

**LEON COUNTY ORDINANCE NO. 2022-08**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 5, ARTICLE III OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO CONTRACTORS' LICENSING; AMENDING SECTION 10-4.203(C) OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO LICENSED CONTRACTORS FOR ENVIRONMENTAL MANAGEMENT PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

WHEREAS, in 2021 the Florida Legislature passed House Bill (HB) 735, expressly preempting the licensing of occupations to the state and superseding any local government licensing of occupations not authorized by general law; and

WHEREAS, HB 735 was approved by Governor DeSantis on June 29, 2021, and became effective on July 1, 2021 (Chapter 2021-214, Laws of Florida); and

WHEREAS, HB 735 specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman licensed by the State of Florida, Department of Business and Professional Regulation, Construction Industry Licensing Board, and specifically precludes local governments from requiring a license for: painting; flooring; cabinetry; interior remodeling; handyman services; driveway or tennis court installation; decorative stone, tile, marble, granite, or terrazzo installation; plastering; stuccoing; caulking; canvas awning installation; and ornamental iron; and

WHEREAS, HB 735 expressly preempts any local government licensing requirement of occupations unless: (a) the licensing of occupations by local governments is authorized by general law; or (b) the local licensing scheme for an occupation was imposed before July 1, 2021 (however, any such local licensing scheme expires on July 1, 2023); and

WHEREAS, Chapter 5, Article III of the Leon County Code of Laws, provides for the licensing of contractors; and

WHEREAS, in light of the preemptive provisions of HB 735, the Board of County Commissioners desires to enact an ordinance amending Chapter 5, Article III of the Leon County Code of Laws, relating to contractors' licensing;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

**Section 1. Amendments to Chapter 5, Article III of the Code of Laws of Leon County, Florida.**

Chapter 5, Article III of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

## ARTICLE III. CONTRACTORS' LICENSING

### **DIVISION 1. ~~IN GENERAL~~ STATE LICENSURE**

#### **Sec. 5-3.01. Definitions.**

For the purpose of this division, the term "contractor" shall be defined as set forth in F.S. § 489.105(3), ~~and includes only the following:~~ as may be amended from time to time.

- ~~(a) — General;~~
- ~~(b) — Building;~~
- ~~(c) — Residential;~~
- ~~(d) — Sheet metal;~~
- ~~(e) — Roofing;~~
- ~~(f) — Class A air conditioning;~~
- ~~(g) — Class B air conditioning;~~
- ~~(h) — Class C air conditioning;~~
- ~~(i) — Mechanical;~~
- ~~(j) — Commercial pool/spa;~~
- ~~(k) — Residential pool/spa;~~
- ~~(l) — Swimming pool/spa servicing;~~
- ~~(m) — Plumbing;~~
- ~~(n) — Underground utility and excavation;~~
- ~~(o) — Solar;~~
- ~~(p) — Pollutant storage system; [and]~~
- ~~(q) — Specialty.~~

### **~~DIVISION 2. LEON COUNTY CONTRACTORS' LICENSING BOARD~~**

#### **~~Sec. 5-3.02. Established.~~**

~~There is hereby established a county contractors licensing board.~~

#### **~~Sec. 5-3.03. Composition and appointment.~~**

~~The contractors licensing board shall consist of seven members to be appointed by the Board of County Commissioners. Such board shall include whenever possible:~~

- ~~(a) — One engineer;~~
- ~~(b) — One architect;~~
- ~~(c) — One businessperson;~~
- ~~(d) — One general contractor or another contractor who is registered or certified under F.S. § 489.105(3)(a)(b)(c);~~
- ~~(e) — One pool contractor or another contractor who is registered or certified under F.S. § 489.105(3)(d)-(o);~~

- 1           (f) ~~Two consumer representatives who may be any resident of the county that is not, and~~  
2           ~~has never been, a member or practitioner of a profession regulated by the contractors~~  
3           ~~licensing board or a member of any closely related profession; and~~

4  
5   ~~All members of the board, except for the consumer representatives, shall be licensed in the state and~~  
6   ~~actively engaged in the profession they represent on such board. All members shall be voters~~  
7   ~~registered in the county.~~

8  
9   **~~Sec. 5-3.04. Terms of members.~~**

10  
11       ~~The members of the contractors' licensing board shall be appointed for terms of three years.~~

12  
13   **~~Sec. 5-3.05. Removal of members.~~**

14  
15       ~~The Board of County Commissioners may, for good cause, remove any member of the~~  
16   ~~contractors licensing board from office.~~

17  
18   **~~Sec. 5-3.06. Quorum; majority voting; exception.~~**

19  
20       ~~Four members of the contractors licensing board shall constitute a quorum. A majority vote of~~  
21   ~~those members present shall be required to take any official action except that a vote to suspend or~~  
22   ~~revoke a certificate required by the article shall require a vote of four-fifths of the quorum present.~~

