

ORDINANCE NO. 21-10

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PERTAINING TO THE LICENSING OF LOCAL CONTRACTORS AND JOURNEYMEN OPERATING WITHIN MANATEE COUNTY; PROVIDING FOR BUILDING DEPARTMENT INSPECTORS AND PLANS EXAMINERS TO MAINTAIN LICENSE IN ACTIVE STATUS WITH THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION; REMOVING THE ADMINISTRATIVE FEE FOR STATE CERTIFIED CONTRACTORS THAT ESTABLISH A QUALIFICATION FILE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida is authorized, under Chapters 125, 489 and 553, Florida Statutes, as amended, and Chapter 94-432, Laws of Florida, as amended, to adopt regulations for the issuance of licenses for contractors and journeymen operating within Manatee County, Florida; and

WHEREAS, the Board of County Commissioners deems it desirable and in the best interest of the public health, safety, and welfare to amend Chapter 2-6 of the Manatee County Code to allow building department inspectors and plans examiners who hold Florida State certified licenses to maintain their license(s) in active status with the Department of Business and Professional Regulation; and

WHEREAS, in addition, the Board of County Commissioners deems it necessary in the best interest of the public to remove the administrative fee for Florida State certified contractors who desire to establish a qualification file in Manatee County; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers and members of the business community.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Chapter 2-6 of the Code is hereby amended as set forth in attached Exhibit "A" to this Ordinance (underlined text added, ~~strike-through~~ text delete).

Section 2. Pursuant to Section 125.68(1), F.S., the codifier of the Manatee County Code of Ordinances, Municipal Code Corporation, shall codify the substantive amendments to the Manatee County Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. This Ordinance shall take effect immediately upon filing with the Department of State.

DULY ADOPTED with a quorum present and voting this 7th day of January 2021.

**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

By: _____
Vanessa Baugh, Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: _____
Deputy Clerk

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Chapter 2-6 of the Manatee County Code is hereby amended as follows:

Chapter 2-6 – BUILDING AND BUILDING REGULATIONS

ARTICLE V. – RULES AND REGULATIONS FOR GENERAL CONTRACTORS

Section 2-6-71. Types of Contractors.

(a) Masonry and Concrete Contractor is a specialty contractor whose services shall be limited to the constructing or repairing of concrete footings, slabs, floors, and masonry walls which do not exceed one story in height and pool shells, either by pneumatically placed shotcrete gunite or hand packed. However, a masonry and concrete contractor may be a subcontractor for work that does not exceed two (2) stories in height, as long as there is a licensed general, building or residential contractor in responsible charge of the job.

(b) Masonry Contractor is a specialty contractor whose services shall be limited to the constructing or repairing of masonry walls which do not exceed one story in height. However, a masonry contractor may be a subcontractor for work that does not exceed two (2) stories in height, as long as there is a licensed general, building or residential contractor in responsible charge of the job.

(c) Concrete contractor is a specialty contractor whose services shall be limited to the constructing or repairing of concrete footings, slabs and pool shells, either by pneumatically placed shotcrete gunite or handpacked.

(d) Journeymen Plumbers shall not be considered contractors and are those who perform work in the plumbing trades while employed by and under the supervision of a licensed plumbing contractor.

(e) Journeymen electricians shall not be considered contractors and are those who perform work in the electrical trade while employed by and under the supervision of a licensed electrical contractor.

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(f) Garage door specialty contractor is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers' specifications, of garage doors and allied construction materials. The scope of work shall include, and be limited to, garage doors and garage door assemblies, including hardware and operating devices. The scope of such work shall include wood work incidental to the garage doors and allied construction materials. It shall be limited to the repair and/or replacement of wood incidental to the installation of garage doors. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable. The garage door specialty contractor shall not perform any work that alters the structural integrity of the building, including but not limited to, roof trusses, lintels, load bearing walls and foundations. The garage door specialty contractor shall be allowed to install low voltage electrical wiring for safety features and cord and cap connected to the garage door assemblies, devices, motors and equipment. Any other electrical work incidental to the installation, replacement, dismantling, repair or servicing of the garage doors, including but not limited to, installation, replacement, removal, repair or servicing of receptacles, lights and switches, shall be contracted to a licensed electrical contractor. The garage door specialty contractor shall subcontract, with a licensed qualified contractor in the field concerned, all other work incidental to that which is defined herein, but which is the work of a trade other than that of a garage door specialty contractor.

