

ORDINANCE NO. 2016-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO CONTRACTORS AND THE CENTRAL EXAMINING BOARDS; AMENDING VARIOUS SECTIONS OF CHAPTER 9, "CONTRACTORS," OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

Section 1. Article I of Chapter 9 of the Broward County Code of Ordinances is hereby amended to read as follows:

ARTICLE I. CERTIFICATES OF COMPETENCY

...

Sec. 9-3. Definitions.

The following terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense shall include the future, and the singular number includes the plural, and the plural, the singular. However, there are other words, phrases, and terms which apply to a particular section, division, or article; and those definitions for a specific section, division, or article shall control for that specific section, division, or article.

1 (1) *Advertise or advertising medium* shall apply to business cards, business
2 stationery, business proposals, contracts, construction site signs, all
3 newspapers, airwave transmissions (other than internal company
4 communications), internet communications, social media, classified
5 telephone directories, handbills, billboards, flyers, shopping and service
6 guides (coupon offerings), magazines (including trade association
7 publications), classified advertisements, and signs on vehicles. However,
8 the terms "advertise" and "other advertising medium" shall not apply to
9 balloons, pencils, pens, hats, articles of clothing, or other small
10 promotional novelties. Additionally, ~~it~~ the terms shall not apply to free
11 classified telephone directory listings (regardless of page color) of one (1),
12 two (2), or three (3) lines, which display nothing more than the proper
13 name, company name, address, and telephone number, in whole or in
14 part, in an unbolded or unhighlighted print and without further textual or
15 pictorial elaboration or touting in its overall display.

16 . . .

17 (4) *Awning* shall mean a rigid or moveable (retractable) rooflike structure,
18 cantilevered or otherwise entirely supported from a building. An awning is
19 comprised of a lightweight rigid or removable skeleton structure over
20 which an approved cover is attached.

21 (5) *Board* shall, individually and collectively, mean and include the six (6)
22 central examining boards created and established by this chapter.

23 ~~(5)~~ (6) *Building* shall mean a combination of materials to form a structure adapted
24 to permanent or continuous occupancy for use for public, institutional,

1 residential, business, industrial, or storage purposes; a structure which
2 encloses space; a structure which gives protection or shelter for any
3 occupancy. The term "building" shall be construed as if followed by the
4 phrase "or part thereof." When separated by fire walls, each portion so
5 separated shall be deemed a separate building.

6 ~~(6)~~ (7) *Building code* shall mean and refer to the Florida Building Code, including
7 the Broward County Amendments (Administration - Chapter 1), and all
8 amendments thereto.

9 ~~(7)~~ (8) *Building official* shall mean and refer to any of those employees of
10 municipal or county governments with building construction regulation
11 responsibilities who are charged with the responsibility for direct regulatory
12 administration or supervision of plan review, enforcement, or inspection of
13 building construction, erection, repair, addition, remodeling, demolition, or
14 alteration projects that require permitting indicating compliance with
15 building, plumbing, mechanical, electrical, gas, fire prevention, energy,
16 accessibility, and other construction codes as required by State law, the
17 building code, or municipal or county ordinance, as defined in Section
18 468.603, Florida Statutes, ~~as amended~~.

19 ~~(8)~~ (9) *Business organization* shall mean any partnership, corporation, business
20 trust, joint venture, or other legal entity which engages or offers to engage
21 in the business of contracting or acts as a contractor, as defined in this
22 chapter.

23 (10) *Canopy* shall mean any fixed rooflike structure, not moveable like an
24 awning, and which is cantilevered and self-supporting, in whole or in part.

1 but having no side walls or curtains other than valances not more than
2 eighteen (18) inches (457 mm) high. Lean-to canopies, fixed umbrellas,
3 and similar structures are included in this classification. Structures having
4 side walls or valances more than eighteen (18) inches (457 mm) high shall
5 be classified as tents, as set forth herein.

6 ~~(9)~~ (11) *Certificate* shall mean a certificate of competency issued by the board or
7 the state of Florida, Department of Agriculture and Consumer Services,
8 Department of Business and Professional Regulation, Construction
9 Industry Licensing Board, or the Electrical Contractors' Licensing Board.

10 ~~(10)~~ (12) *Certification* shall mean the act of obtaining or holding a certificate of
11 competency from the board or the state of Florida, Department of
12 Agriculture and Consumer Services, Department of Business and
13 Professional Regulation, Construction Industry Licensing Board, or the
14 Electrical Contractors' Licensing Board. "Certification" of a business
15 organization shall mean the act of obtaining authorization from the board
16 pursuant to Section 9-7.

17 ~~(11)~~ (13) *Certified contractor* shall mean any contractor who possesses a certificate
18 of competency issued by the board or the state of Florida, Department of
19 Business and Professional Regulation, Construction Industry Licensing
20 Board, or the Electrical Contractors' Licensing Board.

21 ~~(12)~~ (14) *Code* shall mean and refer to the Broward County Code of Ordinances, ~~as~~
22 ~~amended.~~

23 ~~(13)~~ (15) *Code enforcement officer* shall mean a code investigator or an individual
24 as defined in ~~e~~Chapter 162, Florida Statutes, ~~as amended,~~ and authorized

by the County Administrator or a municipality to enforce Chapter 489, Florida Statutes, and this chapter. In order to issue citations, each code enforcement officer must be trained and certified as provided by ~~s~~Section 9-126 below.

(14) (16) *Contractor* shall mean and refer to any person who undertakes or submits a bid to construct, repair, alter, remodel, add to, subtract from, demolish, move, or improve any building or structure, including related improvements to real estate, for others, or for resale to others, or who undertakes or offers to undertake or purports to have the capacity to undertake, or submits a bid to or engages in a trade or occupation regulated by this chapter or Chapters 489 or 527, Florida Statutes, ~~as amended.~~

(15) (17) *Commission* shall mean and refer to the Broward County Board of County Commissioners.

(16) (18) *Director* shall mean and refer to the director of the Environmental Licensing, and Building Permitting and ~~Consumer Protection~~ Division, or successor agency, or designee.

(17) (19) *Electrical work* shall mean and refer to the installation, maintenance, repair, alteration, design, and extension of a system which generates, transmits, transforms, or utilizes electrical energy in any form for light, heat, power, or low voltage systems (burglar alarms, central vacuums, communications, computer systems, fiber optics, fire alarms, telephones, televisions, and all other systems 98 volts and less), and all wiring, fixtures (luminaries), appliances, apparatus, raceways, conduits, and equipment

1 relating or incidental thereto, all in such manner as to comply with all
2 applicable plans, specifications, codes, laws, and regulations of the state
3 of Florida and Broward County.

4 (18) (20) *Employee* means a person who receives compensation from, and is under
5 the supervision and control of, an employer who regularly deducts the
6 F.I.C.A. and withholding tax and is required to provide workers'
7 compensation insurance, as prescribed by law.

