator, the Building Official or his/her designee performing an investigation, is authorized to compel a certificate holder to cooperate with an ongoing investigation as to violations of this code. Cooperation is achieved when a certificate holder; attends meetings upon the written request of a designated code enforcement officer, field investigator and the Building Official or his/her designee; or otherwise does not conceal or cause to be concealed, or assist in concealing any material activities or information about the contracting firm to include but not be limited to the exclusion or facilitation of the exclusion of any aspect of the contracting firm's financial or other business activities.
- (5) If the building official or his/her designee finds that immediate serious danger to the public health, safety, or welfare requires emergency suspension, restriction, or limitation of a license, the building official or his/her designee may take such action by any procedure that is fair under the circumstances.
 - (a) The building official or his/her designee may order the cessation (hold) of the issuance future permits to a contractor who is under investigation for violation(s) of this code and has either failed or is unable to cooperate with an ongoing investigation which involves violations that could lead to a threat to the health, safety and welfare of the public welfare.
 1. Notice must be provided to the subject contractor as to the subject action,
 2. Such an order is only valid for a maximum period of 30 days. If after 30 days from the issuance of an order the contractor has not cooperated with an investigation, such failure shall be deemed a violation of this code and subject to the penalties established and set forth in this code and adopted board rules.
 - (b) A field investigator, Building Official or his/her designee may initiate an emergency proceeding before either the Board or a Special Master for purpose of obtaining a summary order instituting emergency action that either suspends, restricts or limits a certificate.
 1. Upon conclusion of such a proceeding; the Board or Special Master shall enter a summary order stating the facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances.
- (6) (a) Upon a determination by the building official or his/her designee that a licensee, certificate

holder, or registrant licensed under chapter 455, chapter 471, chapter 481, chapter 489 or this code has committed a material violation of the Florida Building Code and failed to correct the violation within a reasonable time, a fine shall be imposed of no less than \$500 and no more than \$5,000 per material violation as provided by law and established and approved fee schedule.

- (b) If the licensee, certificate holder, or registrant disputes the violation within 30 days following notification by the principle office, the fine is abated and the principle office shall report the dispute to the Department of Business and Professional Regulation (DBPR) or the appropriate professional licensing board for disciplinary investigation and final disposition. Any fine imposed by DBPR or the professional licensing board, pursuant to matters reported by the principle office shall be divided equally with between the DBPR or the appropriate professional licensing board and the principle office.
- (c) For purposes of this section, a material code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided in paragraph (b), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificate holder's, or registrant's ability to obtain permits within this state until such time as the fine is paid. Such suspension shall be reflected on the automated information system under s.455.2286. (Specific Authority s. 553.781)

(Ord. No. 99-10, § 26, 6-22-99)

Sec. 8-64. Notices.

At any time a report of the building official, his designee, or local governing body indicates the existence of one or more violations of this code, and in the absence of a stipulated agreement, written notice may be served upon the alleged violator, notifying such alleged violator of the grounds for disciplinary action, the time, date, and place of a hearing before the board. The written notice shall be served not less than ten (10) days prior to the hearing. The alleged violator shall have the right to appear at such hearing, be represented by counsel, produce evidence, cross-examine witnesses and call witnesses in his own accord.

Notwithstanding any other provision of law, service by regular mail to a certificate holder's or registrant's address of record shall constitute adequate and sufficient notice to the certificate holder or registrant for any official communication to the certificate holder or registrant, except when other service is required pursuant to the provisions of Florida Statute, sections 455.224 and 455.225 or this code.

(Ord. No. 99-10, § 24, 6-22-99)

Sec. 8-65. Final order; appeal.

- (1) *Disciplinary order.* At the conclusion of a hearing conducted by the board, should the board determine that one or more grounds for disciplinary action exists, 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.

- (2) *Issuance of recommended penalty to department; notification of disciplined contractor; informing department of action.* Pursuant to any disciplinary order imposed by the board, a recommended penalty shall be issued to the appropriate state regulatory board(s) indicating no further action; a recommendation for suspension, revocation or restriction of the registration or certificate; a fine to be levied by the state board; or a combination thereof. The board shall inform the disciplined contractor and the complainant of the local license penalty imposed, the board penalty recommended, his rights to appeal, and the consequences should he decide not to appeal. The board shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the appropriate state regulatory board(s) of its action and the recommended board penalty.
- (3) *Challenge of penalty by disciplined contractor.* The disciplined contractor may challenge the board's recommended penalty to the appropriate state regulatory board(s). A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.
- (4) *Failure to challenge constitutes waiver of right to hearing before department; appeal to district court.* Failure of the disciplined contractor to challenge the board's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the appropriate state regulatory board(s). A waiver of the right to a hearing before the appropriate state regulatory board(s) shall be deemed an admission of the violation and the penalty recommended shall become a final order according to procedures developed by the appropriate state regulatory board(s) rule without further action. The disciplined contractor may appeal this board action to the district court.
- (5) *Appeal to circuit court.* An aggrieved party, including the local governing body, may appeal a disciplinary order of the board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.
- (6) *Orders imposing disciplinary action.* Orders imposing disciplinary action against a contractor shall contain, at a minimum, the following:
- (a) A clear statement of the violations charged.
 - (b) A clear statement of the factual basis for the charges.
 - (c) Evidence that the contractor was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges.
 - (d) Findings of fact made by the board.
 - (e) Conclusions of law which demonstrate that the facts alleged constitute violations of chapter 489, Part I and/or II, Florida Statutes, or of the governing local ordinance (this code).
 - (f) A statement of the penalty imposed.

