

From: [Bryant, Linda C.](#)
To: [Ordinances](#)
Cc: [County Ordinances](#)
Date: Wednesday, September 15, 2021 2:28:30 PM
Attachments: [Hernando20210915 Ordinance2021_17 Ack.pdf](#)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 15, 2021

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Ms. Heidi Kurppe, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2021-17, which was filed in this office on September 15, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

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ORDINANCE NO.: 2021- 17

AN ORDINANCE ELIMINATING TWELVE LOCAL SPECIALTY CONTRACTOR LICENSES, WHICH LICENSES WOULD EXPIRE ON JULY 1, 2023 IN ACCORDANCE WITH SECTION 163.211 OF THE FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE ON JULY 1, 2023.

WHEREAS, the Hernando County Code of Ordinances provides for specialty contracting licenses within the jurisdiction of Hernando County pursuant to Section 8-28 of the Hernando County Code of Ordinances; and

WHEREAS, House Bill 735, titled Preemption of Local Occupational Licensing, has been adopted as a general law through Chapter Number 2021-214, Laws of Florida which creates Section 163.211 of the Florida Statutes; and

WHEREAS, Section 163.211 of the Florida Statutes provides that the “licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement of occupations . . . [unless] authorized by general law,” but allows a local government that imposed licenses on occupations before January 1, 2021 to continue the existence of those licenses until July 1, 2023, at which time each license expires and can no longer be enforced

1 by the local government; and

2 **WHEREAS**, Chapter Number 2021-214, Laws of Florida also amends Section 489.117(4)(a)
3 of the Florida Statutes to provide that a local government may not require a person to obtain a license
4 for a job scope which does not substantially correspond to the job scopes specifically defined in
5 Section 489.105(3)(a)-(o) or certified specialty contractor categories established by rule of the state
6 Construction Industry Licensing Board; and

7 **WHEREAS**, Section 489.117(4)(a) of the Florida Statutes specifically prohibits local
8 licensing for painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation,
9 handyman services, decorative stone, tile, marble, granite, or terrazzo installation, plastering,
10 stuccoing, caulking, and canvas awning and ornamental iron installation; and

11 **WHEREAS**, Chapter Number 2021-214, Laws of Florida also amends Sections 489.1455(1)
12 and 489.5335(1) of the Florida Statutes to allow local governments to issue journeyman licenses in
13 plumbing, pipe fitting, mechanical, HVAC, electrical, or alarm system trades; and

14 **WHEREAS**, Section 489.105(8) of the Florida Statutes defines a “certified contractor” as
15 a contractor who possesses a certificate of competency issued by the Department of Business and
16 Professional Regulation who can contract in any jurisdiction throughout the State; and

17 **WHEREAS**, Section 489.105(10) of the Florida Statutes defines a “registered contractor”

1 as a contractor who has registered with the Department of Business and Professional Regulation
2 pursuant to local competency requirements who may contract only within that local jurisdiction; and

3 **WHEREAS**, Section 489.113 of the Florida Statutes allows a person to become certified by
4 the State to engage in contracting throughout the State, while a person who desires to engage in
5 contracting locally may become registered with the State; and

6 **WHEREAS**, Section 8-28 of the Hernando County Code of Ordinances lists twenty-four
7 “specialty contractor” license categories for registration within the boundaries of Hernando County;
8 and

9 **WHEREAS**, the Board of County Commissioners of Hernando County desires to amend its
10 Code by removing certain specialty contractor licenses that do not correspond with the contractor
11 categories in Section 489.105(3)(a)-(o) or (q) of the Florida Statutes to comply with Chapter Number
12 2021-214, Laws of Florida ; and

13 **WHEREAS**, this amendment to the Hernando County Code of Ordinances is set to become
14 effective on July 1, 2023 as set forth by Section 163.211 of the Florida Statutes;

15 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
16 **COMMISSIONERS OF HERNANDO COUNTY:**

1 **Section 1. Modification of Chapter 8, Article II, Division 2, Subdivision A, Section 8-28**
2 **of the Hernando County Code of Ordinances.** Chapter 8, Article II, Division 2, Subdivision A,
3 Section 8-28 of the Hernando County Code, is hereby amended as follows:

4 **Sec. 8-28. - Definitions.**

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

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

9 *Board* means the Hernando County Board of Construction and Regulation, authorized and
10 required to preside over informal hearings both involving contractor licensing regulations, decisions
11 and interpretations of the building official, and act as the county-wide compliance review board to
12 hear appeals as to technical amendments of the Hernando County Construction Code. The board is
13 created and its members appointed by the governing body (Hernando County Board of County
14 Commissioners). Upon the effective date of this Ordinance, all references to the construction
15 licensing board or the construction board of adjustments and appeals, in this and other adopted codes
16 and ordinances, shall be synonymous with the Hernando County Board of Construction and
17 Regulation.

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

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

13 *Certificate* means certificate of competency, certificate of authority or registration.
14 Certificates are issued either by an applicable state agency or Hernando County. The principal office
15 shall administer and issue certificates.

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

1 *Certificate of authority* means a license (certificate) issued to either a financially responsible
2 officer or business organization/entity. The board shall approve the application form and minimum
3 criteria required for approval and issuance of such a certificate. The principal office shall administer
4 and issue certificates.