8 (19) (21) *Engineered construction* shall mean and refer to all work and labor
9 performed in the physical construction, installation, maintenance,
10 alteration, repair, and demolition of public or private utilities, industrial
11 complexes, railways, trainways, bridges, tunnels, highways, roads, streets,
12 canals, seawalls, groins, breach preservations, harbors, wharves, piers,
13 docks, drainage systems, waterworks, irrigation systems, underground
14 utility systems including, but not limited to, water purification plants,
15 sewerage works water storage facilities, pumping facilities, and distribution
16 systems, wastewater treatment plants, and wastewater pumping and lift
17 stations relating thereto and collection systems, pile driving, earth filling,
18 excavating, and grading, underground utility systems, and all other
19 systems and works relating to the foregoing, all of which shall be designed
20 by a professional engineer certified pursuant to Chapter 471, Florida
21 Statutes, ~~as amended~~. The enumeration of any public or private utilities or
22 other works or systems in this definition shall not be construed as
23 excluding any other public or private utilities, works, or systems which
24 require experience and technical knowledge for their construction.

- 1 (20) (22) *Financially responsible officer* shall mean an individual, other than the
2 qualifying agent, who, with the approval of the board, assumes personal
3 responsibility for all financial aspects of the business organization.
- 4 (21) (23) *Inspector or building code inspector* shall mean and refer to all building
5 officials, chief inspectors, inspectors, and plans examiners certified by the
6 state of Florida, Department of Business and Professional Regulation,
7 Broward County Board of Rules and Appeals, and the Florida Building
8 Code Administrators and Inspectors Board to inspect for violations of and
9 enforce the building code and other state and county codes and
10 regulations.
- 11 (22) (24) *Licensed* shall mean possessing the certificates required pursuant to
12 Chapter 489, Parts I and II, and Chapter 527, Florida Statutes, ~~as~~
13 ~~amended~~, or Chapter 9 of the Broward County Code of Ordinances.
- 14 (23) (25) *Liquefied petroleum gas (LPG) systems* shall mean and refer to the
15 installation, maintenance, repair, alteration, extension, or construction of
16 systems which transport or utilize liquefied petroleum gas for light, heat,
17 cooling, or power, including, but not limited, to, gas piping, mains, lines,
18 laterals, tanks, regulators, meters, and all appliances, apparatus,
19 appurtenances, and equipment relating thereto, including wall and central
20 heating units and ammonia-type absorption gas-fired air conditioning units
21 up to five (5) tons or multiples of five (5) tons.
- 22 (24) (26) *Mechanical work and systems* ~~Mechanical work and systems~~ shall mean
23 and include the design, installation, maintenance, repair, alteration, and
24 extension of: air conditioning, refrigeration, heating, and ventilating

systems; boilers and unfired pressure vessel systems; sprinkler and fire protection systems exclusive of underground hookups; piping, including pressure and process piping, pneumatic control piping, piping for gasoline tank and pump installations, air piping, and vacuum line piping; oxygen, nitrous oxide, ink, and chemical lines; ~~and~~ duct work; insulation of pipes, vessels, and ducts; chilled water lines; gasoline tanks and pumps; solar energy, ~~and~~ energy management, and heat recovery systems; fuel transmission lines; gaseous and liquefied hydrogen systems; mechanical sections of ~~sewage~~ wastewater disposal and water treatment plants; and all equipment, appliances, apparatus, and appurtenances used in connection with the foregoing, all in compliance with applicable codes, laws, and regulations of the state of Florida and Broward County.

(27) Membrane structure shall mean an air-inflated, air-supported, membrane-covered cable and membrane-covered frame structure, not otherwise defined as a tent.

~~(25)~~ (28) *Moral turpitude* shall mean a crime which is inherently immoral or dishonest including, but not limited to, fraud, extortion, blackmail, or crimes against minors.

~~(26)~~ (29) *Person* shall mean and include any individual, organization, trust, foundation, firm, group, society, corporation, association, partnership, or any combination thereof.

~~(27)~~ (30) *Plumbing* shall mean and include the installation, maintenance, design, testing, repair, alteration, extension, and construction of piping systems designed or intended to transport liquids and gases and all

1 appurtenances, appliances, apparatus, and equipment used in connection
2 therewith, including, but not limited to, the mechanical installation of gas,
3 potable water, water and ~~sewage~~ wastewater plants and substations, fire
4 line standpipes, and sprinklers; pneumatic control piping systems;
5 gasoline piping, tank, and pump installations (excluding bulk storage
6 plants); boilers and pressure and process piping; septic tanks; drainage
7 and supply wells; vacuum line piping; gaseous and liquefied hydrogen
8 systems; and solar heating systems and any excavation work incidental
9 thereto, all in compliance with the plans and specifications therefor and all
10 applicable codes, laws, and regulations of the state of Florida and
11 Broward County.

12 ~~(28)~~ (31) *Prime contractor* shall mean the contractor who has a contract with the
13 owner of a project or job and who has the full responsibility for its
14 completion.

15 ~~(29)~~ (32) *Qualifying agent* shall mean and refer to an individual who possesses the
16 requisite skill, knowledge, and experience and has the responsibility to
17 supervise, direct, manage, and control the activities of a business entity or
18 contractor engaged in an occupation regulated by this chapter and who
19 has a current valid certificate of competency issued by the board for the
20 activities to be conducted or being conducted by the business entity or
21 contractor. Such an individual may qualify a business entity, individually,
22 or as a sole proprietorship.

1 ~~(30)~~ (33) *Registered contractor* shall mean any contractor who has registered with
2 the state of Florida, Department of Business and Professional Regulation,
3 pursuant to fulfilling the competency requirements of the board.

4 ~~(31)~~ (34) *Remodel or remodeling* shall mean to make over in configuration or style,
5 reconstruct, renew, renovate, recreate, repair, or partial construction work
6 performed within an existing structure.

7 ~~(32)~~ (35) *Repeat violation* shall mean a recurring violation of a provision of this
8 chapter by an uncertified contractor whom a hearing officer has previously
9 found to have violated the same provision, or an uncertified contractor
10 against whom penalties were assessed for the same provision, within five
11 (5) years prior to the violation. For Broward County certified contractors, a
12 repeat violation is any violation on which disciplinary action is being taken
13 where the board made findings of fact that a the same violation had
14 occurred against the same certificate holder within five (5) years prior to
15 the violation, or a repeat violation as defined by Chapter 162, Florida
16 Statutes.

17 ~~(33)~~ (36) *Respondent* shall mean the individual or the business organization against
18 which a complaint has been filed.

19 ~~(34)~~ (37) *Serve* shall mean to provide notice required by this chapter to the alleged
20 violator pursuant to the provisions contained in Section 9-16.

21 ~~(35)~~ (38) *Specialty contractor* shall mean and refer to any contractor whose scope
22 of work, experience, knowledge, and skill is limited to a particular craft or
23 trade associated with and included within an occupation or trade regulated
24 by this chapter.

1 (39) Structure shall mean that which is built or constructed, or any piece of
2 work artificially built up or composed of parts joined together in some
3 definite manner, the use of which requires more or less permanent
4 location on the ground, or which is attached to something having a
5 permanent location on the ground.

6 (36) (40) *Subcontractor* shall mean any individual or business organization who
7 contracts with a contractor to perform all or part of the contractor's work.

8 (37) ~~Structure shall mean that which is built or constructed, or any piece of~~
9 ~~work artificially built up or composed of parts joined together in some~~
10 ~~definite manner, the use of which requires more or less permanent~~
11 ~~location on the ground, or which is attached to something having a~~
12 ~~permanent location on the ground.~~

13 (41) Tent shall mean a structure, enclosure, or shelter constructed of fabric or
14 pliable material supported by any manner, except by air or the contents
15 that it protects.