(Ord. No. 99-10, § 28, 6-22-99)

Secs. 8-66--8-75. Reserved.

Subdivision C. Certificates of Competency and Registration

Sec. 8-76. Certificates of competency required.

All persons or entities shall be duly licensed by all appropriate agencies and authorities of the county and the state. All aid persons or entities shall be in possession of all necessary certificates of competency, registrations, and occupational licenses, prior to engaging in the business, or acting in the capacity of a contractor. Duly licensed contractors or persons exempted by this code are authorized to obtain building permits, and receive inspections. No contractor shall allow any subcontractor to work on any job under the contractors supervision, unless such subcontractor is in possession of all necessary certificates of competency, registrations, and occupational licenses as required by any ordinances, agencies, and authorities of the county and the state.

(Ord. No. 99-10, § 8, 6-22-99)

Sec. 8-77. Certificate eligibility requirements.

- (1) Certificate eligibility shall be as determined by rules prepared by the Principle Office and adopted by the construction licensing board and consistent with this code and Florida Statutes.
- (2) Any and all persons desiring to obtain a certificate of competency shall score a passing grade on an examination administered by an independent examiner as specified by the Principle Office, and/or the Hernando County Construction Licensing Board. A passing grade shall be deemed to be seventy-five (75) percent or better. Additionally, the applicant shall demonstrate proof of experience in the field for which he applies. Minimum requirements for proof of experience shall be determined by the Principle Office. All persons shall be of good moral character and shall be in sound financial standing.

(Ord. No. 99-10, § 9, 6-22-99)

Sec. 8-78. Applications and examinations.

- (1) Administration of applications. Applications for, and issuance of, certificates of competency, inactive certificates and renewals shall be administered by the Principle Office in accordance with this code and rules adopted by the board.
 - (a) An initial applicant, with his application, and a certificate holder or registrant requesting a change of status shall submit to the Principle Office evidence of financial responsibility, credit and business reputation of either himself or the business organization he desires to qualify in the form of a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant or certificate holder or registrant.
 - (b) The credit report required for the initial applicant shall be considered minimum evidence necessary to satisfy the Principle Office that such applicant is financially responsible to be certified, that he has the necessary credit and business reputation to engage in contracting in the county and that he has the minimum financial stability necessary to avoid the problem of financial mismanagement or misconduct.
 - (c) The Principle Office shall review the applicant's financial responsibility based upon the applicant's credit history, ability to be bonded and any history of bankruptcy or assignment of receivers.
 - (d) All information provided in the application shall be verified.

- (e) Applicants seeking certification through reciprocity shall only be required to meet the requirements set forth in paragraph (e) of this section.
- (2) Forms for applications; accuracy and fees. Applications for competency examinations, as required in section 8-77 of this Code, shall be submitted to the Principle Office on forms supplied by the building official. Applications shall be complete and accurate and shall be accompanied by the examination fee as required. Applications for special examinations shall be accompanied by the required fee.
- (3) Approval of Principle Office for re-examination. Any person that fails to pass an examination must obtain Principle Office approval prior to taking additional examinations administered by an independent examiner, specified by the Principle Office, upon availability of such examinations.
- (4) Validity of applications. Approved applications shall be valid for a period of sixty (60) days unless the applicant is granted an extension by the Principle Office. Requests for extensions shall be in writing and shall be granted upon showing of just cause. Certificates of competency will be valid for a period of two (2) years from date of issuance. Certificates of competency are renewed during a sixty-day period prior to the date of expiration specified on the certificate.
- (5) Reciprocity. Reciprocity may be granted to contractors who have been licensed in another jurisdiction within the State of Florida, and meet the minimum certification requirements of this code. Approved contractors may be issued a certificate of competency for the trade being applied for, which is equal to, in all respects, certificates issued in accordance with paragraph (a) of this section. To be considered for reciprocity, the applicant shall submit the following:
 - (a) A letter of reciprocity from the jurisdiction responsible for initial licensure. Letters of reciprocity shall include: length of licensure, test score results (must be seventy-five (75) percent or better, business and law), complaint background, current status of license, and a statement that the license has not been suspended or revoked within five (5) years prior to the application for reciprocity.
 - (b) Remittance of a fee for the license being applied for.
 - (c) Proof of insurance meeting guidelines as set forth by board rules.
 - (d) Proof of compliance with workers' compensation law.
 - (e) Possession of a bond in the amount of five thousand dollars (\$5,000.00).
 - (f) Proof of possession of a valid occupational license.
 - (g) Completed registration form for reciprocity.