23  
24   **~~Sec. 5-3.07. Recommendations.~~**

25  
26       ~~The contractor's licensing board shall make recommendations regarding contractors to the~~  
27   ~~Board of County Commissioners that are not in conflict with F.S. ch. 489.~~

28  
29   **~~Sec. 5-3.08. Procedure and meetings.~~**

30  
31       ~~The contractors licensing board shall establish rules and regulations in writing for its own~~  
32   ~~procedures that are not conflicting with the provisions of this division or other Leon County Code of~~  
33   ~~Laws and Florida law. The board shall meet on a regular monthly basis, as needed, and the meetings~~  
34   ~~shall be open to the public. The contractors licensing board shall publish meeting notice 30 days before~~  
35   ~~each meeting.~~

36  
37   **~~Sec. 5-3.09. Duties.~~**

38  
39       (a) ~~The definitions contained in F.S. § 489.105 and listed in section 5-3.01 herein shall be~~  
40   ~~used in this section, except that the term "contractor" will not include those contractors licensed by the~~  
41   ~~City of Tallahassee.~~

42  
43       (b) ~~The contractors licensing board shall have the following general duties:~~

- 44  
45           (1) ~~To accept and approve or disapprove applications;~~  
46           (2) ~~To issue authorized specialty contractor certificates.~~

1           ~~(c) — The contractors licensing board shall have the authority to:~~

- 2
- 3                   ~~(1) — Issue a cease and desist order to prohibit a contractor from engaging in the~~
- 4                   ~~business of contracting pursuant to F.S. § 489.113(2)(b);~~
- 5                   ~~(2) — Revoke, suspend, or deny the certified contractor ability to obtain a building~~
- 6                   ~~permit or limit such authority with specific conditions pursuant to F.S. §~~
- 7                   ~~489.113(4)(b) and F.S. § 489.113(4)(c) based on a public hearing;~~
- 8                   ~~(3) — Require financial restitution to a consumer;~~
- 9                   ~~(4) — Impose an administrative fine not to exceed \$1,500.00 per violation;~~
- 10                  ~~(5) — Require additional hours of continuing education over and above the state~~
- 11                  ~~requirements for license renewal; and/or~~
- 12                  ~~(6) — Assess costs associated with investigation and prosecution, locally licensed or~~
- 13                  ~~registered contractors.~~
- 14

15           ~~(d) — The contractors licensing board has the authority to issue penalties as set forth in section~~

16 ~~5-3.09(c), above if the contractor has been found guilty by the contractor's licensing board, the state~~

17 ~~construction industry licensing board, or a court of competent jurisdiction, of any of the following~~

18 ~~actions:~~

19

- 20                   ~~(1) — Violating this division;~~
- 21                   ~~(2) — Violating the applicable Florida Building Code or zoning codes;~~
- 22                   ~~(3) — Obtaining a certificate or registration by fraud or misrepresentation;~~
- 23                   ~~(4) — Being convicted or found guilty of, or entering a plea of nolo contendere to,~~
- 24                   ~~regardless of adjudication, a crime in any jurisdiction which directly relates to~~
- 25                   ~~the practice of contracting or the ability to practice contracting;~~
- 26                   ~~(5) — Violating any provision of F.S. ch. 455;~~
- 27                   ~~(6) — Knowingly violating the applicable building codes or laws of the state or of any~~
- 28                   ~~municipalities or counties thereof;~~
- 29                   ~~(7) — Performing any act which assists a person or entity in engaging in the prohibited~~
- 30                   ~~uncertified or unregistered practice of contracting, if the certificate holder or~~
- 31                   ~~registrant knows or has reasonable grounds to know that the person or entity was~~
- 32                   ~~uncertified and unregistered;~~
- 33                   ~~(8) — Knowingly combining or conspiring with an uncertified or unregistered person~~
- 34                   ~~by allowing his certificate or registration to be used by the uncertified or~~
- 35                   ~~unregistered person with intent to evade the provisions of this part. When a~~
- 36                   ~~certificate holder or registrant allows his certificate or registration to be used by~~
- 37                   ~~one or more business organizations without having any active participation in~~
- 38                   ~~the operation, management, or control of such business organization, such act~~
- 39                   ~~constitutes prima facie evidence of an intent to evade the provisions of this part;~~
- 40                   ~~(9) — Acting in the capacity of a contractor under any certificate or registration issued~~
- 41                   ~~hereunder except in the name of the certificate holder or registrant as set forth~~
- 42                   ~~on the issued certificate or registration, or in accordance with the personnel of~~
- 43                   ~~the certificate holder or registrant as set forth in the application for the certificate~~
- 44                   ~~or registration, or as later changed as provided in F.S. ch. 489;~~