16 (38) (42) *Trade* shall mean and include, but not be limited to, the construction,
17 renovation, alteration, remodeling, repair, removal, extension, or
18 demolition of buildings and structures; plumbing, electrical, mechanical,
19 and liquefied petroleum gas systems; engineered construction; and any
20 similar work associated or connected with the construction industry.

21 (39) (43) *Trainee* shall mean and refer to any individual who performs work or labor
22 in any trade or occupation regulated by this chapter, and who has not
23 been certified to work in such trade or occupation by the board or the state
24 of Florida, Department of Business and Professional Regulation,

1 Construction Industry Licensing Board, or the Electrical Contractors'
2 Licensing Board.

3 **Sec. 9-4. Certification required.**

4 (a) Except as provided in ~~Chapter 489~~ Subsections 489.103(2) through (8)
5 and (10) through (23), and Section 489.503, Florida Statutes, ~~as amended~~, before any
6 individual may work at a trade, engage in business, or contract for work as a contractor,
7 subcontractor, or specialty contractor in any one (1) or more of the trades or
8 occupations regulated by this chapter, such individual shall first apply for and obtain a
9 certificate of competency from the board.

10 . . .

11 (c) It shall be a violation of this code for any individual or business
12 organization to engage in or represent that such entity is qualified to perform work or
13 contract in any trade or occupation regulated by this chapter without first having
14 obtained a current valid certificate of competency or, in the case of business
15 organizations, a certificate of authority from the board, or having obtained a current
16 license or certificate in accordance with Chapter 489, Florida Statutes, ~~as amended~~.
17 Notwithstanding the foregoing, a person providing pressure cleaning services is not
18 required to hold a Roof Painting and Cleaning (RP) certificate of competency, or any
19 other certificate of competency issued and governed pursuant to Article IV of this
20 chapter, to engage in the work of pressure cleaning, provided no painting services are
21 provided.

22 . . .

23 **Sec. 9-7. Certification.**

24 . . .

1 (e) *Standards.* All individuals and business organizations ~~which~~ that propose
2 to conduct a business, contract, or subcontract in any category or class for which
3 certification is required by this chapter or the board shall first meet the minimum
4 standards set forth in this subsection and such other standards and requirements as
5 may be established by the board.

6 . . .

7 (3) The applicant, whether such applicant is an individual or the qualifying
8 agent of a business organization, and the financially responsible officer, if
9 there is one, and all officers, directors, partners, and supervisors of a
10 business organization shall possess a reputation for honesty, integrity,
11 and good character. This may be determined from the information
12 contained in letters of reference and recommendations submitted to or
13 obtained by the board. The lack of honesty, integrity, or good character
14 may be established by clear and convincing evidence that the applicant,
15 qualifying agent, or any member, officer, director, supervisor, partner, or
16 other responsible individual of the business organization has, as an
17 individual or in the applicant's business capacity:

18 . . .

19 c. Found to be in violation of the provisions of ~~the Broward County~~
20 ~~Code of Ordinances~~ the regulations of any jurisdiction related to the
21 practice of contracting;

22 . . .

23 **Sec. 9-14. Complaints and disciplinary actions.**

24 . . .

1 (b) No individual or business organization certified or pending certification
2 under this chapter or any financially responsible officer shall:

3 . . .

4 (5) Commit mismanagement or misconduct, ~~or~~ divert funds or property, or fail
5 to fulfill the terms of the contractor's or the business organization's
6 obligations in the practice of contracting that causes financial harm to a
7 customer. Financial mismanagement or misconduct shall be deemed to
8 occur when:

9 a. One (1) or more valid liens have been recorded against the
10 property of a contractor's or business organization's customer for
11 supplies or services ordered by the contractor or the business
12 organization for the customer's job, the contractor or the business
13 organization has received funds from the customer to pay for the
14 supplies or services, and either the customer has had to pay
15 additional funds in order to have the lien(s) removed or the
16 contractor, business organization, or financially responsible officer
17 has not had the lien(s) removed from the property, by payment or
18 by bond, within seventy-five (75) days after the date of such lien(s);

19 b. The contractor or the business organization has abandoned a
20 customer's job and the percentage of completion is less than the
21 percentage of the total contract price paid to the contractor or the
22 business organization as of the time of abandonment, unless the
23 contractor or the business organization is entitled to retain such
24

1 funds under the terms of the contract or refunds the excess funds
2 within thirty (30) days after the date the job is abandoned; or

- 3 c. The contractor's or business organization's job has been completed
4 and it is shown through testimony or documentary evidence that the
5 customer has had to pay more for the contracted job than the
6 original contract price, as adjusted for subsequent change orders,
7 unless such increase in cost was the result of circumstances
8 beyond the control of the contractor or the business organization,
9 was the result of circumstances caused by the customer, or was
10 otherwise permitted by the terms of the contract between the
11 contractor or the business organization and the customer;

- 12 (6) Fail to complete a project or operation in accordance with the plans and
13 specifications set forth within the agreement between the contractor or the
14 business organization and the customer or within a reasonable time after
15 entering into the agreement;

16 . . .

- 17 (33) Be found by a jurisdiction outside of Broward County to have committed
18 unlicensed contracting; or

- 19 (34) Subcontract any work to a person, firm, or business organization which
20 does not hold an active certificate for the work ~~involved~~ included in the
21 ~~subcontract~~ agreement;

- 22 (35) Divert funds properly received for a specific project or operation when, as
23 a result of the diversion, the contractor is or will be unable to fulfill the
24 terms of the agreement with the customer;

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (36) Contract in a name other than contained on an individual's certificate of
2 competency, if contracting as an individual or sole proprietorship, or in a
3 name other than that of the business organization certified by the board;

4 or

5 (37) Commit fraud or deceit in the practice of contracting. An inference of the
6 intent to defraud or commit deceit occurs upon proof of the following:

7 a. A contractor received money for the repair, restoration, addition,
8 improvement, or construction of real property; and

9 b. The amount of money received exceeds the value of the work
10 performed by the contractor; and

11 c. The contractor failed to perform any of the contracted work during a
12 sixty (60) day period; and

13 d. The failure to perform any such work during the sixty (60) day
14 period was not related to the customer's termination of the contract
15 or material breach of the contract by the customer; and

16 e. The contractor's failure to perform the contracted work continued
17 for an additional thirty (30) days after the customer mailed a
18 certified letter to the contractor stating that:

19 1. The contractor failed to perform any work for the sixty (60)
20 day period; and

21 — The failure was not due to a material breach or termination
22 of the contract by the customer; and

23 3. The contractor must recommence work within thirty (30)
24 days of the date the letter was mailed.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 . . .