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

9 *Certified contractor* means any contractor business organization or financially responsible
10 officer who possesses and has obtained a certificate of competency, certificate of authority or
11 registration issued by the department and/or principal office, or the Department of Business and
12 Professional Regulation and who shall be allowed to contract in a jurisdiction subject to any
13 applicable restriction associated therewith.

14 *Completion* means, for the purposes of this code and the Hernando County Construction
15 Code, as may be amended, an activity associated with a regulated trade and as may be referenced by
16 a particular contract that has been accomplished and the work terminated. For the purposes of this
17 definition, completion may be presumed upon proof of final payment and/or compensation for said

1 activity, or upon determination by a certified inspector that the product, as a result of the activity,
2 is ready for final inspection.

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

10 *Contracting* means, except as exempted in this part, engaging in business as a contractor and
11 includes, but is not limited to, performance of any of the acts as set forth in the definition of
12 “contractor,” “specialty contractor,” “financially responsible officer,” and “qualifying business,” all
13 as defined by this code. The attempted sale of contracting services and the negotiation or bid for a
14 contract on these services also constitutes contracting. If the services offered require licensure, agent
15 qualification or other qualification as required by this code, the offering, negotiation for a bid, or
16 attempted sale of these services requires the corresponding license. However, the term “contracting”
17 shall not extend to an individual, partnership, corporation, trust, or other legal entity that offers to
18 sell or sells completed residences on property on which the individual or business entity has any legal

1 or equitable interest, if the services of a qualified contractor certified or registered pursuant to the
2 requirements of this code have been or will be retained for the purpose of constructing such
3 residences

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

12 For the purposes of this code, a person, business organization, and/or entity whose job scope is that
13 which is not defined by this code, but is that which when performing work, registration is required
14 for the issuance of permits, is subject to this code and the penalties set forth herein.

15 (1) *Alarm system contractor* means a contractor whose business includes the
16 execution of contracts requiring the ability, experience, financial means,
17 science, knowledge, and skill to lay out, fabricate, install, maintain, alter,

1 repair, monitor, inspect, replace, or service alarm systems for compensation,
2 including, but not limited to, all types of alarm systems for all purposes.

3 a. Alarm system contractor I means an alarm system contractor whose
4 business includes all types of alarm systems for all purposes.

5 b. Alarm system contractor II means an alarm system contractor whose
6 business includes all types of alarm systems, for all purposes other
7 than fire, except as herein provided.

8 (2) *Building contractor* means a contractor whose services are limited to
9 construction of commercial buildings and single-dwelling or
10 multiple-dwelling residential buildings, which commercial or residential
11 buildings do not exceed three (3) stories in height, and accessory use
12 structures in connection therewith, or a contractor whose services are limited
13 to remodeling, repair, or improvement of any size building, if the services do
14 not affect the structural members of the building.

15 (3) *Class A air conditioning contractor* means a contractor whose services are
16 unlimited in the execution of contracts requiring the experience, financial
17 means, knowledge, and skill to install, maintain, repair, fabricate, alter,
18 extend, or design, when not prohibited by law, central air conditioning,

1 refrigeration, heating, and ventilating systems, including duct work in
2 connection with a complete system only to the extent such duct work is
3 performed by the contractor as is necessary to make complete an
4 air-distribution system, boiler and unfired pressure vessel systems, and all
5 appurtenances, apparatus, or equipment used in connection herewith; to
6 install, maintain, repair, fabricate, alter, extend, or design, when not
7 prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and
8 process piping, and pneumatic control piping; to replace, disconnect, or
9 reconnect power wiring on the load side of the dedicated existing electrical
10 disconnect switch; to install, disconnect, and reconnect low voltage heating,
11 ventilating, and air conditioning control wiring; and to install a condensate
12 drain from an air conditioning unit to an existing safe waste or other
13 approved disposal other than a direct connection to a sanitary system. The
14 scope of work for such contractor shall also include any excavation work
15 incidental thereto. This license shall not include any work such as liquefied
16 petroleum or natural gas fuel lines within buildings, potable water lines or
17 connections thereto, sanitary sewer lines, swimming pool piping and filters,
18 or electrical power wiring.

1 (4) *Class B air conditioning contractor* means a contractor whose services are
2 limited to twenty-five (25) tons of cooling and five hundred thousand
3 (500,000) Btu of heating in any one system in the execution of contracts
4 requiring the experience, financial means, knowledge, and skill to install,
5 maintain, repair, fabricate, alter, extend, or design, when not prohibited by
6 law, central air conditioning, refrigeration, heating, and ventilating systems,
7 including duct work in connection with a complete system only to the extent
8 such duct work is performed by the contractor as is necessary to make
9 complete an air-distribution system being installed under this classification;
10 to install, maintain, repair, fabricate, alter, extend, or design, when not
11 prohibited by law, piping and insulation of pipes, vessels, and ducts; to
12 replace, disconnect, or reconnect power wiring on the load side of the
13 dedicated existing electrical disconnect switch; to install, disconnect, and
14 reconnect low voltage heating, ventilating, and air conditioning control
15 wiring; and to install a condensate drain from an air conditioning unit to an
16 existing safe waste or other approved disposal other than a direct connection
17 to a sanitary system. The scope of work for such contractor shall also include
18 any excavation work incidental thereto. This license shall not include any

1 work such as liquefied petroleum or natural gas fuel lines within buildings,
2 potable water lines or connections thereto, sanitary sewer lines, swimming
3 pool piping and filters, or electrical power wiring.