- 1                   (10) ~~Committing mismanagement or misconduct in the practice of contracting that~~  
2                   ~~causes financial harm to a customer. Financial mismanagement or misconduct~~  
3                   ~~occurs when:~~  
4                   a. ~~Valid liens have been recorded against the property of a contractor's~~  
5                   ~~customer for supplies or services ordered by the contractor for the~~  
6                   ~~customer's job; the contractor has received funds from the customer to~~  
7                   ~~pay for the supplies or services; and the contractor has not had the liens~~  
8                   ~~removed from the property, by payment or by bond, within 75 days after~~  
9                   ~~the date of such liens;~~  
10                  b. ~~The contractor has abandoned a customer's job and the percentage of~~  
11                  ~~completion is less than the percentage of the total contract price paid to~~  
12                  ~~the contractor as of the time of abandonment, unless the contractor is~~  
13                  ~~entitled to retain such funds under the terms of the contract or refunds~~  
14                  ~~the excess funds within 30 days after the date the job is abandoned; or~~  
15                  c. ~~The contractor's job has been completed, and it is shown that the~~  
16                  ~~customer has had to pay more for the contracted job than the original~~  
17                  ~~contract price, as adjusted for subsequent change orders, unless such~~  
18                  ~~increase in cost was the result of circumstances beyond the control of the~~  
19                  ~~contractor, was the result of circumstances caused by the customer, or~~  
20                  ~~was otherwise permitted by the terms of the contract between the~~  
21                  ~~contractor and the customer;~~  
22                  (11) ~~Being disciplined by any municipality or county for an act or violation of F.S.~~  
23                  ~~ch. 489;~~  
24                  (12) ~~Failing in any material respect to comply with the provisions of F.S. ch. 489 or~~  
25                  ~~violating a rule or lawful order of the state construction industry licensing board;~~  
26                  (13) ~~Abandoning a construction project in which the contractor is engaged or under~~  
27                  ~~contract as a contractor. A project may be presumed abandoned after 90 days if~~  
28                  ~~the contractor terminates the project without just cause or without proper~~  
29                  ~~notification to the owner, including the reason for termination, or fails to perform~~  
30                  ~~work without just cause for 90 consecutive days;~~  
31                  (14) ~~Signing a statement with respect to a project or contract falsely indicating that~~  
32                  ~~the work is bonded; falsely indicating that payment has been made for all~~  
33                  ~~subcontracted work, labor, and materials which results in a financial loss to the~~  
34                  ~~owner, purchaser, or contractor; or falsely indicating that workers' compensation~~  
35                  ~~and public liability insurance are provided;~~  
36                  (15) ~~Committing fraud or deceit in the practice of contracting;~~  
37                  (16) ~~Committing incompetency or misconduct in the practice of contracting;~~  
38                  (17) ~~Committing gross negligence, repeated negligence, or negligence resulting in a~~  
39                  ~~significant danger to life or property;~~  
40                  (18) ~~Proceeding on any job without obtaining applicable local building department~~  
41                  ~~permits and inspections;~~  
42                  (19) ~~Intimidating, threatening, coercing, or otherwise discouraging the service of a~~  
43                  ~~notice to owner under part I of F.S. ch. 713 or a notice to contractor under F.S.~~  
44                  ~~ch. 255 or part I of F.S. ch. 713;~~

- 1                   (20) ~~Failing to satisfy within a reasonable time, the terms of a civil judgment obtained~~  
2                   ~~against the licensee, or the business organization qualified by the licensee,~~  
3                   ~~relating to the practice of the licensee's profession;~~
- 4                   (21) ~~In the case of a contractor who receives money totaling more than ten percent of~~  
5                   ~~the contract price for repair, restoration, improvement, or construction to~~  
6                   ~~residential real property, failing to:~~  
7                   a. ~~Apply for permits necessary to do work within 30 days after the date~~  
8                   ~~payment is made; and~~  
9                   b. ~~Start the work within 90 days after the date all necessary permits for work~~  
10                  ~~are issued, unless the person who made the payment agreed, in writing,~~  
11                  ~~to a longer period;~~
- 12                  (22) ~~In the case of a contractor who receives money for repair, restoration, addition,~~  
13                  ~~improvement or construction of residential property in excess of the value of the~~  
14                  ~~work performed, with intent to defraud the owner, failing to or refusing to~~  
15                  ~~perform any work for any 90-day period. Proof that a contractor received the~~  
16                  ~~money for the repair, restoration, addition, improvement, or construction of~~  
17                  ~~residential real property and that:~~  
18                  a. ~~The amount received exceeds the value of the work performed by the~~  
19                  ~~contractor and that the contractor failed to perform any of the work for~~  
20                  ~~which he contracted during any 60-day period;~~  
21                  b. ~~The failure to perform any such work during the 60-day period was not~~  
22                  ~~related to the owner's termination of the contract or a material breach of~~  
23                  ~~the contract by the owner; and~~  
24                  c. ~~The contractor failed, for an additional 30-day period after the date of~~  
25                  ~~mailing of notification as specified in F.S. § 489.126(3)(c), to perform~~  
26                  ~~any work for which he contracted, gives rise to an inference that the~~  
27                  ~~money in excess of the value of the work performed was taken with the~~  
28                  ~~intent to defraud;~~
- 29                  (23) ~~Entering into an agreement, oral or written, whereby that contractor's~~  
30                  ~~certification or registration number is used, or to be used, by a person who is not~~  
31                  ~~certified or registered as provided for by law, or used or to be used, by a business~~  
32                  ~~organization that is not duly qualified as provided by law to engage in the~~  
33                  ~~business, or act in the capacity, of a contractor;~~
- 34                  (24) ~~Knowingly allowing that contractor's certification or registration number to be~~  
35                  ~~used by a person who is not certified or registered as provided by law, or used~~  
36                  ~~by a business organization that is not qualified as provided by law to engage in~~  
37                  ~~the business, or act in the capacity, of a contractor; or;~~
- 38                  (25) ~~Applying for or obtaining a building permit for construction work unless that~~  
39                  ~~contractor or business organization duly qualified by that contractor, has entered~~  
40                  ~~into a contract to make improvement to, or perform the contracting at, the real~~  
41                  ~~property specified in the application or permit. This subsection does not prohibit~~  
42                  ~~a contractor from applying for or obtaining a building permit to allow the~~  
43                  ~~contractor to perform work for another person without compensation or to~~  
44                  ~~perform work on property that is owned by the contractor.~~  
45