2 (i) If the state of Florida or any agency, board, or department of the ~~S~~state
3 shall revoke, suspend, or not issue the registration, certification, or license of any
4 individual whose trade or occupation is regulated by this chapter or the board, such
5 individual's certification may be revoked, suspended, or ~~may be~~ subject to such other
6 disciplinary action as the board may determine to be just and proper after an evidentiary
7 hearing. When the board has revoked the certificate of an individual or business
8 organization, the individual or business organization shall be prohibited from obtaining
9 or applying for certification for a definite period of time not exceeding five (5) years and
10 the board shall not issue a certificate for the five (5) year period until and unless a
11 satisfactory showing of rehabilitation has been demonstrated to the board. Any
12 individual certified pursuant to this chapter whose license has been revoked shall not be
13 eligible to be a partner, officer, director, or trustee of a business organization, as defined
14 by this chapter, or be employed in a managerial or supervisory capacity for up to a
15 five (5) year period from the effective date of the revocation.

16 (j) If a certificate is voluntarily relinquished, expires, or is allowed to lapse
17 and remains in said status for at least three (3) years, the board may require that an
18 applicant apply to the board for a new certificate of competency, including compliance
19 with the provisions set forth in this chapter, and take the applicable examination for the
20 certificate of competency.

21 (k) The lapse, suspension, or revocation of a certificate by the board or a
22 court, or its voluntary surrender by the certificate holder or the business organization,
23 shall not deprive the board of jurisdiction to investigate or act in a disciplinary
24

1 proceeding against the certificate holder, business organization, or the financially
2 responsible officer.

3 . . .

4 **Sec. 9-26. Exemptions.**

5 In addition to those persons exempted from regulation pursuant to Sections
6 489.103(2) through (8) and (10) through (22), and Section 489.503, Florida Statutes, as
7 ~~amended~~, the following shall be exempt from the certification requirements and
8 provisions of this chapter:

9 (1) All persons who have been examined and issued a certificate of
10 competency by the state of Florida or any one (1) or more of its agencies
11 or boards, excluding persons examined and certified by the State
12 Department of Agricultural and Consumer Services pursuant to
13 Chapter 527, Florida Statutes, ~~as amended~~; and

14 (2) Pursuant to Subsection 489.117(4)(~~e~~)(d), Florida Statutes, ~~as amended~~,
15 any individual who is not required to obtain registration or certification
16 pursuant to Subsection 489.105(3)(d)-(o), Florida Statutes, who is
17 performing specialty building contracting services for the construction,
18 remodeling, repair, or improvement of single-family residences, including
19 townhouses as defined in the building code, if such individual is under the
20 supervision of a ~~S~~state certified or registered general, building, or
21 residential contractor. ~~Such individual shall provide the County with a~~
22 ~~notarized affidavit from each State certified or registered general, building,~~
23 ~~or residential contractor which supervises such individual. The affidavit~~
24 ~~shall state that such individual is under the supervision of the contractor~~

1 signing the affidavit and the affidavit shall include the name and certificate
2 number of the State certified or registered general, building, or residential
3 contractor. Any changes in such supervision shall be reported to the
4 board and a replacement affidavit shall be submitted to the board. As
5 used in this subsection, supervision shall not be deemed to require the
6 existence of a direct contract between the certified or registered general,
7 building, or residential contractor and the individual(s) performing specialty
8 contracting services.

9 . . .

10 Section 2. Article III of Chapter 9 of the Broward County Code of Ordinances
11 is hereby amended to read as follows:

12 **ARTICLE III. ELECTRICAL AND SPECIALTY**
13 **ELECTRICAL CONTRACTORS**

14 . . .

15 **Sec. 9-62. Qualifications for master electrician and/or electrical contractor.**

16 (a) In order to be eligible to receive certification from the board as a master
17 electrician and/or electrical contractor, the applicant shall demonstrate possession of
18 the experience, knowledge, and skill to install, repair, alter, add to, or design electrical
19 wiring, luminaries, appliances, apparatus, raceways, conduits, fire alarm systems, or
20 any part thereof, which generate, transmit, transform, or utilize electrical energy in any
21 form, including the electrical installations and systems within plants and ~~sub-stations~~
22 substations, all in compliance with applicable plans, specifications, codes, laws, and
23 regulations. The applicant shall have no less than seven (7) years of practical electrical
24 experience, including a minimum of three (3) years of practical electrical experience as

1 a certified journeyman. The board ~~may~~, in its sole discretion, may consider a person's
2 formal or vocational education as practical experience in the trade and may waive the
3 requirement that the applicant have certified journeyman experience if the applicant
4 provides the board with sufficient evidence that such applicant possesses no less than
5 seven (7) years of practical experience or training otherwise acceptable to the board.

6 . . .

7 Section 3. Article IV of Chapter 9 of the Broward County Code of Ordinances
8 is hereby amended to read as follows:

9 **ARTICLE IV. GENERAL AND SPECIALTY**
10 **BUILDING CONTRACTORS**

11 . . .

12 **Sec. 9-73. General building classes.**

13 (a) *Class "A"*: The scope of work of a Class "A" general building contractor is
14 unlimited as to the type of construction work that may be performed and shall include
15 the construction, repair, alteration, remodeling, addition to, subtraction from,
16 improvement, and demolition of any building or structure, including related
17 improvements to real estate, and excluding electrical, mechanical, plumbing, and
18 liquefied petroleum gas work relating thereto, and the installation of polyurethane via
19 injection process to lift and level sidewalks, pool decks, driveways, garage floors, patios,
20 and other surfaces on dry land. A Class "A" general building contractor is unlimited as
21 to the height, area, and complexity of a building, structure, or related real property
22 improvements. A Class "A" general building contractor is authorized to perform the
23 work of all the building contractor and specialty building contractor categories and
24 classes. In order to be eligible to be certified as a Class "A" general building contractor

1 by the board, the applicant shall have at least six (6) years of practical building
2 construction trade experience.

3 (b) *Class "B"*: The scope of work of a Class "B" general building contractor
4 shall include and be limited to the construction of commercial buildings and single- and
5 multiple-residential dwellings, and accessory use structures in connection therewith, all
6 of which shall not exceed three (3) stories in height, and the installation of polyurethane
7 via injection process to lift and level sidewalks, pool decks, driveways, garage floors,
8 patios, and other surfaces on dry land. A Class "B" general building contractor may
9 remodel, repair, improve, or alter any building or structure, ~~providing~~ provided such work
10 does not affect the structural members or envelope of buildings and structures which
11 are over three (3) stories in height. Penetrations through load-bearing floors and walls
12 shall be considered to affect the building structure. A Class "B" general building
13 contractor shall not do any electrical, mechanical, plumbing, or liquefied petroleum gas
14 work. In order to be eligible to be certified as a Class "B" general building contractor by
15 the board, the applicant shall have at least four (4) years of practical building
16 construction trade experience.

17 (c) *Class "C"*: The scope of work of a Class "C" residential building contractor
18 shall include and be limited to the construction, remodeling, repair, alteration, and
19 improvement of one (1), two (2), and three (3) residential dwelling units, and accessory
20 use structures in connection therewith, all of which shall not exceed two (2) stories in
21 height, and the installation of polyurethane via injection process to lift and level
22 sidewalks, pool decks, driveways, garage floors, patios, and other surfaces on dry land.
23 A Class "C" residential building contractor shall not do any electrical, mechanical,
24 plumbing, or liquefied petroleum gas work. In order to be eligible to be certified as a

1 Class "C" residential building contractor by the board, the applicant shall have at least
2 three (3) years of practical building construction trade experience.