4 (5) *Class C air conditioning contractor* means a contractor whose business is
5 limited to the servicing of air conditioning, heating, or refrigeration systems,
6 including duct alterations in connection with those systems being serviced,
7 and whose certification or registration, issued pursuant to this part, was valid
8 on October 1, 1988. No person not previously registered or certified as a
9 Class C air conditioning contractor as of October 1, 1988, shall be so
10 registered or certified after October 1, 1988. However, the board shall
11 continue to license and regulate those Class C air conditioning contractors
12 who held Class C licenses prior to October 1, 1988.

13 (6) *Commercial pool/spa contractor* means a contractor whose scope of work
14 involves, but is not limited to, the construction, repair, water treatment, and
15 servicing of any swimming pool, or hot tub or spa, whether public, private,
16 or otherwise, regardless of use. The scope of such work includes layout,
17 excavation, operation of construction pumps for dewatering purposes, steel
18 work, installation of light niches, construction of floors, guniting,

1 fiberglassing, installation of tile and coping, installation of all perimeter and
2 filter piping, installation of all filter equipment and chemical feeders of any
3 type, plastering of the interior, construction of decks, construction of
4 equipment rooms or housing for pool equipment, and installation of package
5 pool heaters. However, the scope of such work does not include direct
6 connections to a sanitary sewer system or to potable water lines. The
7 installation, construction, modification, or replacement of equipment
8 permanently attached to and associated with the pool or spa for the purpose
9 of water treatment or cleaning of the pool or spa requires licensure; however,
10 the usage of such equipment for the purposes of water treatment or cleaning
11 shall not require licensure unless the usage involves construction
12 modification, or replacement of such equipment. Water treatment that does
13 not require such equipment does not require a license. In addition, a license
14 shall not be required for the cleaning of the pool or spa in any way that does
15 not affect the structural integrity of the pool or spa or its associated
16 equipment. The installation of coatings or surfacing materials such as marcite
17 and other similar materials requires licensure.

- 1 (7) *Electrical contractor or unlimited electrical contractor* means a contractor
2 who conducts business in the electrical trade field and who has the
3 experience, financial means, knowledge, and skill to install, repair, alter, add
4 to, or design, in compliance with law, electrical wiring, fixtures, appliances,
5 apparatus, raceways, conduit, or any part thereof, which generates, transmits,
6 transforms, or utilizes electrical energy in any form, including the electrical
7 installations and systems within plants and substations, all in compliance with
8 applicable plans, specifications, codes, laws, and regulations. The term means
9 any person, firm, or corporation that engages in the business of electrical
10 contracting under an express or implied contract; or that undertakes, offers
11 to undertake, purports to have the capacity to undertake, or submits a bid to
12 engage in the business of electrical contracting; or that does itself or by or
13 through others engage in the business of electrical contracting.
- 14 (8) *General contractor* means a contractor whose services are unlimited as to the
15 type of work which he may do, except as provided in this part.
- 16 (9) *Mechanical contractor* means a contractor whose services are unlimited in
17 the execution of contracts requiring the experience, financial means,
18 knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or

1 design, when not prohibited by law, central air conditioning, refrigeration,
2 heating, and ventilating systems, including duct work in connection with a
3 complete system only to the extent such duct work is performed by the
4 contractor as is necessary to make complete an air-distribution system, boiler
5 and unfired pressure vessel systems, lift station equipment and piping, and all
6 appurtenances, apparatus, or equipment used in connection therewith; to
7 install, maintain, repair, fabricate, alter, extend, or design, when not
8 prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and
9 process piping, pneumatic control piping, gasoline tanks and pump
10 installations and piping for same, standpipes, air piping, vacuum line piping,
11 oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission
12 lines, and natural gas fuel lines within buildings; to replace, disconnect, or
13 reconnect power wiring on the load side of the dedicated existing electrical
14 disconnect switch; to install, disconnect, and reconnect low voltage heating,
15 ventilating, and air conditioning control wiring; and to install a condensate
16 drain from an air conditioning unit to an existing safe waste or other
17 approved disposal other than a direct connection to a sanitary system. The
18 scope of work for such contractor shall also include any excavation work

1 incidental thereto, but shall not include any work such as liquefied petroleum
2 gas fuel lines within buildings, potable water lines or connections thereto,
3 sanitary sewer lines, swimming pool piping and filters, or electrical power
4 wiring.