1        Nothing in this subsection shall be construed to authorize the exercise of disciplinary authority  
2 against an individual holding a proper valid certificate issued pursuant F.S. ch. 489.

3  
4        ~~(e) — The contractors licensing board may deny the issuance of a building permit to a certified~~  
5 ~~contractor, or issue a permit with specific conditions, if the board has found such contractor, through~~  
6 ~~the public hearing process, to be guilty of fraud or a willful building code violation within the county~~  
7 ~~or if the board has proof that such contractor, through the public hearing process, has been found guilty~~  
8 ~~in another county or municipality within the last 12 months, of fraud or a willful building code violation~~  
9 ~~and finds, after providing notice of an opportunity to be heard to the contractor, that such fraud or~~  
10 ~~violation would have been fraud or a violation if committed in the county.~~

11  
12        ~~(f) — Decisions of the contractors licensing board shall be supported by written findings of~~  
13 ~~fact. The contractors licensing board shall also provide its findings to the Florida State Construction~~  
14 ~~Industry Licensing Board for further action based on the severity of the action by the licensed or~~  
15 ~~unlicensed contractor.~~

16  
17 **~~Sec. 5-3.10. Administrative duties of the board.~~**

18  
19        ~~The County Administrator or designee shall provide clerical and administrative personnel as~~  
20 ~~may be required to provide administrative support to the board to assist in the performance of its duties.~~

21  
22 **~~DIVISION 3. CERTIFICATION.~~**

23  
24 **~~Sec. 5-3.11. Construction.~~**

25  
26        ~~Nothing in this subdivision shall be construed to require general, building, residential building~~  
27 ~~or pool contractors to obtain additional occupational licenses for specialty work, except electrical,~~  
28 ~~plumbing, mechanical, and roofing work, when such specialty work is performed by employees of such~~  
29 ~~contractors on projects which the contractor supervises and for which they have substantially full~~  
30 ~~responsibility and provided that such contractors do not hold themselves out to the public as being~~  
31 ~~specialty contractors pursuant to F.S. §§ 489.107 and 489.117.~~

32  
33 **~~Sec. 5-3.125-3.02. Certificate State license required.~~**

34  
35        ~~All persons desiring to engage in business as a contractor for the construction of buildings or~~  
36 ~~structures under the terms of the Florida Building Code and zoning codes, shall, before engaging in~~  
37 ~~such business, provide their Florida Department of Business and Professional Regulation contractor's~~  
38 ~~license and number for that type of contracting; such certificate shall identify and indicate the~~  
39 ~~contractor's certificate, as defined in section 5-494 of this subdivision.~~

40  
41 **~~Sec. 5-3.135-3.03. Certificate State license as permit prerequisite; exception.~~**

42  
43        ~~(a) The building department shall issue building permits only to persons possessing a~~  
44 ~~contractor's department of business and professional regulations certificate license, unless otherwise~~  
45 ~~exempted under this subdivision or other applicable laws. The list of contractors pursuant to F.S. §~~  
46 ~~489.105 is as follows:~~