3 **Sec. 9-74. Standards for specialty categories and classes.**

4 . . .

5 (d) A person or business organization that is issued a current active specialty
6 building contractor's certificate of competency by the board shall, as long as certification
7 is maintained, have the right to apply for and obtain building permits from, and perform
8 and supervise work in the specialty building class or category for which the person is
9 certified by the board within any municipality or unincorporated area within Broward
10 County, Florida. The specialty building contractor shall subcontract with a licensed
11 contractor all work that is incidental to and outside of the scope of the specialty building
12 contractor's certificate of competency and that is within the scope of work of another
13 contractor category. Unless otherwise provided in a particular specialty building class
14 or category, nothing contained herein shall be deemed to limit the height of buildings or
15 structures in or on which specialty building contractors may perform work which is
16 included within the scope of their specialty building contractor certificate of competency.

17 . . .

18 **Sec. 9-75. Limited specialty building contractor categories.**

19 . . .

20 (t) *Finished Carpentry Category—Class "FC":* The scope of work of a
21 Class "FC" specialty building contractor shall include and be limited to cabinet
22 installation, saunas, woodwork, wood floor surface materials, doors, ~~non-structural~~
23 nonstructural framing, wood stairs, handrails, garage doors, and windows, and
24 hardware incidental thereto, trim shelving, including soffits and fascias, siding, and

1 related work. A Class "FC" specialty building contractor may pull permits for windows,
2 doors, and garage doors. A Class "FC" specialty building contractor who obtained said
3 certification prior to April 20, 2010, may perform all work and activities of a Rough
4 Carpentry "RC" specialty building contractor. In order to be eligible to be certified as a
5 Class "FC" specialty builder by the board, the applicant shall have at least two (2) years
6 of practical experience in the category.

7 . . .

8 (v) *Cabinetry Category—Class "CB"*: The scope of work of a Class "CB"
9 specialty building contractor shall include and be limited to the fabrication and
10 installation of wood cabinets, countertops, bookshelves, and shelving. A Class "CB"
11 specialty building contractor shall be allowed to subcontract with other licensed
12 contractors for work directly related to the work set forth below, but which falls within the
13 scope of another licensed trade:

14 . . .

15 (4) *Ceramic tile and granite*: directly related to the cabinetry work.

16 . . .

17 (y) *Residential Interior Remodeling Contractor—Class "RIR"*: The scope of
18 work of a Class "RIR" specialty building contractor shall be limited to the interior
19 remodeling only of ~~one family, two family, or three family~~ one (1) family, two (2) family,
20 or three (3) family residential dwelling units, and accessory use structure(s) in
21 connection therewith, all of which shall not exceed two (2) stories in height. A
22 Class "RIR" specialty building contractor may remodel, provided such remodeling work
23 does not affect the structural components or the exterior of the residential dwelling
24 unit(s) or accessory use structure(s). The scope of work of a Class "RIR" specialty

1 building contractor shall not include the installation of exterior windows and doors,
2 specifically, windows or windows that are part of the building envelope or subject to
3 wind loads or water infiltration. A Class "RIR" specialty building contractor shall
4 subcontract any electrical, mechanical, plumbing, or liquefied petroleum gas work. A
5 Class "RIR" specialty building contractor is authorized to perform the work of all
6 specialty building contractor categories and classes which directly relate to interior
7 remodeling. In order to be eligible to be certified as a Class "RIR" specialty building
8 contractor, the applicant shall have at least three (3) years of practical experience in
9 interior remodeling.

10 (z) *Solar Contractor—Class "CV":* A solar contractor means a contractor
11 whose services consist of the installation, alteration, repair, maintenance, relocation, or
12 replacement of solar panels for potable solar water heating systems, swimming pool
13 solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or
14 equipment used in connection therewith, whether public, private, or otherwise,
15 regardless of use. A contractor, certified or registered pursuant to the provisions of
16 Chapter 489, Florida Statutes, is not required to become a certified or registered solar
17 contractor or to contract with a solar contractor in order to provide any services
18 enumerated in this paragraph that are within the scope of the services such contractors
19 may render under Part I of Chapter 489, Florida Statutes. In order to be eligible to be
20 certified as a Class "CV" specialty building contractor by the board, the applicant shall
21 have at least four (4) years of practical experience in the category.

22 (aa) *Temporary Structure Category—Class "TS":* The scope of work of a
23 Class "TS" specialty building contractor shall include and be limited to the fabrication,
24 erection, and installation of self-supporting tents, canopies, or temporary structures, or

1 operation of a use in a self-supporting tent, canopy, or temporary structure, and the
2 pouring of such temporary footings and slabs on grade as may be necessary and
3 incidental thereto. A Class "TS" specialty building contractor may install such hardware
4 as may be necessary and incidental to the erection and retraction of tents or membrane
5 structures. In order to be eligible to be certified as a Class "TS" specialty building
6 contractor by the board, the applicant shall have at least two (2) years of practical
7 experience in the category.

8 **Sec. 9-76. Specialty masonry categories.**

9 . . .

10 (h) *Tile, Marble, and Granite Category—Class "TMG"*: The scope of work of a
11 Class "TMG" specialty building contractor shall include and be limited to erecting,
12 attaching, applying, and embedding tile, marble, and granite on concrete, countertops,
13 or other materials, applied to floors or walls, and shall include the application of setting
14 materials. Scope of work shall include tile, brick, marble, granite, or similar materials.
15 This work is to include ~~non-load-bearing~~ nonloadbearing structural elements. In order to
16 be eligible to be certified as a Class "TMG" specialty building contractor by the board,
17 the applicant shall have at least two (2) years of practical experience in the category.

18 (i) *Pavers—Class "PV"*: The scope of work of a Class "PV" specialty building
19 contractor shall include and be limited to preparing the base, providing for proper
20 drainage, and selecting, cutting, and laying pavers. A Class "PV" specialty building
21 contractor shall be permitted to build modular retaining walls that retain no more than
22 three (3) feet of earth or fill material, provided the modular retaining wall system is
23 demonstrated to have been engineered for the intended use by an engineer who is duly
24 licensed in the state of Florida as a Structural Engineer. A Class "PV" specialty building

1 contractor shall not pour or finish concrete, except for footings required for the placing of
2 ~~the a~~ paver system. In order to be eligible to be certificated as a Class "PV" specialty
3 building contractor, the applicant shall have at least four (4) years of practical
4 experience in the category.

5 Section 4. Article V of Chapter 9 of the Broward County Code of Ordinances is
6 hereby amended to read as follows:

7 **ARTICLE V. ENGINEERED CONSTRUCTION CONTRACTORS**

8 . . .

9 **Sec. 9-92. Qualifications for a general engineered construction builder.**

10 (a) In order to be eligible to receive certification from the board as a general
11 engineered construction builder, the applicant shall demonstrate possession of the art,
12 ability, skill, experience, and scientific and general knowledge to plan, lay out, perform,
13 and supervise all work and activities associated with and related to engineered
14 construction. The applicant shall have no less than ten (10) years of practical
15 engineered construction experience and shall demonstrate and possess the ability to
16 perform, supervise, direct, and coordinate all work and activities in the engineered
17 construction trades in such a manner as to comply with all plans and specifications of
18 an engineered project, ~~and with~~ municipal permits, the building code, and all other
19 applicable codes and regulations.

