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TAMPA, FLORIDA

ORDINANCE NO: 2010-2

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES; PROVIDING FOR A TITLE; PROVIDING FOR LEGISLATIVE INTENT; AMENDING SECTION 8-28 TO AMEND DEFINITION OF "MARINE CONTRACTOR"; AMENDING SECTION 8-30 TO REQUIRE THE PROVISION PROOF OF COMPLIANCE WITH BOTH STATE AND FEDERAL WORKERS COMPENSATION LAW AS A CONDITION PRECEDENT TO THE ISSUANCE OR RENEWAL OF A CERTIFICATE OR REGISTRATION; AMENDING SECTION 8-44 TO REQUIRE THE PROVISION PROOF OF COMPLIANCE WITH BOTH STATE AND FEDERAL WORKERS COMPENSATION LAW AS A CONDITION PRECEDENT TO THE SUBMISSION OF BIDS FOR THE CONSTRUCTION, IMPROVEMENT, REMODELING, OR REPAIR OF PUBLIC BUILDINGS; AMENDING SECTION 8-97(104.4.3) TO REQUIRE THE PROVISION PROOF OF COMPLIANCE WITH BOTH STATE AND FEDERAL WORKERS COMPENSATION LAW AS A CONDITION PRECEDENT TO RECEIVING A BUILDING PERMIT; AMENDING SECTION 8-246 RELATING TO MARINE CONTRACTING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is recognized that marine contractors frequently perform work that extends into navigable waters which are subject to the control of the United States government; and

WHEREAS, Fla. Stat. § 440.09 provides that benefits are not payable under Florida's Workers Compensation Law with respect to disability or death of any employee covered by the Longshoremen's and Harbor Workers' Compensation Act, or the Jones Act; and

WHEREAS, the death or disability of an employee of a marine contractor may not be covered by Florida's Workers' Compensation Law as the coverage under state law and the coverage under federal law are mutually exclusive; and

1 **WHEREAS**, the Board of County Commissioners has determined that, for the protection of
2 the citizens of Hernando County and employees of marine contractors, the Hernando County Code
3 be amended to provided that all marine contractors shall be required to possess all workers'
4 compensation coverages required by law, now therefore

5 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
6 **HERNANDO COUNTY, FLORIDA:**

7 **Section 1. Amendment and Revision of Hernando County Code Section 8-28**

8 The definition of "Marine Contractor" contained in Section 8-28 of the Hernando County
9 Code is hereby amended to read as follows, with struck-through material deleted and underlined
10 material added.

11 Sec. 8-28. Definitions.

12 (8) Marine contractor ~~means the scope of certification includes and is~~
13 ~~limited to the execution of contracts requiring the skill, knowledge, ability and~~
14 ~~experience to install, alter, repair, maintain, relocate, and replace, supporting~~
15 ~~members for piers and docks; i.e., piles or pilings, columns, posts, stanchions. The~~
16 ~~scope of work of such contractor shall include all construction below, above or~~
17 ~~beyond, the mean low water line, for the sole purpose of constructing erecting or~~
18 ~~dismantling of piers, docks and seawalls~~ is a specialty contractor whose scope of
19 work includes and is limited to any work involving the construction, repair,
20 alteration, extension and excavation for fixed docks, floating docks, boathouses,

mooring devices, mooring fields, seawalls, bulkheads, piers, wharfs, boat lifts, boat ramps, revetments, cofferdams, wave attenuators, dune crossovers and other marine structures and activities, including pile driving, hauling, concrete, masonry, dredge and fill, and wood shingles, wood shakes, or asphalt or fiberglass shingle roofing on a new structure of his or her own construction. Marine contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the Longshoremen's and Harbor Worker's Compensation Act, 33 U.S.C. § 901 et seq. and Title 46 U.S.C.A.

Section 2. Amendment and revision of Hernando County Code Section 8-30

Section 8-30 of the Hernando County Code is hereby amended to read as follows, with struck-through material deleted and underlined material added.

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 all workers' compensation insurance ~~pursuant to Chapter 440, Florida Statutes~~ coverages that are required by state and/or federal law, 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

1 certificate or registration; as a violation of section 8-62 (subsections (d), (j), (n)).

2 **Section 3. Amendment and revision of Hernando County Code Section 8-44**

3 Section 8-44 of the Hernando County Code is hereby amended to read as follows, with
4 struck-through material deleted and underlined material added.