Reciprocity may be denied to an applicant if any provision of this section is not complied with, or if the applicant fails to meet the minimum certification requirements for the license being applied for.

(Ord. No. 99-10, § 10, 6-22-99)

Sec. 8-79. Issuance; bond requirement; proof of liability, property damage and workers' compensation insurance.

All persons acting in the capacity of a contractor including those persons registered for the purpose of obtaining permits must provide proof of possessing a \$5000 bond, liability insurance if applicable and compliance with workers' compensation. Upon approval by the Principal Office and preparation of all appropriate documents, the applicant may be issued the certificate of competency applied for, if applicable or registered for permitting purposes.

Applicants and/or contractors regulated by the Department of Business & Professional Regulation must post a five thousand dollar (\$5,000.00) bond made payable to the Construction Industry Recovery Fund to be filed with the Principal Office of the Board. Bond requirements for state certified contractors shall be effective April 1, 2002. Applicants and/or contractors regulated by the Hernando County Construction Licensing Board or otherwise registered must post a five thousand dollar (\$5,000.00) bond made payable to the Hernando County Development Department. The applicant must provide proof of public liability and property damage insurance for the safety and welfare of the public in such amounts as determined by the Board if applicable. The applicant must provide proof of workers' compensation insurance, as required by this code and Florida Statutes.

Sec. 8-80. Violations, remedies and penalties.

Any entity violating any provision of this code shall be subject to the penalties provided for herein. The Director, Building Official or his/her designee shall issue notice to all entities violating any provision of this code 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 code shall, upon conviction, be guilty of a misdemeanor and shall be fined or imprisoned or both fined and imprisoned, in accordance with the provisions of 125.69, Florida Statutes.

Sec. 8-81. Grandfathered certificates.

The Board shall be responsible for prescribing grandfather provisions to persons or business organizations which are in existence prior to the enactment of this code or its amendments. Such provisions shall include, but not be limited to, proof of engaging in business of the applicable trade for three (3) consecutive years. Persons or business organizations issued certificates as authorized by this section shall have the same obligations, rights, and privileges as any other holder of a certificate and shall comply with all of the provisions of this code as any other person or business organization.

The Board shall adopt rules for the issuance of certificates to persons or business organizations that are actively in business prior to the enactment of amendments to this code if such amendments would otherwise limit or restrict the person or business organization and cause the person or organization to be deemed unlicensed.

Sec. 8-82. Journeyman.

A licensed journeyman may work for certified contractors subject to the following 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-five (75) percent 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 year's experience in the field applied for.
- (3) The journeyman is working as an employee of a certified contractor.
- (4) Payment of the appropriate fee.
- (5) Journeyman licenses do not require bond, liability insurance, or worker's compensation.

Sec. 8-83. Certification and registration, renewals, endorsements.

- (1) Issuance of certificate or registration. The Principle Office shall issue a certificate or registration to each qualified person pursuant to approved rules, this code, and upon receipt of the license fee. Certificate holders shall engage in contracting only for the type of work covered by the certificate.
- (2) Renewals for active certificate holders or registrants. Certificates shall be issued upon approval and be valid for two (2) years from the date of issuance. Each certificate holder or registrant who desires to continue as a certificate holder or registrant shall renew his certificate or registration every two (2) years. Certificates shall not be valid beyond the expiration date.
- (3) Active renewal:
 - (a) Renewal notices are sent by the Principle Office sixty (60) days prior to the expiration of the certificates.
 - (b) Renewal applications shall include the appropriate fee in addition to information as may be required by the building official.
 - (c) Renewal applications shall include proof that the certificate holder or registrant possesses public liability and property damage insurance for the safety and welfare of the public, in such amounts as determined by the Principle Office.
 - (d) Renewal applications shall include proof that the certificate holder or registrant possesses workers' compensation insurance as required by this code and Florida Statutes.
 - (e) Renewal applications shall include proof that the certificate holder or registrant possesses a valid occupational license.
 - (f) Renewal applications shall include proof that the certificate holder possesses a valid state registration, if applicable.
 - (g) Renewal applications shall include proof the certificate holder has completed the applicable continuing education hours as required by Florida Statutes.
 - (h) Upon receipt of the renewal information, fee, and approval of the Principle Office, the certificate or registration shall be renewed.
 - (i) Expired certificates will be placed on a "License Not Renewed" status for one year during which the certificate may still be renewed.
 - (j) Certificates not renewed within one year of the expiration date shall be deleted from the county licensing files. Certificates deleted shall not be renewed.
 - (k) Deleted certificate holders who request renewal/activation, shall be denied pursuant to (j) above. Deleted certificate holders must reapply for such certificates as required by this code for new applicants (to include, but not limited to, examination). Proof of having held a county certificate of competency may be utilized by the applicant to verify his or her experience record in lieu of notarized letters.
- (4) Inactive renewal:
 - (a) Inactive certificates may be renewed as provided by this code. Inactive certificate renewals shall include proof the certificate holder has completed the applicable continuing education hours as required by Florida Statutes.
 - (b) Inactive certificates may be renewed up to one year after the expiration date when accompanied by a late penalty fee, in addition to the regular fee and information required by the building official.