20 . . .

21 **Sec. 9-94. Category 1A—Specialty engineered utility system builders.**

22 (a) *Underground Utility & Excavation Contractor—Class "1A-A."* The scope of
23 work of a Class "1A-A" engineered utility system builder shall include and be limited to
24 the construction, installation, repair, maintenance, alteration, extension, and excavation

1 for water, wastewater reuse systems, and ~~waste-water~~ wastewater piping systems;_i
2 storm and drainage systems;_i and the installation of force mains, pumping stations, and
3 pipeline appurtenances, including catch basins, underground utility access portals
4 (commonly known as "manholes"), valves, and similar equipment incidental thereto;_i in
5 compliance with the building code and other applicable codes and regulations. The
6 work of a Class "1A-A" engineered utility system builder shall stop at a point five (5) feet
7 from a building or structure not specifically constructed or intended to be used for the
8 purpose of pumping or processing water, ~~waste-water~~ wastewater, or drainage. A
9 Class "1A-A" engineered utility system builder shall not perform any work required to be
10 performed in fuel transmission and distribution lines. In order to be eligible to be
11 certified as a Class "1A-A" engineered utility system builder by the board, the applicant
12 shall have at least six (6) years of practical experience in the class.

13 (b) *Secondary Utility & Excavation Contractor (-Outside of Publicly-Maintained*
14 *Right-of-Way)—Class "1A-B."* The scope of work of a Class "1A-B" engineered utility
15 system builder shall include and be limited to the construction, installation, repair,
16 maintenance, alteration, extension, and excavation for water, wastewater reuse
17 systems, and ~~waste-water~~ wastewater piping systems;_i and storm and drainage
18 systems, being limited to exfiltration trenches, soakage pits ~~and~~, drywells, and
19 appurtenances incidental thereto (underground utility access portals (commonly known
20 as "manholes"), conflict structures, catch basins, headwalls, etc.), outside an improved
21 publicly-maintained right-of-way or, if incidental and related to, within the ~~publicly-~~
22 ~~maintained~~ publicly-maintained right-of-way, in compliance with ~~the building code and~~
23 ~~other~~ applicable codes and regulations. The work of a Class "1A-B" engineered utility
24 system builder shall stop at a point five (5) feet from a building or other structure. In

1 order to be eligible to be certified as a Class "1A-B" engineered utility system builder by
2 the board, the applicant shall have at least four (4) years of practical experience in the
3 class.

4 (c) *Jack and Bore Installer—Class "1A-C."* The scope of work of a
5 Class "1A-C" engineered utility system builder shall be limited to the construction,
6 installation, ~~repair, maintenance,~~ alteration, extension, and excavation for public and
7 private underground crossings, being limited to the jacking and boring of casing
8 sections, including the welding of sections, proper pit excavations, and dewatering, in
9 accordance with the plans and specifications thereof, and in compliance with applicable
10 codes and regulations. In order to be eligible to be certified as a Class "1A-C"
11 engineered utility system builder by the board, the applicant shall have at least four (4)
12 years of practical experience in the class.

13 (d) *Pipeline Rehabilitation—Class "1A-D."* The scope of work of a
14 Class "1A-D" engineered utility system builder shall be limited to the cleaning and video
15 inspection of potable water, sanitary sewer, and storm sewer pipelines and components
16 incidental thereto; chemical grouting of pipelines and associated structures; ~~manhole to~~
17 ~~manhole~~ lining of potable water, sanitary sewer, and storm sewer pipelines from one (1)
18 underground utility access portal to another; in situ point repairs of pipelines; sanitary
19 sewer and storm sewer structural rehabilitation; and other rehabilitation and repair
20 methods and technologies requiring minor or no excavation to complete, in compliance
21 with applicable codes and regulations. In order to be eligible to be certified as a
22 Class "1A-D" engineered utility system builder by the board, the applicant shall have at
23 least four (4) years of practical experience in the class.

24 . . .

1 **Sec. 9-94.1. Category 1B—Specialty engineered facility builders.**

2 *Plant Construction (Water Treatment, ~~Sewage~~ Wastewater Treatment, Industrial*
3 *Complexes, Pump ~~and Lift~~ Stations)—Class "1B."* The scope of work of a Class "1B"
4 engineered facility builder shall be limited to the construction of facilities, buildings, and
5 structures which are designed or intended to be used as water and ~~waste water~~
6 wastewater treatment plants, pumping ~~and lift~~ stations, or industrial complexes; and the
7 installation of all piping, equipment, appurtenances, and apparatus used in connection
8 therewith, ~~and in compliance with the building code and other~~ applicable codes and
9 regulations. The work of a Class "1B" engineered facility builder shall stop at a point
10 five (5) feet outside the facility site boundary, building, or structure. A Class "1B"
11 engineered facility builder shall not perform any electrical work required to be performed
12 by a master electrician. In order to be eligible to receive certification as a Class "1B"
13 engineered facility builder, the applicant shall have at least six (6) years of practical
14 experience in the class.

15 **Sec. 9-94.2. Category 1C—Engineered specialty transmission & distribution**
16 **builders.**

17 . . .

18 (b) *Underground and Aerial Utility Transmission and Distribution Lines—*
19 *Class "1C-B."* The scope of work of a Class "1C-B" engineered specialty transmission
20 & distribution builder shall be limited to the construction, installation, repair, alteration,
21 extension, and excavation for underground and aerial electrical and communication
22 transmission lines, underground utility access portals (commonly known as
23 "manholes"), splice pits, and laying of rigid conduit incidental thereto, in compliance with
24 applicable codes and regulations. In order to be eligible to be certified as a

Class "1C-B" engineered specialty transmission & distribution builder by the board, the applicant shall have at least four (4) years of practical experience in the class.

...

Sec. 9-95. Category 2—Specialty engineered structural builders.

(a) *Heavy Marine (Bridges, Tunnels, Overpasses, Harbor Facilities, Docks, Shipyards, Bulkheads, Retaining Walls, Seawalls, Dams, Locks)—Class "2A."* The scope of work of a Class "2A" engineered structural builder shall include the construction, alteration, and repair of bridges, tunnels, overpasses, harbor facilities, docks, shipyards, bulkheads, retaining walls, seawalls, dams, locks, and similar structures, in compliance with ~~the building code and other~~ applicable codes and regulations, and permits. A Class "2A" engineered structural builder may perform all work and activities of all other engineered structural builder classes. A Class "2A" engineered structural builder may excavate, pave, and do concrete work which is necessary and incidental to the work of a Class "2A" engineered structural builder. In order to be eligible to be certified as a Class "2A" engineered structural builder by the board, the applicant shall have at least six (6) years of practical experience in the engineered structural builder category.

(b) *Bridges, Overpasses, Underpasses—Class "2B."* The scope of work of a Class "2B" engineered structural builder shall be limited to the construction, repair, and excavation ~~for~~ of bridges, overpasses, and underpasses not crossing water, ~~and~~ in compliance with applicable codes and regulations. A Class "2B" engineered structural builder may do such excavation, paving, concrete work, and work of a Class "~~E2D~~" engineered structural builder as may be necessary and incidental to the work of a Class "2B" engineered structural builder. In order to be eligible to be certified as a

Class "2B" engineered structural builder by the board, the applicant shall have at least four (4) years of practical experience in the class.

