

## **ORDINANCE 18-19-20**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HIGHLANDS COUNTY, FLORIDA, PERTAINING TO LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTIONS 12.16.402, 12.16.404, 12.16.405, AND 12.16.406, PROVIDING FOR AMENDMENT OF THE DEFINITION OF SPECIALTY CONTRACTORS, PROVIDING FOR RECIPROCITY FOR THE ISSUANCE OF CERTIFICATES OF COMPETENCY; AMENDING THE REQUIREMENTS FOR ISSUANCE OF COUNTY CERTIFICATES OF COMPETENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Highlands County Board of County Commissioners (hereinafter referred to as the "Board") was regularly assembled on September 17, 2019; and

**WHEREAS**, pursuant to Article VIII, Section 1, Florida Constitution, and Sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform County functions and to render County services in a manner not inconsistent with law, and that power may be exercised by the enactment of County ordinances; and

**WHEREAS**, the Board, on August 18, 1970, adopted Comprehensive Planning, Zoning and Building Regulations for Highlands County and provided for the administration, enforcement, and amendment thereof; and

**WHEREAS**, the Board, on January 1, 1995, adopted the Land Development Regulations for Highlands County and provided for the administration, enforcement, and amendment thereof; and

**WHEREAS**, the Board, on April 26, 2006, combined the Land Development Regulations with the Comprehensive Planning, Zoning, and Building Regulations into one publication titled the Highlands County Land Development Regulations for the purpose of making the Regulations easier to understand and enforce; and

**WHEREAS**, Chapter 163, Florida Statutes, provides for amendment to adopted Land Development Regulations; and

**WHEREAS**, those Land Development Regulations have been amended from time to time; and

**WHEREAS**, the Board deems it necessary for the purpose of promotion, protection and improvement of the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the County to amend those Regulations as set forth in this Ordinance; and

**WHEREAS**, no valid objection has been made to the proposed Ordinance and it appears to be in the best interest of the County that this Ordinance be adopted; and

**WHEREAS**, public hearings were held by the County Commission on said Ordinance on August 20, 2019 and September 17, 2019.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA**, after due notice and public hearing, that:

**SECTION 1. AMENDED AND ADOPTED. Section 12.16.402 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:**

**Section 12.16.402. Specialty contractors.**

For the purposes of this Code, specialty contractors are designated in the following categories, to the extent that the following categories are not regulated by the State of Florida Construction Licensing Board and Chapter 489, Florida Statutes, specialty contractors are also designated to include any other categories that are not regulated by Chapter 489, Florida Statutes, or any other rule, regulation or other provision of Florida law, as it may be amended:

- A. **Aluminum contractor.** Those who are qualified to fabricate, install, repair, alter or extend aluminum structures, including screen rooms, with solid or screen roofs, metal siding, soffits, gutters and awnings.
- B. **Aluminum/concrete contractor.** The scope of work of an aluminum contractor shall include and be limited to the fabrication, assembling, handling, erection, installation dismantling, adjustment, alteration, repair, servicing and design work, when not prohibited by law, of aluminum metal, vinyl and fiberglass screening material. The scope of work shall include and be limited to screened porches, screen enclosures, pool enclosures, pre-formed panel-post and beam roofs, mobile home panel roof-overs residential glass window enclosures, vinyl panel window enclosures, single story self contained aluminum utility storage structures (not to exceed 500 square feet), siding, soffit, fascia, gutters and awnings. The scope of work shall include masonry concrete work and be limited foundations, slabs and block knee walls not to exceed four feet incidental to the aluminum and allied materials construction work. This category includes, but is not limited to, metal, canvas and other storm shutters. This 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.
- C. **Carpentry/framing contractor.** Those who have the knowledge and skill to install any wood products in a building including, but not limited to, rough framing, structural and nonstructural, trusses, sheathing, and metal framing; and the work of the finish carpentry contractor.
- D. **Concrete forming and placing contractor.** Those who are qualified to construct forms and form work for the casting and shaping of concrete, including, but not limited to columns, beams, decks, and window frames; to place and erect concrete

reinforcement to batch and mix aggregate cement and water to specification incidental to placing concrete; and to pour, place and finish concrete.