5 (10) *Plumbing contractor* means a contractor whose contracting business consists
6 of the execution of contracts requiring the experience, financial means,
7 knowledge, and skill to install, maintain, repair, alter, extend, or, when not
8 prohibited by law, design plumbing. A plumbing contractor may install,
9 maintain, repair, alter, extend, or, when not prohibited by law, design the
10 following without obtaining any additional local regulatory license,
11 certificate, or registration: sanitary drainage or storm drainage facilities;
12 venting systems; public or private water supply systems; septic tanks;
13 drainage and supply wells; swimming pool piping; irrigation systems; or solar
14 heating water systems and all appurtenances, apparatus, or equipment used
15 in connection therewith, including boilers and pressure process piping and
16 including the installation of water, natural gas (excluding liquid petroleum
17 gases), and storm and sanitary sewer lines; and water and sewer plants and
18 substations. The scope of work of the plumbing contractor also includes the

1 design, when not prohibited by law, and installation, maintenance, repair,
2 alteration, or extension of air-piping, vacuum line piping, oxygen line piping,
3 nitrous oxide piping, and all related medical gas systems; fire line standpipes
4 and fire sprinklers to the extent authorized by law; ink and chemical lines;
5 fuel oil and gasoline piping and tank and pump installation, except bulk
6 storage plants; and pneumatic control piping systems, all in such a manner as
7 to comply with all plans, specifications, codes, laws, and regulations
8 applicable. The scope of work of the plumbing contractor shall apply to
9 private property and public property, shall include any excavation work
10 incidental thereto, and shall include the work of the specialty plumbing
11 contractor. Such contractor shall subcontract, with a qualified contractor in
12 the field concerned, all other work incidental to the work but which is
13 specified herein as being the work of a trade other than that of a plumbing
14 contractor. Nothing in this definition shall be construed to limit the scope of
15 work of any certified specialty contractor. Nothing in this definition shall be
16 construed to require certification or registration under this code of any
17 authorized employee of a public natural gas utility or of a private natural gas
18 utility regulated by the Public Service Commission when disconnecting and

1 reconnecting water lines in the servicing or replacement of an existing water
2 heater.

3 (11) *Residential contractor* means a contractor whose services are limited to
4 construction, remodeling, repair, or improvement of (1) one-family, (2)
5 two-family, or (3) three-family residences not exceeding two (2) habitable
6 stories above no more than one uninhabitable story and accessory use
7 structures in connection therewith.

8 (12) *Residential pool/spa contractor* means a contractor whose scope of work
9 involves, but is not limited to, the construction, repair, water treatment, and
10 servicing of any residential swimming pool or hot tub or spa, regardless of
11 use. The scope of such work includes layout, excavation, operation of
12 construction pumps for dewatering purposes, steelwork, installation of
13 housing for pool equipment, and installation of all perimeter and filter piping,
14 installation of all filter equipment and chemical feeders of any type,
15 plastering of the interior, construction of decks, installation of housing for
16 pool equipment, and installation of package pool heaters. However, the scope
17 of such work does not include direct connections to a sanitary sewer system
18 or to potable water lines. The installation, construction, modification, or

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

11 (13) *Roofing contractor* means a contractor whose services are unlimited in the
12 roofing trade and who has the experience, financial means, knowledge, and
13 skill to install, maintain, repair, alter, extend, or design, when not prohibited
14 by law, and use materials and items used in the installation, maintenance,
15 extension, and alteration of all kinds of roofing, waterproofing, and coating,
16 except when coating is not represented to protect, repair waterproof, stop
17 leaks, or extend the life of the roof.

1 (14) *Sheet metal contractor* means a contractor whose services are unlimited in
2 the sheet metal trade and who has the experience, financial means,
3 knowledge, and skill necessary for the manufacture, fabrication, assembling,
4 handling, erection, installation, dismantling, conditioning, adjustment,
5 insulation, alteration, repair, servicing, or design, when not prohibited by law,
6 of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or
7 lighter gauge and of other materials, including, but not limited to, fiberglass,
8 used in lieu thereof and of air-handling systems, including the setting of
9 air-handling equipment and reinforcement of same and including the
10 balancing of air-handling systems, and any duct cleaning and equipment
11 sanitizing which requires at least a partial disassembling of the system.

12 (15) *Solar contractor* means a contractor whose services consist of the
13 installation, alteration, repair, maintenance, relocation, or replacement of
14 solar panels for potable solar water heating systems, swimming pool solar
15 heating systems, and photovoltaic systems and any appurtenances, apparatus,
16 or equipment used in connection therewith, whether public, private, or
17 otherwise, regardless of use. A contractor, certified or registered pursuant to
18 the provisions of Florida Statutes, Chapter 489, is not required to become a

1 certified or registered solar contractor or to contract with a solar contractor
2 in order to provide any services enumerated in this paragraph that are within
3 the scope of the services such contractors may render under this code.

4 (16) *Swimming pool/spa servicing contractor* means a contractor whose scope of
5 work involved the servicing, repair, water treatment, and maintenance of any
6 swimming pool or hot tub or spa, whether public or private, The scope of
7 such work may include any necessary piping and repairs, replacement and
8 repair of existing equipment, or installation of new additional equipment as
9 necessary. The scope of such work includes the reinstallation of tile and
10 coping, repair and replacement of all piping, filter equipment, and chemical
11 feeders of any type, replastering, maintenance and installation of pool interior
12 finishes including but not limited to fiberglass, marcite, diamond brite, vinyl,
13 and other similar type interior finishes, reconstruction of decks, and
14 reinstallation or addition of pool heaters. The installation, construction,
15 modification, substantial or complete disassembly, or replacement of
16 equipment permanently attached to and associated with the pool or spa for the
17 purpose of water treatment or cleaning of the pool or spa requires licensure;
18 however, the usage of such equipment for the purpose of water treatment or

1 cleaning shall not require licensure unless the usage involves construction,
2 modification, substantial or complete disassembly, or replacement of such
3 equipment. Water treatment that does not require such equipment does not
4 require a license. In addition, a license shall not be required for the cleaning
5 of the pool or spa in any way that does not affect the structural integrity of the
6 pool or spa or its associated equipment.