(c) *Light Marine (Seawalls, Retaining Walls, Davits, Boat Lifts, Small Docks)—Class "2C."* The scope of work of a Class "2C" engineered structural builder shall be limited to the construction, repair, alteration, extension, and excavation ~~for~~ of seawalls, retaining walls, davits, boat lifts, and small docks serving less than six (6) recreational vessels and less than fifty feet (50') in length. A Class "2C" engineered structural builder may do such concrete work as may be necessary and incidental to the work, in compliance with ~~the building code and other~~ applicable codes and regulations. In order to be eligible to be certified as a Class "2C" engineered structural builder by the board, the applicant shall have at least four (4) years of practical experience in the class.

(d) *Pile Driving—Class "2D."* The scope of work of a Class "2D" engineered structural builder shall be limited to the construction of piling systems, including sheet piling, and the construction, formation, and excavation ~~for~~ of foundations; the placing of reinforcing steel therein; and all concrete work necessary and incidental thereto, in accordance with the plans and specifications therefor and in compliance with the building code and other applicable codes and regulations. In order to be eligible to be certified as a Class "2D" engineered structural builder by the board, the applicant shall have at least four (4) years of practical experience in the class.

Sec. 9-96. Category 3—Specialty engineered road and surfacing builders.

(a) *Major Roads (Asphalt and Concrete Paving for Interstate, Primary, Secondary, and Arterial Roadways Within the Public Right-Of-Way, Bridges, and Airports and Work Incidental Thereto)—Class "3A."* The scope of work of a Class "3A"

1 engineered road builder shall include the construction, repair, and maintenance of major
2 roads, specifically, ~~interstate~~, primary, secondary, and arterial roadways; repair,
3 extension, surfacing, striping, pavement markings and signage of roads, bridges, airport
4 runways and aprons, parking lots, sidewalks, curbs, and gutters; and storm drainage
5 facilities and any excavating, clearing, grading, milling, and concrete work necessary
6 and incidental thereto, in compliance with applicable codes and regulations. A
7 Class "3A" engineered road builder may perform all work and activities of all other
8 engineered road and surfacing builders. A Class "3A" engineered road builder shall not
9 perform any work to be performed by a Class "2A" or Class "2B" specialty engineered
10 structural builder. In order to be eligible to be certified as a Class "3A" engineered road
11 builder by the board, the applicant shall have at least six (6) years of practical
12 experience in the class.

13 (b) *Minor Roads (Asphalt and Concrete Paving for Roads Not Within a Public*
14 *Right-of-Way and Privately-Owned Commercial and Residential Facilities and Work*
15 *Incidental Thereto)—Class "3B."* The scope of work of a Class "3B" engineered road
16 builder shall be limited to the construction, repair, maintenance, and modification of
17 privately owned or, if incidental and related thereto, within publicly-owned roads, bike
18 paths, parking lots, and driveways, including the repair, extension, surfacing, striping,
19 pavement markings and signage of roads, parking lots, sidewalks, curbs, ~~and~~ gutters,
20 drainage systems, or other site features; and any excavating, clearing, grading, and
21 concrete work necessary and incidental thereto, in compliance with applicable codes
22 and regulations. A Class "3B" engineered road builder shall be permitted to perform
23 associated incidental work within the public right-of-way, including the construction of
24 driveways, entrances, turn lanes, curbing, and sidewalks. In order to be eligible to be

certified as a Class "3B" engineered road builder by the board, the applicant shall have at least four (4) years of practical experience in the class.

(c) *Concrete Driveways, Curbs, Gutters, Driveway Entrances, and Sidewalks—Class "3C."* The scope of work of a Class "3C" engineered road builder shall be limited to the construction, repair, grading, and excavation, ~~for~~ of concrete driveways, curbs, gutters, driveway entrances, sidewalks, and other necessary, incidental, and related nonstructural concrete appurtenances, in compliance with applicable codes and regulations. In order to be eligible to be certified as a Class "3C" engineered road builder by the board, the applicant shall have at least four (4) years of practical experience in the class.

(d) *Sealcoating—Class "3D."* The scope of work of a Class "3D" engineered surfacing builder shall be limited to the application of prepared sealants to asphalt, roadways, driveways, sidewalks, and other similar surfaces, including incidental striping, pavement markings, and signage. In order to be eligible to be certified as a Class "3D" engineered surfacing builder by the board, the applicant shall have at least one (1) year of practical experience in the class.

(e) *Striping, Marking, and Signage of Roadways To Include Pavements—Class "3E."* The scope of work of a Class "3E" engineered surfacing builder shall include the striping, marking, and signage of roadways, pavements, and parking lots. In order to be eligible to be certified as a Class "3E" engineered surfacing builder by the board, the applicant shall have at least three (3) years of practical experience in the class.

~~(f) *Interlocking Brick Pavers—Class "F."* The scope of work of a Class "F" engineered surfacing builder shall include and be limited to preparing the base,~~

1 providing for proper drainage, and to selecting, cutting, and laying interlocking brick. A
2 Class "F" engineered surfacing builder shall not pour or finish concrete, except that
3 which is required for the placing of the interlocking brick system. In order for an
4 applicant to be eligible to be certified as a Class "F" engineered surfacing builder, the
5 person shall have at least four (4) years of practical experience in the class. A
6 Class "F" engineered surfacing builder shall not be allowed to do work on patios unless
7 such builder also has been issued a Pavers Class "PV" certificate of competency.

8 **Sec. 9-97. Category 4—Specialty engineered earthwork builders.**

9 (a) *Excavating (Canals, Lakes, Levees)—Class "4A."* The scope of work of a
10 Class "4A" engineered earthwork builder shall include the clearing of land of surface
11 debris and vegetation, grubbing of roots, removal of debris, and leveling of the surface
12 lands, and the removal of muck, rock, gravel, and sand to construct or excavate canals,
13 lakes, and levees, in compliance with all ~~environmental~~ laws and other applicable codes
14 and regulations. In order to be eligible to be certified as a Class "4A" engineered
15 earthwork builder by the board, the applicant shall have at least four (4) years of
16 practical experience in the class.

17 (b) *Clearing and Grading—Class "4B."* The scope of work of a Class "4B"
18 engineered earthwork builder shall be limited to the clearing of surface debris and
19 vegetation, including the grubbing of roots, the removal thereof, and the general leveling
20 and grading of surface lands incidental thereto, in compliance with all ~~environmental~~
21 laws and other applicable codes and regulations. In order to be eligible to be certified
22 as a Class "4B" engineered earthwork builder by the board, the applicant shall have at
23 least three (3) years of practical experience in the class.

1 (c) *Dredging Maintenance (Canals, Lakes, Waterways)—Class "4C."* The
2 scope of work of a Class "4C" engineered earthwork builder shall be limited to the
3 dredging of canals, lakes, waterways, and other bodies of water and the removal
4 therefrom of debris and vegetation to reinstate the design cross section, in compliance
5 with all environmental laws and other applicable codes and regulations. In order to be
6 eligible to be certified as a Class "4C" engineered earthwork builder by the board, the
7 applicant shall have at least three (3) years of experience in the class.