- (c) Inactive certificates not renewed within one year of their expiration shall be deleted from the county licensing files. Certificates deleted shall not be renewed.
 - (d) Persons having an inactive certificate deleted must reapply for such certificates as required by new applicants. Proof of having held a county certificate of competency may be utilized by the applicant to verify his or her experience record in lieu of notarized letters.
- (4) Proof of liability and property damage insurance and endorsements. As a prerequisite to the initial issuance or renewal of a certificate or registration, the applicant shall submit proof that the applicant has obtained public liability and property damage insurance for the safety and welfare of the public in the amounts determined by the Principle Office. In addition to the insurance, as a prerequisite to the initial issuance of the certificate, the applicant shall furnish evidence of financial responsibility, credit and business reputation of either himself or the business organization he desires to qualify.

(Ord. No. 99-10, § 15, 6-22-99)

Sec. 8-84. Registration.

Any person or business organization engaged in the business of contracting who performs work for which a building permit is required shall, prior to engaging in the business of contracting or performing such work, register with the Board's Principal Office unless he is county certified.

To be initially registered, the applicant shall submit the required fee, complete a registration form provided by the Principal Office, and submit a valid occupational license for the type of work for which the registration is desired. Examination may not be required for registration.

(Ord. No. 99-10, § 16, 6-22-99)

Sec. 8-85. Emergency registration upon death of contractor.

If an uncompleted contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Within (30) thirty days after the death of the contractor, the person completing the contract shall notify the Principle Office, of his name and address, his knowledge of the contract, and his ability to complete it. If the Principle Office approves, he may proceed with the contract. For purposes of this section, an uncompleted contract is one which has been awarded to, or entered into by, the contractor before his death, or on which the contractor was the low bidder and the contract is subsequently awarded to him, regardless of whether any actual work has commenced under the contract before his death.

(Ord. No. 99-10, § 19, 6-22-99)

SECTION 2. SEVERANCE OF PARTS

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be

affected thereby.

SECTION 3. 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. 99-10, and subsequent amendments thereto, are hereby repealed.

Notwithstanding anything to the contrary herein, the adoption of this ordinance shall not be construed or held to repeal former Ordinance No. 99-10 or the code provisions in effect prior to the adoption of this ordinance as to any violation occurring, pending, or committed in violation of Ordinance No. 99-10 or the prior code provisions. Such pending, occurring, or committed violations will be prosecuted under Ordinance No. 99-10 or the prior code provisions. No violation of the provisions of Ordinance No. 99-10 or the prior code provisions shall be prosecuted two (2) years from the effective date of this ordinance.

SECTION 4. INCLUSION INTO THE CODE

Upon the effective date of this code, those previously enacted codes and amendments thereto which regulate the construction activities addressed by this code, namely Hernando County Ordinance No. 99-10 and subsequent amendments thereto, are hereby repealed.

SECTION 5. VIOLATIONS, REMEDIES, AND PENALTIES


Any entity violating any provision of this code shall be subject to the penalties provided herein.

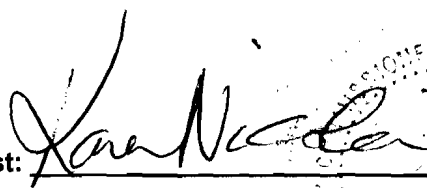
SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective upon receipt of the official acknowledgment from the office of the Secretary of the State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 18TH DAY OF DECEMBER, 2001.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

By 
CHRISTOPHER KINGSLEY, Chairman

Attest: 
KAREN NICOLAI, Clerk