- ~~(1) General contractor;~~
- ~~(2) Building contractor;~~
- ~~(3) Residential contractor;~~
- ~~(4) Sheet metal contractor;~~
- ~~(5) Roofing contractor;~~
- ~~(6) Class A air conditioning contractor;~~
- ~~(7) Class B air conditioning contractor;~~
- ~~(8) Class C air conditioning contractor;~~
- ~~(9) Mechanical contractor;~~
- ~~(10) Commercial pool/spa contractor;~~
- ~~(11) Residential pool/spa contractor;~~
- ~~(12) Swimming pool/spa service contractor;~~
- ~~(13) Plumbing contractor;~~
- ~~(14) Underground utility and excavation contractor;~~
- ~~(15) Solar contractor;~~
- ~~(16) Pollutant storage systems contractor; [and]~~
- ~~(17) Specialty contractor — this contractor scope of work and responsibility is limited to a subset of one of the contractors list in subsection (1)–(16) above.~~

(b) Nothing in this section shall prohibit a bona fide homeowner from constructing, adding to or making changes to their single-family or two-family dwelling, providing they comply with all other rules, regulations, ordinances and laws pertaining to the scope of work in which they wish to engage regarding construction.

(i) For the purposes of this provision, “bona fide homeowner” means a homeowner that intends to actually live in the dwelling for at least 12 months after occupancy.

~~(e)~~(ii) No bona fide homeowner shall be issued more than one permit for the construction of his single-family or two-family dwelling within any 24-month period, and the owner must reside in the unit for at least 12 months after the certificate of occupancy has been issued.

~~(d)~~(iii) The building official may authorize more than one permit during such period upon a written statement that provides evidence of good cause shown.

~~(e)~~(iv) No person shall utilize the provisions hereof as a method to construct single-family or two-family dwellings by having the owners of such dwellings obtain the building permits. Such a person shall be deemed to be engaging in the business of a residential contractor without being licensed pursuant to the provisions hereof and shall be punished in accordance herewith or by other applicable laws and statutes.

~~(f) Any specialty contractors licensed, otherwise known as an occupational license, through Leon County is not allowed to obtain any type of permit.~~



(c) The building official may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required state license for the work being performed.

**Sec. 5-3.14. Classes of certificates.**

~~The classes of authorized contractor certificates which shall authorize the holder thereof to engage in the indicated activities pursuant to F.S. § 489.105(3)(a-q) shall be as follows:~~

~~(a) — *General contractor certificate.* The holder may render construction services unlimited in scope.~~

~~(b) — *Building contractor certificate.* The holder's services shall be limited to construction of commercial buildings and single or multiple dwelling residential buildings, not exceeding three stories in height, and accessory use structures in connection therewith, or those 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.~~

~~(c) — *Residential building contractor certificate.* The holder's services shall be limited to construction, remodeling, repair or improvement of single, two or three family unit residences, not exceeding two stories in height, and accessory use structures in connection therewith.~~

~~(d) — *Pool contractor certificate.* The holder's services shall be limited to construction or repair of public or private swimming pools used for therapy, recreation or other related excavation, operation of construction pumps for dewatering purposes, steel work, pouring of floors, guniting 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, pouring of decks, construction of equipment rooms or housing for pool equipment, and the installation of package pool heaters, all such work to be done in conjunction with, or accessory to, the construction of swimming pools; provided, however, the scope of work of such contractors shall not include direct connections to a sanitary sewer system or to potable water lines and shall not include the installation of any permanent electrical wiring.~~

~~(e) — *Roofing contractor, Class A certificate.* A contractor whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to install, maintain, repair, alter, extend, or design, if 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. The scope of work of a roofing contractor also includes skylights and any related work, required roof deck attachments, and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement and any related work.~~

~~(f) — *Specialty contractor.* Any person whose scope of work, experience or knowledge and skill is limited to a particular craft or trade associated with and included within an occupation or trade regulated by this division. Specialty contractors may render construction services limited in scope. The following is a list of, but not necessarily limited to, those specialties covered by this definition: painting;~~

1 flooring; plastering, latching and drywall; terrazzo, tile and marble; carpentry, cabinet and millwork;  
2 acoustical installations; gunite and sandblasting; awning and aluminum erection; glass and glazing;  
3 septic tanks; and excavation, grading and site work.  
4

5 **~~Sec. 5-3.15. Application; information required; filing deadline; notice of examination.~~**  
6

7 All those desiring a certificate required by this subdivision who must take an examination for the same  
8 shall file an application by 5:00 p.m. on the 15th of the month prior to the next board meeting. Each applicant  
9 should obtain from the contractors' licensing office the date of the next contractor exam, a list of reference  
10 materials, and a brochure on where reference books can be obtained.  
11

12 **~~Sec. 5-3.16. Disciplinary action on certificates.~~**

13 (a) — No disciplinary action, by placing on probation, or reprimanding the contractor, revoking,  
14 suspending, or denying the issuance or renewal of the contractor's license or registration, requiring financial  
15 restitution to a consumer, imposing an administrative fine not to exceed \$1,500.00 per violation, requiring  
16 continuing education, or assessing costs associated with investigation and prosecution, shall be taken against a  
17 locally licensed or specialty/registered contractor except upon a complaint filed, in writing, with the Leon  
18 County's contractors licensing board.  
19