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

1 633.021(7), Florida Statutes, beginning at the point where the piping is used
2 exclusively for such system.

3 *County* means the unincorporated area of Hernando County, Florida.

4 *County-certified contractor* means any contractor who possesses a certificate of competency
5 issued by the Hernando County Development Department.

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

8 *Days* means, for the purposes of this code, a regular business day, excluding holidays.

9 *Department* means the Hernando County Development Department.

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

12 *Financially responsible officer (FRO)* means a person other than the primary qualifying agent
13 who possesses a certificate of authority issued by the principal office. Applications for financially
14 responsible officers shall be approved by the board and administered by the principal office. A
15 financially responsible officer assumes personal responsibility for all financial aspects of the
16 business organization and is issued the appropriate certificate of authority.

17 *Governing body* means the Hernando County Board of County Commissioners.

1 *Hernando County Construction Code* means the local ordinance adopting the most current
2 edition of Florida's building and technical codes as approved by the State of Florida.

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

7 *License* means official or legal permission to do a specific thing. Proof of permission is
8 usually granted in the form of a document, card or certificate, registration, or certificate of authority
9 or certificate of competency issued by the department, principal office or Department of Business
10 and Professional Regulation.

11 *Local construction regulation board* means the Hernando County Board of Construction and
12 Regulation, created by the governing body and members of such board appointed by the governing
13 body.

14 *Municipality* means the incorporated areas of Hernando County.

15 *Owner/builder* shall be defined as owners of property when acting as their own contractor,
16 having successfully passed an oral/written competency exam and providing direct, onsite supervision
17 themselves of all work not performed by licensed contractors, when building or improving farm
18 outbuildings or one-family or two-family residences on such property for the occupancy or use of

1 such owners and not offered for sale or lease, or building or improving commercial buildings, at a
2 cost not to exceed twenty-five thousand dollars (\$25,000.00) on such property for the occupancy or
3 use of such owners and not offered for sale or lease. In an action brought under this code, proof of
4 the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within one
5 year after completion of same creates a presumption that the construction was undertaken for
6 purposes of sale or lease. This subsection does not exempt any person who is employed by or has
7 a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate
8 the owner's responsibility to directly supervise all work to any other person unless that person is duly
9 registered or certified under this code or state law and the work being performed is within the scope
10 of that person's license. For the purposes of this subsection, the term "owners of property" includes
11 the owner of a mobile home situated on a leased lot and a person who is the owner of any legal or
12 equitable interest in the property (lease, agreement for deed, contract for deed etc.).

13 *Primary qualifying agent* means a person who possesses the requisite skill, knowledge, and
14 experience, and has the responsibility, to supervise, direct, manage, and control the contracting
15 activities of the business organization with which he is connected; who has the responsibility to
16 supervise, direct, manage, and control construction activities on a job for which he has obtained the
17 building permit; and whose technical and personal qualifications have been determined by
18 investigation and examination as provided in this code, as attested by the department.

1 *Principal office* means the Office of Contractor Certification (licensing) within the
2 development department.

3 *Qualified business (QB)* means a business organization/entity not regulated by the
4 Department of Business and Professional Regulation that possesses a certificate of authority issued
5 by the principal office. Applications for qualified business certificate of authority shall be approved
6 by the board and administered by the principal office.

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

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

16 *Secondary qualifying agent* means a person who possesses the requisite skill, knowledge, and
17 experience, and has the responsibility to supervise, direct, manage, and control construction activities
18 on a job for which he has obtained a permit, and whose technical and personal qualifications have

1 been determined by investigation and examination as provided in this code, as attested by the
2 department.

3 *Shall and may.* The term “shall” is mandatory and “may” is permissive. The word “shall”
4 takes precedence over “may.”

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

7 (1) *Demolition contractor* means the scope of certification includes demolition
8 and removal of structures, such as dwellings, commercial buildings and
9 foundations.

10 ~~(2) *Excavation contractor* means the scope of certification includes the~~
11 ~~excavation or removal of material such as rock, gravel or sand to construct~~
12 ~~or excavate canals, lakes, levees, and any type of construction site~~
13 ~~development preparation, and includes the clearing of any type of land~~
14 ~~surface debris and vegetation; the grubbing of roots, the removal of debris;~~
15 ~~and the leveling or grading of any surface of the land.~~

16 ~~(3)~~(2) *Elevator specialty electrical contractor* means the scope of certification
17 includes and is limited to the electrical portion of the installation, repair,
18 assembly, service and maintenance of elevators, conveyors, electrified

1 dumbwaiters, escalators and moving sidewalks and all automatic and manual
2 controls, signal systems and all other devices and manual controls, and
3 electrical wiring appurtenant to the safe and efficient operation of such
4 elevators. However, the scope of such certification shall not include work
5 beyond the last disconnecting means or the terminal equipment adjacent to
6 or in the elevator shaft or designated construction area.