- E. **Concrete placing and finishing contractor.** Those who are qualified to pour, place, and finish concrete flatwork (supported slabs, slab on grade, sidewalks, etc.) including placement of concrete reinforcement, plastic vapor barriers, and edge forms incidental thereto.
- F. **Cultured marble installer.** Those who are qualified to set cultured marble.
- G. **Finish carpentry contractor.** Those who have the knowledge and skill to install finish wood products including paneling, trim cabinetry, doors, windows (including metal), stair treads and handrails and all hardware incidental thereto.
- H. **Demolition contractor.** Those who are qualified to demolish and remove structures, such as dwellings, commercial buildings and foundations.
- I. **Drywall/stucco/plaster/lath contractor.** Those who are qualified to install gypsum drywall and plaster products to wood and metal studs, wood and steel joists, and metal runners in buildings of unlimited area and height. The scope of the work shall include the preparation of the surface over which the drywall product is to be applied, including the placing of metal studs and runners and all necessary trim. Those who are qualified to coat surfaces with a mixture of sand or other aggregate gypsum plaster, portland cement or quick lime and water, or any combination of such material as to create a permanent surface coating.
- J. **Fence installer.** Those who are qualified to install, replace or repair fencing including, but not limited to, wood, metal, chain link or masonry fences.
- K. **Garage door installer.** A contractor under this classification is authorized to bid and contract for such work as selecting, cutting, surfacing, joining, sticking, gluing wood and other products and materials including metal, but not including ornamental iron, in such a manner, that under agreed specifications, acceptable doors may be installed in building and structures, such installation to include the necessary hardware as is necessary to connecting, closing, and locking such doors in their fabricated and installed framework.
- L. **Glass and glazing installer.** Those who are qualified to select, cut assemble, and install all makes and kinds of glass and glasswork and execute the glazing frames, panels, sash and door and holding metal frames, ornamental decorations, mirrors, tub and shower enclosures.
- M. **Insulation contractor.** Those who are qualified to install, maintain, repair, alter or extend any insulation primarily installed to prevent loss or gain of heat from rooms or buildings.
- N. **Irrigation sprinkler contractor.** Those who are qualified to install, maintain, repair, alter, or extend all piping and sprinkler heads for the irrigation of lawns, including the connection to a water pump.

- O. **Electrical contractor (low voltage - 50 volts or less).** Those who are qualified to install, maintain, repair, alter or extend any low voltage electrical construction less than 50 volts or equivalent rms.
- P. **Marine contractor.** Those who are qualified with the experience and skill to construct sea walls, bulkheads, docks, piers, wharfs, and other marine structures, including pile driving.
- Q. **Masonry/block contractor.** Those who are qualified to select, cut and lay brick and concrete block or any other unit masonry products, lay brick and other baked clay products, rough cut and dress stone, artificial stone, and pre-cast block, structural glass brick or block and insulated concrete wall units. This work includes placement of reinforcing steel and concrete forming and placing incorporated into the masonry work.
- R. **Masonry/concrete contractor.** Those who are qualified to do the work of a masonry contractor and to pour, place, and finish concrete flatwork (floors, sidewalks, etc.) including placement of mesh reinforcement, vapor barriers, and edge forms incidental thereto.
- S. **Mobile home installer.** Florida Administrative Code, Rule 15C-2.0073(1), Installer Licensing Procedures and Requirements \*This rule states "No person may perform manufactured/mobile home installation unless licensed by the department pursuant to F.S. § 320.8249, regardless of whether that person holds a local installer's license or any other local or state license".
- T. **Painting contractor.** Those who are qualified to use spraying equipment as well as hand tools to finish both exterior and interior work. A painting contractor may do paperhanging, sandblasting, waterproofing, and may clean and coat roofs.
- U. **Sign contractor.** Those who are qualified to erect signs. Such contractor may contract for, and take out permits for the erection of signs.
- V. **Solar heater installer.** Those who have the knowledge to install, alter, repair or replace any solar hot water heating system of residences or for swimming pools, including collectors, storage and expansion tanks, heat exchangers, piping valves, pumps, sensors, and low voltage controls which connect to existing plumbing and electrical stub-outs.
- W. **Structural steel contractor.** Those who are qualified to erect structural steel shapes and plates, including such minor field fabrication as may be necessary, of any profile, perimeter, or cross-section, that are or may be used as structural members for buildings and structures, including metal decking, siding, joists, riveting, welding, and rigging, only in connection therewith.
- X. **Tile and marble contractor.** Those who are qualified to set tile and marble.