20 (b) — After the filing of such a complaint, the contractors licensing board shall serve the certificate  
21 holder with a written notice of the complaint against them and of its intention to consider taking action against  
22 them. The notice shall also contain written notice of the time and place of the hearing which shall be held upon  
23 the matter. Such notice shall also inform the certificate holder of their right to appear at the hearing, be  
24 represented by counsel and to provide evidence and cross-examine witnesses. Such notice shall be served by  
25 certified mail and by personal service to the last known address of the certificate holder. If service by certified  
26 mail or personal service is not successful, notice shall be published once in the legal notices section of a  
27 newspaper of general circulation in the county.  
28

29 (c) — The contractors licensing board shall hold a hearing, no sooner than ten days after the service  
30 of the notice required by this section and at the time and place specified therein, to determine whether  
31 disciplinary action should be taken, by placing on probation, or reprimanding the contractor, revoking,  
32 suspending, or denying the issuance or renewal of the contractor's license or registration, requiring financial  
33 restitution to a consumer, imposing an administrative fine not to exceed \$1,500.00 per violation, requiring  
34 additional hours of continuing education over and above the state requirements for license renewal, or assessing  
35 costs associated with investigation and prosecution. At such hearing, the contractor shall have the right to appear,  
36 be represented by counsel, produce evidence and cross-examine witnesses.  
37

38 (d) — After such hearing, and after due consideration of the evidence presented at the same, the  
39 contractors licensing board shall enter a written opinion and order placing on probation, or reprimanding the  
40 contractor, revoking, suspending, or denying the issuance or renewal of the contractor's license or registration,  
41 requiring financial restitution to a consumer, imposing an administrative fine not to exceed \$1,500.00 per  
42 violation, requiring additional hours of continuing education over and above the state requirements for license  
43 renewal, or assessing costs associated with investigation and prosecution if it should find from the weight of the  
44 evidence that the contractor has violated any of the provisions of this division or of any law governing  
45 construction or any other building or zoning law. Such a finding shall be by no less than a majority plus one vote  
46 of the members present. In the alternative, the contractors licensing board shall enter a written opinion and order  
47 finding them free from any wrongdoing. In either case, such an order and opinion shall make specific findings  
48 of fact and state the reasons for the action.  
49

1           ~~(e) — The board shall thereafter mail to the contractor and the person who made the complaint a copy~~  
2 ~~of its opinion and shall advise such contractor of their right to appeal to the circuit court.~~

3  
4           ~~(f) — Should the contractors licensing board determine in the findings of fact disciplinary action~~  
5 ~~contractor was warranted, the contractors licensing board shall also send a copy of the opinion to the Florida~~  
6 ~~State Department of Business and Professional Regulation Construction Industry Licensing Board for it to~~  
7 ~~review and take action as seen fit pursuant to F.S. § 489.129.~~

8  
9 **~~Sec. 5-3.17. Finality of board's decision.~~**

10  
11           ~~All decisions of the Leon County's contractors licensing board to approve or disapprove the issuance of~~  
12 ~~certificates required by this division or the decision to place on probation, or reprimand the contractor, revoke,~~  
13 ~~suspend, or deny the issuance or renewal of the contractor's license or registration, require financial restitution~~  
14 ~~to a consumer, impose an administrative fine not to exceed \$1,500.00 per violation, require additional hours of~~  
15 ~~continuing education over and above the state requirements for license renewal, or assess costs associated with~~  
16 ~~investigation and prosecution shall be final.~~

17  
18 **~~Sec. 5-3.18. Certificate decisions to be in writing.~~**

19  
20           ~~All decisions made by the contractors licensing board concerning the issuance or rejection of~~  
21 ~~applications for certificates required by this division or placement on probation, or reprimand of the contractor,~~  
22 ~~revocation, suspension, or denial of the issuance or renewal of the contractor's license or registration,~~  
23 ~~requirement of financial restitution to a consumer, imposition of an administrative fine not to exceed \$1,500.00~~  
24 ~~per violation, requirement of additional hours of continuing education over and above the state requirements for~~  
25 ~~license renewal, or assessment of costs associated with investigation and prosecution shall be in writing.~~

26  
27 **~~Sec. 5-3.19. Designation of administrative fines.~~**

28  
29           ~~All administrative fines ordered and collected pursuant to this article shall be deposited in the building~~  
30 ~~department's fine and forfeiture fund, to be used for those purposes designated by that fund.~~

31  
32 **~~DIVISION 4. EXAMINATION~~**

33  
34 **~~Sec. 5-3.20. Required; temporary certificates.~~**

35  
36           ~~(a) — Except as otherwise provided, a person desiring a certificate required by this division shall take~~  
37 ~~an examination by an independent third party testing agency as established in this subdivision.~~