7 ~~(4)~~(3) *Gypsum drywall contractor* means the scope of certification includes and is
8 limited to the installation of drywall, all necessary and incidental metal
9 accessories including non-load bearing metal studs, runners, hangers,
10 channels, drywall metal suspension accessories and prefabricated ceiling
11 materials; and the preparation of the surface over which drywall product is
12 to be applied. This includes the application of base and finish coats
13 specifically designed for the gypsum drywall products.

14 ~~(5) — *Insulation contractor* means the scope of certification includes and is limited~~
15 ~~to the execution of contracts requiring the skill, knowledge, ability and~~
16 ~~experience to install, repair, maintain, and replace, insulation on or in walls~~
17 ~~and attics, in compliance with the Florida Model Energy Code.~~

1 ~~(6)~~(4) *Lawn sprinkler systems contractor* means the scope of certification includes
2 and is limited to the execution of contracts requiring the skill, knowledge,
3 ability and experience to install, repair, maintain, and replace, lawn sprinkler
4 irrigation systems.

5 ~~(7)~~(5) *Lighting maintenance specialty electrical contractor* means the scope of
6 certification includes and is limited to the installation, repair, alteration, or
7 replacement of lighting fixtures in or on buildings, signs, billboards,
8 roadways, streets, parking lots and other similar structures. However, the
9 scope of the certification does not include the provision of, or work beyond,
10 the last electrical supplying source, outlet, or disconnect means.

11 ~~(8)~~(6) *Marine contractor* is a specialty contractor whose scope of work includes and
12 is limited to any work involving the construction, repair, alteration, extension
13 and excavation for fixed docks, floating docks, boathouses, mooring devices,
14 mooring fields, seawalls, bulkheads, piers, wharfs, boat lifts, boat ramps,
15 revetments, cofferdams, wave attenuators, dune crossovers and other marine
16 structures and activities, including pile driving, hauling, concrete, masonry,
17 dredge and fill, and wood shingles, wood shakes or asphalt or fiberglass
18 shingle roofing on a new structure of his or her own construction. Marine

1 contractors must maintain applicable workers compensation and general
2 liability insurance as required by state and federal law, including but not
3 limited to the provisions of the Longshoremen's and Harbor Worker's
4 Compensation Act, 33 U.S.C. § 901 et seq. and Title 46 U.S.C.A.

5 ~~(9) — *Masonry contractor means the scope of certification includes and is limited*~~
6 ~~*to the execution of contracts requiring the skill, knowledge, ability and*~~
7 ~~*experience to install, repair, maintain, and replace, any assembly of*~~
8 ~~*pre-formed masonry block, glass block, brick, or other masonry products in*~~
9 ~~*conjunction with the use of a compatible binder or filler for the purpose of*~~
10 ~~*creating a structure of any type, including the forming and pouring of the*~~
11 ~~*beams and lintels.*~~

12 ~~(10)~~(7) *Outdoor sign specialty electrical contractor* means the scope of certification
13 includes and is limited to the fabrication, erection, installation, alteration,
14 repair, or service of the wiring of outdoor electrical signs and outside
15 lighting. The scope of certification shall not include the provisions of, or any
16 work beyond, the last disconnect means or terminal point. However, a
17 contractor certified under this category may provide the electrical entrance
18 requirements for metering and main disconnect of remote billboards or signs

1 which are independent of any structure or building and which require no more
2 than twenty-five (25) Kilowatts at two hundred fifty (250) volts maximum.

3 ~~(H)~~(8) *Natural gas specialty contractor* means the scope of certification includes
4 and is limited to natural gas systems, and such person has the knowledge,
5 experience, and skill to install, alter, extend, or repair natural gas piping,
6 appliances, gas mains, lines, laterals, tanks, and other appurtenances.

7 ~~(H)~~(9) *Residential electrical contractor* means the scope of certification includes
8 and is limited to installation, repair, alteration, addition to, or design of
9 electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any
10 part thereof, in a one-, two-, three-, or four-family residence not exceeding
11 two (2) stories in height, and accessory use structures in connection with the
12 residence. The electrical service installed or worked upon is limited to single
13 phase, four hundred (400) ampere single service.

14 ~~(H)~~(10) *Residential solar water heating contractor* means the scope of certification
15 includes and is limited to the execution of contracts requiring the skill,
16 knowledge, ability and experience to size, install, alter, repair, maintain,
17 relocate, replace, or use residential domestic potable solar water heating
18 systems, to include solar heating panels and all appurtenances, apparatus or

1 equipment used in connections is limited to solar domestic hot water systems
2 for one-family, two-family or three-family residences not exceeding two (2)
3 stories in height, and solar swimming pool heaters for residential swimming
4 pools. The residential solar water heating contractor must subcontract any
5 work for which a local certificate of competency in the respective trade
6 category is required. Nothing in this rule shall be deemed to restrict or limit
7 in any manner the legal authority of certified mechanical contractors, certified
8 Class A and B air conditioning contractors, or certified plumbing contractors,
9 to install residential solar water heating systems.