8 . . .

9 Section 5. Article VII of Chapter 9 of the Broward County Code of Ordinances
10 is hereby amended to read as follows:

11 **ARTICLE VII. LIQUEFIED PETROLEUM GAS CONTRACTORS**

12 . . .

13 **Sec. 9-112. Standards for general LPG contractor.**

14 . . .

15 (b) A person certified as a general LPG contractor by the board may install,
16 maintain, repair, alter, and extend liquefied petroleum gas piping, appliances, gas
17 mains, lines, laterals, tanks, regulators, meters, and all other appurtenances,
18 equipment, and paraphernalia necessary and incidental thereto and shall not be
19 required to subcontract minor, as defined by board rule, electrical, mechanical, or
20 plumbing work as long as that work is within the scope of the license held by the
21 contractor and when such work exclusively pertains to the installation of liquefied
22 petroleum gas systems, as defined by board rule. A person certified as a general LPG
23 contractor ~~by the board~~ may act as a qualifying agent for a business organization that
24 furnishes, delivers, or sells liquefied petroleum gas or that engages in or performs, or

1 that intends or desires to engage in or perform, any work involving a liquefied petroleum
2 gas system.

3 . . .

4 **Sec. 9-113. Standards for LPG service and installation contractor.**

5 . . .

6 (e) The scope of work of an LPG service and installation contractor shall
7 include and be limited to the installation, maintenance, repair, alteration, and extension
8 of liquefied petroleum gas piping or appliances. Such LPG contractors shall not be
9 required to subcontract minor, as defined by board rule, electrical, mechanical, or
10 plumbing work as long as that work is within the scope of the license held by the
11 contractor and when such work exclusively pertains to the installation of liquefied
12 petroleum gas systems, as defined by board rule.

13 . . .

14 Section 6. Article VIII of Chapter 9 of the Broward County Code of Ordinances
15 is hereby amended to read as follows:

16 **ARTICLE VIII. UNCERTIFIED CONTRACTORS**

17 **Sec. 9-120. Uncertified contractors.**

18 . . .

19 (b) It shall be a violation of this article for any person, individual, partnership,
20 corporation, firm, association, or other entity to:

21 . . .

22 (11) Engage in the business or act in the capacity of a contractor or advertise
23 as available to engage in the business or act in the capacity of a
24 contractor without having paid all necessary business taxes; or

(12) Fail to discontinue work on a project after having been ordered to do so by a building official, building code inspector, or code enforcement officer pursuant to the provisions of the building code or Chapter 489, Florida Statutes, ~~as amended;~~ or

(13) Fail to comply with the descriptive lettering requirements of Section 9-23 or Section 20-5.

(c) No uncertified or unregistered person associated with a contracting firm qualified by a qualifying agent shall:

...

(3) Knowingly cause any part of the contracting firm's activities, financial or otherwise, to be conducted without the primary qualifying agent's supervision; or

(4) Assist or participate with any qualifying agent in the violation of any provisions of this chapter; ~~or.~~

~~(5) Fail to comply with the descriptive lettering requirements of Section 9-23 and Section 20-5.~~

...

Sec. 9-122. Hearings; hearing officer.

...

(n) If the violator shows that the citation is invalid or that the violation has been corrected prior to appearing before the hearing officer, the hearing officer may dismiss the citation, unless the violation is irreparable or irreversible. If the hearing officer finds that a violation exists, the hearing officer may order the violator to pay a civil penalty of up to the amount set forth on the citation. In determining the amount of the

1 civil penalty, the hearing officer shall consider the gravity of the violation, any actions
2 taken by the violator to correct the violation, and any previous violations committed by
3 the violator.

4 (o) Upon written notification by the code enforcement officer that a violator
5 has not contested the citation or paid the civil penalty within the time frame allowed on
6 the citation; or if a violation has not been corrected within the time frame set forth on the
7 notice of violation, the hearing officer ~~shall~~ may enter an order requiring the violator to
8 pay the civil penalty set forth on the citation or the notice of violation ~~and a hearing shall~~
9 ~~not be necessary for the issuance of such order.~~

10 . . .

11 (t) In the event that a hearing officer has issued a minimum of three (3)
12 orders against a violator for violations related to uncertified contracting, the chief
13 investigator shall forward the matter to the State Attorney's Office for a determination as
14 to whether criminal charges should be filed.

15 . . .

16 **Sec. 9-129. Contracts entered into by unlicensed contractors unenforceable.**

17 (a) As a matter of public policy, contracts entered into on or after [insert date
18 after effectiveness of ordinance] shall be unenforceable in law or in equity by the
19 unlicensed contractor.

20 (b) For purposes of this section:

21 (1) an individual is unlicensed if the individual does not have a certificate of
22 competency required by this chapter concerning the scope of the work to
23 be performed under the contract and the other party to the contract was
24 not a contractor, subcontractor, materialperson, supplier, or vendor under

1 the contract at issue. For purposes of this subsection, the other party to
2 the contract shall be deemed to have acted as a contractor if said party
3 obtained the building permit for the work;

4 (2) an individual is unlicensed if the individual is performing work in any of the
5 scopes listed in Sections 489.105(a) through (p), Florida Statutes, and for
6 which registration would be required; or

7 (3) a business organization is unlicensed if the business organization does
8 not have a qualifying agent in accordance with this chapter for the scope
9 of the work to be performed under the contract.

10 (c) For purposes of this section, a contractor shall be considered unlicensed
11 only if the contractor was unlicensed on the effective date of the original contract for the
12 work, if stated therein, or, if not stated, the date the last party executed the contract, if
13 stated therein. If the contract does not establish such a date, the contractor shall be
14 considered unlicensed only if the contractor was unlicensed on the first date upon which
15 the contractor provided labor, services, or materials under the contract.

16 (d) This section shall not affect the rights of parties other than the unlicensed
17 contractor to enforce the contract. This section shall not affect the obligations of a
18 surety that has provided a bond on behalf of an unlicensed contractor.

19 Section 7. SEVERABILITY.

20 If any portion of this Ordinance is determined by any Court to be invalid, the
21 invalid portion shall be stricken, and such striking shall not affect the validity of the
22 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
23 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
24

1 or circumstance(s), such determination shall not affect the applicability hereof to any
2 other individual, group, entity, property, or circumstance.

3 Section 8. INCLUSION IN CODE.

4 It is the intention of the Board of County Commissioners that the provisions of
5 this Ordinance shall become and be made a part of the Broward County Code; and that
6 the sections of this Ordinance may be renumbered or relettered and the word
7 "ordinance" may be changed to "section," "article," or such other appropriate word or
8 phrase in order to accomplish such intentions.

9 Section 9. EFFECTIVE DATE.

10 This Ordinance shall become effective as provided by law.

11
12 ENACTED October 25, 2016

13 FILED WITH THE DEPARTMENT OF STATE October 26, 2016

14 EFFECTIVE October 26, 2016

15 Approved as to form and legal sufficiency:
16 Joni Armstrong Coffey, County Attorney

17
18 By /s/ Maite Azcoitia 09/12/16
Maite Azcoitia (date)
19 Deputy County Attorney

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23 MA/gmb
09/12/16
24 Ch9Rewrite-o01
#16-423

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.