38  
39           ~~(b) — All persons not holding a current certificate issued by the board, and who are not certified under~~  
40 ~~the provisions of F.S. ch. 489, pt. I, § 489.101 et seq., shall, before engaging in the contracting business, pass an~~  
41 ~~examination administered by an independent third party testing agency, except as provided in subsection (c) of~~  
42 ~~this section.~~

43  
44           ~~(c) — Excavating, grading and site work contractors and public works employees, in order to continue~~  
45 ~~performing such services, must have passed an examination administered by an independent third party testing~~  
46 ~~agency in order to obtain a current certificate issued by the board pursuant to subsection (b) of this section.~~

47  
48 **~~Sec. 5-3.21. Specialty examinations authorized.~~**

1       ~~(a) Specialty examinations may be authorized at any time by the contractor licensing board,~~  
2 ~~provided application therefor is made and the applicant deposits with the application the regular application fee,~~  
3 ~~together with all costs to be incurred by the county in the giving and grading of such examination according to~~  
4 ~~F.S. § 489.117.~~

5  
6       ~~(b) Any person who applies for a specialty contractor authorization may be required to take an exam~~  
7 ~~as described in subsection (a) of this section and shall meet and be subject to the following requirements:~~

8  
9           ~~(1) Any person who engages in or performs, or who desires or intends to engage in or~~  
10 ~~perform, a particular type of work or activity included within the building construction~~  
11 ~~trades may make application to the board as a specialty contractor.~~

12  
13           ~~(2) In order for an applicant to be eligible to receive certification from the board as a~~  
14 ~~specialty contractor, they must demonstrate that they possesses the skill, knowledge,~~  
15 ~~ability and experience to perform, plan, lay out and supervise all work associated with,~~  
16 ~~performed or done in connection with the specialty contractor class or category for~~  
17 ~~which they is seeking certification, all in compliance with Florida Building Code and~~  
18 ~~all other applicable codes and regulations.~~

19  
20           ~~(3) A person certified as a specialty contractor by the board may act as specialty contractor~~  
21 ~~for a business organization that engages in or performs, or that intends or desires to~~  
22 ~~engage in or perform, work in the specialty contractor class or category for which he is~~  
23 ~~certified.~~

24  
25           ~~(4) A person or business organization that is issued a current active specialty contractor's~~  
26 ~~authorization by the board shall not have the right to apply for and obtain building~~  
27 ~~permits unless that specialty license is authorized by the department of business and~~  
28 ~~professional regulation.~~

29  
30           ~~(5) In all instances where practical experience in a specialty contractor class or category is~~  
31 ~~required in order for an applicant to be eligible to be a specialty class or category, the~~  
32 ~~contractors licensing board may, in its sole discretion, consider an applicant's formal or~~  
33 ~~vocational education as practical experience.~~

34  
35 **~~Sec. 5-3.22. Reciprocity.~~**

36  
37       ~~The contractors licensing board may, by majority vote, authorize or recognize persons who have passed~~  
38 ~~an examination given in any other city or county in the state, prepared, administered, proctored and scored by~~  
39 ~~an independent testing organization. Such applicant shall have made a score equal to or exceeding that score~~  
40 ~~required and have paid a fee, as established from time to time by the Board of County Commissioners, in order~~  
41 ~~to engage in the contracting business to obtain a permit allowed by Leon County.~~

42  
43 **~~Sec. 5-3.23. Administration.~~**

44  
45       ~~The examination required by this subdivision shall be prepared, administered, proctored and scored by~~  
46 ~~a certified independent testing organization.~~

47  
48 **~~Sec. 5-3.24. Passing grade.~~**

1       ~~The minimum passing grade on an examination required by this division shall be 70 percent, or as~~  
2 ~~otherwise set by the department of business and professional regulation.~~

3  
4 **~~DIVISION 5. ELECTRICAL CONTRACTORS~~**

5  
6 **~~Sec. 5-3.25. Definitions.~~**

7  
8       ~~*Electrical contractors* are defined as set forth in F.S. § 489.505, including:~~

- 9  
10       ~~(a) — Alarm system;~~  
11       ~~(b) — Alarm system I;~~  
12       ~~(c) — Alarm system II;~~  
13       ~~(d) — Electrical or unlimited electrical; and~~  
14       ~~(e) — Registered electrical.~~

15  
16 **~~Sec. 5-3.26. Licensing of electricians required.~~**

17  
18       ~~Any person desiring to engage in business as an electrical contractor or work as an electrical~~  
19 ~~contractor shall be licensed as provided herein.~~

20  
21 **~~Sec. 5-3.27. Registration required.~~**

22  
23       ~~Each journeyman electrician engaging in electrical work in the county shall be registered with~~  
24 ~~the building department and shall, always when engaging in such work, have in his possession a~~  
25 ~~registration card issued by the county.~~