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Section 2-6-72. Other Definitions.

Advertising medium shall mean business cards, business stationery, business proposals, contracts, construction site signs, all newspapers, air wave transmissions, phone directories, or other media to include handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufactures "authorized dealer" listings, including signs on vehicles. It shall not mean balloons, pencils, pens, hats, shirts, or other similar promotional novelties. Neither shall the term mean free phone directory listings (regardless of page or color) of one, two (2), or three (3) lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole and in part in an unbolded or unhighlighted print without further textual or pictorial elaboration or touting in its overall display.

Constructing shall mean building, altering, maintaining, repairing, fabricating, handling, erecting, installing, dismantling, and servicing of structures or buildings or any parts thereof.

Construction trades board shall mean Manatee County Construction Trades Board, as established by Ordinance 96-20 [art. III].

Contractor shall mean the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in Chapter 489, Florida Statutes, the person who, for compensation, undertakes to, submit a bid to, or does himself or by others construct, repair, alter, remodel, add to, demolish, dismantle, subtract

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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from, or improve any building or structure, including related improvements to real estate, for others or for resale.

Employee is defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the FICA and withholding tax and provides worker's compensation, all as prescribed by law.

Section 2-6-73. Requirements to Become a contractor.

(a) Before any person, firm, or corporation shall engage in the act of constructing or engage in or advertise such services within Manatee County, they shall be qualified as set forth herein, having either a certificate of competency from Manatee County or a certified license from the State of Florida. Whosoever desires to enter into the construction business or offers construction services without being certified by the Florida Construction Industry Licensing Board shall, before advertising, appear before the Construction Trades Board for the purpose of receiving such a Certificate of Competency.

(b) Prior to the issuance of a certificate of competency in accordance with this ordinance [article], an applicant shall provide the following by competent evidence to the Manatee County Building and Development Services Department and the Construction Trades Board:

- (1) Evidence that the applicant is at least eighteen (18) years of age.
- (2) Evidence that the applicant is of good moral character. A personal criminal background check from a recognized reporting bureau shall be provided. No criminal background check is required for a journeyman.
- (3) A completed and notarized application for a certificate of competency. Forms shall be furnished by the Manatee County Building and Development Services Department.
- (4) A personal credit report from a nationally recognized retail credit bureau demonstrating proof of financial responsibility. The amount and type of information necessary to establish financial responsibility shall be those established by the Construction Trades Board. No credit report is required for journeyman.

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a. For purposes of this ordinance [section], the phrase "financial responsibility" is defined as the ability to safeguard that the public will not sustain economic loss resulting from the contractor's inability to pay any lawful obligations under the contract.

b. The financial responsibility grounds on which the Board may refuse to qualify an applicant shall include:

1. Failure to submit any of the items required by this Ordinance.

2. The existence, within the past five (5) years preceding the application, of an unsatisfied court judgment rendered against the applicant based upon the failure of the applicant to pay its just obligations to parties with whom the applicant conducted business as a contractor.

3. An unfavorable credit report or history as indicated by any of the documents submitted.

4. A determination by the Board that the applicant lacks the financial stability necessary to assure compliance with the standard set forth in this section. As guidelines for the determination of financial stability, the Board shall consider the applicant's responses to the questions set forth in the application and financial statement submitted by the applicant.

(5) Written verification of experience in the construction trade as follows:

- | | | |
|----|------------------------|---------|
| a. | Masonry/Concrete | 2 years |
| b. | Masonry | 2 years |
| c. | Concrete | 2 years |
| d. | Journeyman mechanical | 3 years |
| e. | Journeyman plumber | 3 years |
| f. | Journeyman electrician | 4 years |
| g. | Garage door | 2 years |

Except as otherwise provided herein, experience may only be verified by an affidavit from a licensed contractor in which the applicant was a subordinate employee or other qualified persons, as determined by the construction trades board. Self-employed contractors from another state may provide copies of Internal Revenue Service tax forms as verification of work experience or affidavits from other qualified persons, as determined by the Construction Trades Board.