10 ~~(14)~~(11) *Specialty structure contractor (aluminum contractor)* means the scope of
11 certification includes and is limited to the execution of contracts requiring the
12 experience, financial means, knowledge and skill necessary for the
13 fabrication, assembling, handling, erection, installation, dismantling,
14 adjustment, alteration, repair, servicing and design work when not prohibited
15 by law, in accordance with accepted engineering data and/or according to
16 manufacturers specifications in the aluminum metal, vinyl and fiberglass
17 screening and allied construction materials. The scope of such work shall
18 include and be limited to screened porches, screened enclosures, pool

1 enclosures, pre-formed panel-post and beam roofs, mobile home panel
2 roof-overs, residential glass window and door enclosures, vinyl panel window
3 enclosures and single story self-contained aluminum utility storage structures
4 not exceeding five hundred (500) square feet. The scope of the work shall
5 include wood work incidental to the aluminum and allied materials
6 construction work. It shall be limited to the construction of wood framing for
7 walls of uninhabitable utility storage structures, raised wood decks for
8 enclosures, and the repair and/or replacement of wood incidental to the
9 installation of glass windows and doors, installation of siding, soffit, fascia,
10 gutters, and preformed panel-post and beam roofs. The scope of such work
11 shall comply with all plans, specifications, codes, laws and regulations
12 applicable. The scope of such work shall include masonry concrete work and
13 be limited to foundations, slabs and block kneewalls incidental to the
14 aluminum and allied materials construction work. The aluminum contractor,
15 whose services are limited, shall not perform any work that alters the
16 structural integrity of the building including but not limited to roof trusses,
17 lintels, load bearing walls and foundations. The aluminum contractor shall
18 subcontract, with a licensed qualified contractor in the field concerned, all

1 other work incidental to that which is defined herein but which is the work
2 of a trade other than that of an aluminum contractor. Nothing in this
3 definition shall be construed to limit or infringe upon the scope of work of
4 any specialty contractor. Persons performing work known as “aluminum
5 fabricating” or described as “non-structural aluminum” or otherwise known
6 as work involving: siding, fascia, soffit, gutters and screening, shall obtain
7 certification as either a specialty structure contractor or an aluminum
8 fabricating contractor as set forth and provided herein. Persons providing
9 services involving non-structural aluminum and vinyl products are no longer
10 permitted to conduct such services without proper licensure as provided by
11 this code.

12 ~~(15) — Steel erection contractor means the scope of certification includes and is~~
13 ~~limited to the execution of contracts requiring the skill, knowledge, ability~~
14 ~~and experience to install, repair, maintain, and replace, steel framework,~~
15 ~~columns, sheathing, beams and fabrication of metal buildings.~~

16 ~~(16) — Structural carpentry contractor means the scope of certification includes and~~
17 ~~is limited to the execution of contracts requiring the skill, knowledge, ability~~
18 ~~and experience to install, repair, maintain, and replace, all types of structural~~

1 ~~wood construction, including the installation, repair or replacement of any~~
2 ~~type of windows and doors.~~

3 ~~(17) Structural concrete contractor means the scope of certification includes and~~
4 ~~is limited to the execution of contracts requiring the skill, knowledge, ability~~
5 ~~and experience to install, repair, maintain, and replace, concrete foundations~~
6 ~~designed to accept any structure when in the design of that structure, a footer~~
7 ~~is required. The scope of work of such contractor shall include, but not be~~
8 ~~limited to, the pouring and finishing of concrete driveways, sidewalks, patios~~
9 ~~and miscellaneous slabs.~~

10 ~~(18) Tile contractor means the scope of certification includes and is limited to the~~
11 ~~execution of contracts requiring the skill, knowledge, ability and experience~~
12 ~~to install, repair, maintain, and replace, terrazzo, marble floors and all types~~
13 ~~of hard tile for both interior and exterior waterproofing and cosmetic~~
14 ~~purposes.~~

15 ~~(19) Accessory structure contractor means the scope of certification includes and~~
16 ~~is limited to the execution of contracts requiring the experience, financial~~
17 ~~means, knowledge and skill necessary for the fabrication, assembly, handling,~~
18 ~~erection, installation, placement, dismantling, adjustment, alteration, repair,~~

1 ~~service, transporting, positioning, blocking, leveling, supporting, tying down,~~
2 ~~anchoring and/or sale of either prefabricated structures or structures erected~~
3 ~~on site not exceeding (500) square feet, and not for human habitation. The~~
4 ~~term sale includes lease-purchase transactions. The scope of such work shall~~
5 ~~comply with all plans, specifications, codes, laws and regulations applicable.~~
6 ~~All certification requirements and/or conditions contained in this code shall~~
7 ~~apply and include grandfathering provisions as prescribed by this code and~~
8 ~~adopted board rules.~~

9 ~~(20) *Aluminum fabricating contractor* means the scope of certification includes~~
10 ~~and is limited to the execution of contracts requiring the experience, financial~~
11 ~~means, knowledge and skill necessary for the fabrication, assembly, handling,~~
12 ~~installation, repair, maintenance and replacement of aluminum and vinyl;~~
13 ~~soffit, fascia, siding, skirting, gutters and downspouts. The scope of work of~~
14 ~~such contractor shall not include the construction of screen room enclosures~~
15 ~~or glass rooms but shall be limited to minor nonstructural vinyl and~~
16 ~~aluminum related work and products. All certification requirements and/or~~
17 ~~conditions contained in this code shall apply and include grandfathering~~
18 ~~provisions as prescribed by this code and adopted board rules.~~