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

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

15 **Section 4. Amendment and revision of Hernando County Code Section 8-79**

16 Section 8-79 of the Hernando County Code is hereby amended to read as follows, with
17 struck-through material deleted and underlined material added.

18

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

3 All persons acting in the capacity of a contractor including those persons
4 registered for the purpose of obtaining permits must provide proof of possessing a five
5 thousand dollar (\$5,000.00) bond, liability insurance if applicable and compliance
6 with workers' compensation. Upon approval by the principal office and preparation
7 of all appropriate documents, the applicant may be issued the certificate of
8 competency applied for, if applicable or registered for permitting purposes.

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

1 **Section 5. Amendment and revision of Hernando County Code Section 8-97(104.4.3)**

2 Section 8-97(104.4.3) of the Hernando County Code is hereby amended to read as follows,
3 with struck-through material deleted and underlined material added.

4 9-97(104.4.3) Identification of minimum premium policy. Except as otherwise
5 provided ~~in Chapter 440, Workers Compensation by law~~, every employer shall, as
6 a condition to receiving a building permit, show proof that it has secured
7 compensation for its employees as provided ~~in §§ 440.10 and 440.38, Florida~~
8 Statutes as required by this code, Florida Statutes, and/or federal law.

9 **Section 6. Amendment and Revision of Hernando County Code Section 8-246**

10 Section 8-246 of the Hernando County Code is hereby amended to read as follows, with
11 struck-through material deleted and underlined material added.

12 Sec. 8-246. Administration.

13 Refer to the Standard Building Code, 1991 edition, Chapter 1, Administration, as
14 modified by county Ordinance No. 92-25, in addition to the following:

15 (1) Every application for a permit in and upon Hernando County
16 waterways must be submitted to the county building division with plans and
17 specifications thereof, together with a sketch of the property and the adjoining water
18 body, which sketch must show the width of the existing water body at the point of
19 the property from which the dock, pier or seawall is to be built; the proposed length

1 of the dock or pier into the water body; and such other items as may, from time to
2 time, be required by the building division or other appropriate agency.

3 (2) The intent of these specifications is to set minimum standards for
4 typical marine construction.

5 (3) Good engineering practice shall be used at all times.

6 (4) Any person, firm or corporation who violates any of the provisions
7 set forth in this code shall be deemed guilty of a misdemeanor which shall be
8 punishable within the limits and as provided by state laws.

9 (5) Upon receipt of an application for any marine construction along the
10 county's rivers the building division may forward the application to the port
11 authority for their evaluation and recommendations prior to permitting.

12 Construction standards shall be consistent with the Riverine Protection Ordinance.

13 (6) The building division may at any time request evaluation and
14 recommendations from the port authority with respect to marine construction. The
15 building division may incorporate any such recommendation in any final decision
16 regarding marine construction. All recommendations must be consistent with the
17 provision of the marine construction code.

18

1 (7) Except as otherwise provided by law, every employer shall, as a
2 condition to receiving a building permit pursuant to this Article, show proof that it
3 has secured compensation for its employees as provided as required by this code,
4 Florida Statutes, and/or federal law.

5 **Section 8. Existing Contracts and Permits; Validity Unaffected**

6 Nothing in the provisions of this ordinance shall affect the validity of any permits,
7 agreements or contracts in existence on the Effective Date of this ordinance.

8 **Section 9. Inclusion in the Code**

9 It is the intention of the Board of County Commissioners of Hernando County, Florida, and
10 it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the
11 Code of Ordinances of Hernando County, Florida. To this end, the section of this Ordinance may
12 be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be
13 changed to "section, "article", or other appropriate designation.

14 **Section 10. Effective Date.**

15 This ordinance shall take effect immediately upon receipt of official acknowledgment from
16 the office of the Secretary of State of Florida that this ordinance has been filed with said office.

17

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 HERNANDO COUNTY in Regular Session this 26TH day of January 2010.



3 BOARD OF COUNTY COMMISSIONERS
4 HERNANDO COUNTY, FLORIDA

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9 Attest: Karen Nicolai
10 The Hon. Karen Nicolai
11 Clerk

By: John Druzbeck
12 The Honorable John Druzbeck
13 Chairman

14 Approved for Form and Legal Sufficiency:

15
16
17 [Signature]
18 Assistant County Attorney