(6) A financial affidavit, which contains information indicating the current assets, total liabilities and total net worth. The applicant must submit evidence acceptable to the applicable Building Trades Board demonstrating a minimum net worth as follows:

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- a. All other contractors \$2,500.00
- b. JourneymanN/A
- c. Garage door\$2,500.00

(7) a. Evidence that:

1. The applicant has obtained a minimum score of seventy-five (75) per cent on a Block and Associates examination prior to June 15, 1968, proctored by a Building Department; or obtained a minimum score of seventy-five (75) per cent on a prometric or equivalent as determined by the Building Official examination taken on or after June 15, 1968, prepared, proctored and graded by Block and Associates; and
2. The applicant has obtained a score of seventy-five (75) per cent or higher on a two-hour Business and Law examination that was prepared, proctored and graded by Block and Associates, for applicants who took the Block and Associates examination after January 31, 1993.

(The construction trades board may accept the results of an equivalent or more thorough examination performed with equivalent or better safeguards as those examinations referenced above. Where the County has not signed a Reciprocity Agreement with another jurisdiction, the applicant shall provide any additional evidence necessary to establish compliance with the examination requirements herein. No examination required under this Ordinance shall be given by Manatee County until the applicant has complied with all other qualifications set forth herein.) State required reciprocity [Florida Statutes, Sections] 489.1455, 489.5335.

(8)Evidence that the applicant has obtained public liability and property damage insurance, in the minimum aggregate amounts as defined below:

Applicant	Required amounts of insurance for Public Liability Property Damage
Local license contactors except	\$100,00/\$250,000
Journeyman	N/A

The minimum amount shall be maintained for all active licenses; and the licensee shall be responsible for notifying the Building Official of any changes in the policy. Insurance certificates shall include, at a minimum, the following:

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- a. Date that the certificate was issued;
 - b. Name of insurance agent;
 - c. Name of insured must reflect the exact name of the entity qualified by the applicant;
 - d.. Name of insurance company;
 - e. Policy numbers;
 - f. Effective date of policy;
 - g. Expiration date of policy;
 - h. At least the minimum amount of liability and property damage insurance required;
 - i. List Manatee County Building and Development Services Department, Attention: Licensing, P. O. Box 1000, Bradenton, FL 34206-1000, as the certificate holder;
 - j. The policy shall stipulate that should the required insurance or worker's compensation coverage be cancelled before the expiration date; the issuing company will mail a thirty-day written notice by certified mail to the certificate holder prior to the cancellation becoming effective;
 - k. Agent's signature;
 - l. Licensee's correct license number;
 - m. The insurance shall, at all times, be carried in the name of the licensee or the business name appearing on the license;
 - n. Failure to comply with Manatee County's request to submit proof of insurance as requested shall be a violation of this ordinance [article].
- (9) Applicants shall have two (2) years from the date of application, or the date of any CTB action on the application, whichever occurred later, in which to complete all requirements for obtaining a certificate of competency, including passing any required examinations and paying any applicable fees. Failure to complete all requirements for a certificate of competency within the aforesaid two-year period shall result in the application and any approvals relating to that application becoming void.

Section 2-6-74. Exemptions from Examinations and Reciprocity.

Certificate holders, who are operating under licenses which were exempt from the requirements of Section 2-6-73 (b)(7)a, under Ordinance ~~44-08~~ 21-10 [this article] may continue to renew that license under the provisions of Section 2-6-73(b) herein. This section does not apply to Non-Renewable Temporary Certificates of Competency.

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Section 2-6-75. Disciplinary Action.

- (a) All contractors shall comply with all local licensing ordinances, as well as any requirements established by Chapter 489, Florida Statutes, and the Florida Construction Industry Licensing Board.
- (b) Any person engaged in contracting shall be required to perform all work in conformity with all applicable laws, regulations, and codes.
- (c) Contractors issued Certificates of Competency by Manatee County may be disciplined in accordance with applicable state and local law.
- (d) Persons applying for permits under the property owner's exemption shall assume full responsibility for compliance with the Manatee County Building Codes relating to construction.