1 ~~(21) Fence contractor means the scope of certification includes and is limited to~~
2 ~~the execution of contracts requiring the experience, financial means,~~
3 ~~knowledge and skill necessary for the fabrication, assembling, erection and~~
4 ~~installation of wire, wood, or precast or prefabricated fences, and the posts~~
5 ~~and foundations, necessary and incidental thereto and as required by~~
6 ~~applicable zoning regulations. In order for an applicant to be eligible to be~~
7 ~~certified as a fence erection contractor he or she shall have at least one (1)~~
8 ~~year of practical experience. All other certification requirements and/or~~
9 ~~conditions contained in this code shall apply.~~

10 ~~(22)~~(12) *Glass and glazing contractor* means the scope of certification includes and
11 is limited to the installation and attachment of all types of windows and glass,
12 whether fixed or movable; the installation of swinging or sliding glass doors
13 to existing walls, floors, columns or other structural members of the building;
14 the installation of glass holding or supporting mullions or horizontal bars
15 which are attached to existing building walls, floors, columns or other
16 structural members of the building, and the cutting and installation of glass
17 and mirrors. A glass and glazing specialty contractor may also install
18 prefabricated glass, metal or plastic curtain walls or panels, caulking

1 incidental to such work and assembly, and installation of shower and tub
2 enclosures and metal fascias.

3 ~~(23) Tree removal contractor means the scope of certification includes and is~~
4 ~~limited to the execution of contracts requiring the experience, financial~~
5 ~~means, knowledge and skill necessary for the removal of trees. In order for~~
6 ~~an applicant to be eligible to be certified as a tree removal contractor he or~~
7 ~~she shall have at least one (1) year of practical experience and proof of~~
8 ~~successfully completing the training course offered by the division of~~
9 ~~agriculture and extension education or have completed a substitute training~~
10 ~~course approved by the building official or his/her designee within the State~~
11 ~~of Florida and have passed the examination offered by the division of~~
12 ~~agriculture and extension education. Persons who can demonstrate at least~~
13 ~~five (5) years of experience may be granted certification without benefit of~~
14 ~~examination. All other certification requirements and/or conditions contained~~
15 ~~in this code shall apply.~~

16 ~~(24) Plastering/stucco contractor means the scope of certification includes and is~~
17 ~~limited to the execution of contracts requiring the experience, financial~~
18 ~~means, knowledge and skill necessary for the application of mixtures of sand~~

~~or other aggregate, gypsum, plaster, portland cement, quick lime and water, or any other combination of such materials, so as to create a permanent surface coating which is usually applied with a plasterer's trowel or by pneumatic pressure to any surface which offers a mechanical key for support of such coatings or to which such coatings will adhere by suction; and to provide key or suction basis necessary and incidental to the support of such coatings. A plastering/stucco contractor may apply Marcite/Diamond Brite to pools, but shall not erect wood stud or masonry walls. All certification requirements and/or conditions contained in this code shall apply and include grandfathering provisions as prescribed by this code and adopted board rules.~~

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.

1 *State-certified contractor* is any contractor who possesses a certificate of competency issued
2 by the Department of Business and Professional Regulation and who shall be allowed to contract in
3 any jurisdiction in the state without being required to fulfill the competency requirements of that
4 jurisdiction.

5 *State-registered contractor* is any contractor who has registered with the Department of
6 Business and Professional Regulation pursuant to fulfilling the competency requirements in the
7 jurisdiction for which the registration is issued. Registered contractors may contract only in such
8 jurisdictions.

9 *Story* means that portion of a building included between the upper surface of a floor or
10 average grade, finished or unfinished, open or enclosed, and the upper surface of the floor or roof
11 next above and having a ceiling height of seven (7) feet (minimum) and eleven (11) feet (maximum).

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

16 Words not defined herein shall have the meaning stated in Florida Statutes or other nationally
17 recognized codes, manuals or standards adopted elsewhere in this chapter. Words not defined in

1 those documents shall have the meaning in the Webster's New Ninth Collegiate Dictionary, as
2 revised.

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

7 **Section 2. Severability.** It is declared to be the intent of the Board of County
8 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
9 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
10 validity of the remaining portions of this ordinance.

11 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
12 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
13 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
14 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that
15 the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

16 **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
17 conflict with the provisions of this ordinance are hereby repealed.

18 **Section 5. Effective Date.** This ordinance shall take effect on July 1, 2023.

DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal
Requests\2020-685 Board of Construction Regulation Quorum
Ordinance\Specialty License Ordinance\Specialty License Elimination
Ordinance.wpd, August 12, 2021 (9:06am) NOTE: additions/~~deletions~~ =
language proposed for addition/deletion to existing Code provisions.

1 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
2 **HERNANDO COUNTY** in Regular Session this 14th day of September 2021.

3
4 **BOARD OF COUNTY COMMISSIONERS**
5 **HERNANDO COUNTY, FLORIDA**

6
7
8
9 Attest:

for Hildi Kuyper, D.C.
DOUG CHORVAT, JR.
Clerk

By:

[Signature]
JOHN ALLOCCO
Chairman



10
11
12
13
14

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY [Signature]
County Attorney's Office