26  
27       ~~*Registered* means any contractor who has registered with the department pursuant to fulfilling~~  
28 ~~the competency requirements in the jurisdiction for which the registration is issued. Registered~~  
29 ~~contractors may contract only in such jurisdictions.~~

30  
31 **~~Sec. 5-3.28. Bond prerequisite to occupational license when working for a local government.~~**

32  
33       ~~Each applicant for an electrical contractor's license shall file a bond if required by F.S. §~~  
34 ~~489.537. Otherwise, no bonding is required to be filed unless the contractor must be bonded according~~  
35 ~~to F.S. § 489.521(3)(a).~~

36  
37 **~~Sec. 5-3.29 Requirements for performance of electrical work.~~**

38  
39       ~~(a) — All electrical work or wiring in the county shall be performed by or under the direction~~  
40 ~~of an electrical contractor, except as otherwise provided.~~

41  
42       ~~(b) — The electrical contractor may be the owner, proprietor or employee of a corporation, but~~  
43 ~~in all cases shall be the person directly responsible for the proper installation of the electrical work.~~  
44

(c) ~~Except as otherwise provided, where any electrical work is being done, an electrical contractor or journeyman shall always be present on the jobsite and in actual control and in charge of the work being done.~~

(d) ~~Nothing in this section shall prevent a duly licensed contractor who has met the qualifications of the department of business and professional regulation license from performing electrical work in the county.~~

(e) ~~Nothing in this section shall prohibit a bona fide homeowner from personally installing electrical wiring in their own home providing they shall live in such residence, which is a single-dwelling unit, used exclusively by their immediate family, but such privilege shall not exempt the homeowner from taking out an electrical permit for such work, and having it approved by an inspector.~~

#### **~~Sec. 5-3.30. Identification of trucks.~~**

~~Each person engaging in the business of electrical contracting shall have attached or imprinted to each truck or vehicle used in that business a sign pursuant to F.S. § 489.119(5)(c).~~

#### **~~Sec. 5-3.31 Countersigning of permits.~~**

~~It shall be unlawful for any electrician to countersign permits for more than one person unless such person has been authorized by state statute.~~

### **Section 2. Amendments to Section 10-4.203(c) of the Code of Laws of Leon County, Florida.**

Section 10-4.203(c) of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

(c) *Permit conditions.* The following minimum conditions shall apply to every stormwater, landscape, clearing, tree removal, and other environmental management permit issued, by the county, before or after March 15, 1992, and violation of or failure to comply with any such condition shall be a violation of this division:

\* \* \*

(5) *Licensed contractors.* All excavation, grading work, and other site work to be performed under any permit shall be supervised by a state licensed certified or registered general contractor, building contractor, residential contractor, commercial or residential pool/spa contractor, ~~or~~ underground utility contractor, or any state certified specialty contractor with competency (or expertise) to complete the specified development activities by an excavation, grading and site contractor duly licensed by the county contractors licensing board, except that where a bona fide homeowner undertakes a development project which qualifies for issuance of a building permit directly to such homeowner under the provisions of ~~section 5-493~~ F.S. § 489.103, such homeowner shall be responsible for ensuring complete compliance with the requirements of this article as to all excavation and grading work performed in connection with such homeowner's development project and shall not be required to engage

1 in the supervisory services of a general contractor or any state certified specialty an  
2 ~~excavation, grading and site~~ contractor in connection with such work on his property.

3 \* \* \*  
4

5 **Section 3. Conflicts.**  
6

7 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby  
8 repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon  
9 County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this  
10 ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.  
11

12 **Section 4. Severability.**  
13

14 If any word, phrase, clause, section, or portion of this Ordinance is declared by any court of  
15 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and  
16 portions of this Ordinance shall remain in full force and effect.  
17

18 **Section 5. Effective Date.**  
19

20 This ordinance shall be filed with the Department of State by the Clerk of the Board of County  
21 Commissioners within ten (10) days after enactment, and shall take effect on July 1, 2023.  
22  
23


1 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,  
2 Florida, this 14th day of June 2022.

3  
4 LEON COUNTY, FLORIDA

5  
6 DocuSigned by:  
7 By: Bill Proctor  
8 E6F9A59141C244C...  
9 Bill Proctor, Chair  
10 Board of County Commissioners

11 ATTESTED BY:  
12 Gwendolyn Marshall Knight, Clerk of Court  
13 & Comptroller, Leon County, Florida

14  
15 DocuSigned by:  
16 By: Gwendolyn Marshall Knight  
17 178D7F95C3774F4...

18  
19 DocuSigned by:  
20 

21 APPROVED AS TO FORM:  
22 Chasity H. O'Steen, County Attorney  
23 Leon County Attorney's Office

24 DocuSigned by:  
25 By: Chasity H. O'Steen  
26 BCE5E0EFD079484...