Section 2-6-76. Miscellaneous.

- (a) Fees for examination and licensing will be the same as those set forth in the Manatee County resolution establishing such fees.
- (b) All certificates of competency granted under this ordinance [article] shall expire on September 30 annually, and valid certificate may be renewed through September 30 of each year. For any license renewed after the September 30 expiration date, the license holder shall pay the license fee for that category of license as established by Manatee County Resolution R-13-184 and any successor resolution. In addition, to the license fee, an administrative late fee of twenty-five (25) per cent of the renewal fee (not to exceed a maximum of fifty dollars (\$50.00) shall be paid if the license is renewed from October 1 through November 30. All persons who fail to renew a certificate of competency prior to December 1 must apply for a new certificate of

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competency, meeting current licensing requirements, and no exemption provided in section 2-6-74 herein shall be available.

- (c) Persons sixty-five (65) years old or older may place their Certificate of Competency on an inactive status at no charge if the Manatee County Building Department is notified prior to the expiration of their Certificate. Persons with Certificates of Competency on an inactive status shall not engage in the act of constructing structures or buildings. Procedure for placing a license on an inactive status shall be established by the Manatee County Building Department.

- ~~(d) Government Construction Inspectors/Plans Examiners shall place their Certificate of Competency and/or Construction License issued by the Division of Business and Professional Regulations on an inactive status for as long as they are so employed. Proof of certification as required by Chapter 468, Florida Statutes, must be provided.~~

- ~~(e)~~ (d) All Certificates of Competency must be kept in an active or inactive status.

- ~~(f)~~ (e) Certification by the Florida Construction Industry Licensing Board shall be recognized as a valid license, within its respective category, within Manatee County, upon showing proof of workers compensation and general liability insurance as required herein.

- ~~(g)~~ (f) ~~State certified contractors who desire to maintain establish a qualification file in Manatee County may do so upon receipt, by Manatee County, of an administrative fee as defined in the fee schedule with proof of certification and the proof of insurance required in subsection (f) above. State certified contractors who do not have a qualification file must submit a certificate of~~

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~~insurance, which references the job address and lists the property owner as the certificate holder, and a copy of their state license each time they apply for a permit. This information will then become a permanent part of that permit file.~~ State certified contractors will register their license in the online portal and will provide proof of certification and the proof of insurance required in subsection 2-6-73(b) above.

~~(h)~~ (g) Where any plumbing or electrical work is being installed, a journeyman plumber or journeyman electrician or master, within their respective trade, shall at all-time be present on the job and in actual control and responsible charge of the work being done. A master, within the master's respective trade, shall verify the completeness and thoroughness of all work in conformance with the Florida Building Code prior to requesting any inspections of approvals.

~~(i)~~ (h) The registration, certification or Manatee County license number of each contractor shall appear in any advertising medium used by a contractor.

~~(j)~~ (i) The firm name shall be applied to service and construction vehicles engaged in the trade; lettering shall not be less than three (3) inches in height, and state certification, registration or Manatee County license number shall be displayed in letters not less than one and one-half (1 1/2) inches in height.

~~(k)~~ (j) A contractor who subcontracts any work for which a certificate of competency is required in Manatee County shall hire licensed subcontractors. Contractors holding a certificate of competency which

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includes such work within its scope may carry out the work with employees who are subordinate to the license holder.

Any contractor who contracts or subcontracts work, for which a permit is required, shall verify that a permit has been obtained prior to the start of work.

~~(j)~~ (k) Existing Manatee County Certificates of Competency issued pursuant to Manatee County Ordinance ~~96-05~~ 14-08 [article III], as amended, shall remain in full force and effect as if granted hereunder.

~~(m)~~ (l) Ordinance ~~96-05~~ 14-08 [article III] is hereby repealed, but to the extent that any of the provisions of this Ordinance ~~14-08~~ 21-10 [this article] are the same as those of Ordinance ~~96-05~~ 14-08 [article III], as amended, such provisions shall be construed as restatements and continuations thereof and not as new enactments.