**SECTION 2. AMENDED AND ADOPTED. Section 12.16.404 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:**

**Section 12.16.404. Certificate of competency.**

All persons desiring to engage in the business or act in the capacity of any type of contractor or subcontractor, shall have a state-issued or county-issued certificate of competency and be registered with the State of Florida, in accordance with F.S. Ch. 489. Specialty contractors shall also have a certificate of competency issued by the county. However, the County may give reciprocity upon the existence of the following conditions: 1) a contractor or specialty contractor provides evidence of possession of a current local license in good standing issued by another Florida municipality, political subdivision, or other government agency; and 2) the County determines that the requirements of that issuing Florida municipality, political subdivision, or other government agency are substantially similar and acceptable to the County.

**SECTION 3. AMENDED AND ADOPTED. Section 12.16.405 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:**

**Section 12.16.405. County certificate of competency for contractors.**

~~In order to~~To obtain a county certificate of competency as a contractor, an individual must:

- A. Provide proof of qualifications and experiences as stated in F.S. Ch. 489, or other proof of competency acceptable to the construction licensing, enforcement and appeals board which shall be approved on a case by case basis.
- B. Provide such other information and documentation as is required by the county building ~~department~~division and the construction licensing, enforcement and appeals board, including, but not limited to, a summary of qualifications, experience, history of employment, record of law violations, credit rating, outstanding judgments, and photograph of the applicant.
- C. Receive final approval after review of all pertinent information by the construction licensing, enforcement and appeals board.
- D. ~~Pass the experior \*NAI\* block exam designated by the county building department.~~a competency examination as required by the construction, licensing, enforcement and appeals board.
- E. ~~Provide~~Upon submission of an application for a county certificate of competency, provide a certificate of insurance for the coverage required by statute, regulation, ordinance, or resolution, whichever is greater, and proof of worker's compensation insurance or evidence of entitlement to an exemption from the requirement to maintain worker's compensation insurance, pursuant to statutory authority. Proof of insurance coverage and worker's compensation insurance as required by this paragraph shall be provided to the County on a biannual basis.

**SECTION 4. AMENDED AND ADOPTED. Section 12.16.406 of the Code of Ordinances, Highlands County, Florida, is amended and adopted to read as follows:**

**Section 12.16.406. County certificate of competency for specialty contractors.**

~~In order to~~To obtain a certificate of competency as a county specialty contractor, an individual must:

- A. Provide proof of qualifications and experience in his specialty by means of a signed affidavit attesting to at least one year of experience in the specialty field the individual is requesting or other proof of competency acceptable to the construction licensing, enforcement and appeals board approved on a case by case basis.
- B. Provide such other information and documentation as is required by the county building ~~department~~division and the construction licensing, enforcement and appeals board, including, but not limited to, a summary of qualifications, experience, history of employment, record of law violations, credit rating, outstanding judgments, and photograph of the applicant.
- C. Receive final approval after review of all pertinent information by the construction licensing, enforcement and appeals board. However, during the interim period following an applicant's submission of the information and documentation required in subsection B. of this section, and the granting of final approval by the construction licensing, enforcement and appeals board, the county building division may grant a sixty (60) day provisional county certificate of competency to a county specialty contractor following the Building Official's review of that information and documentation and determination that competency has been demonstrated. The sixty (60) day provisional county certificate of competency is subject to extension or termination by the construction licensing, enforcement and appeals board.
- D. ~~Pass the exterior \*NAI\* block exam designated by the county building department.~~E. Provide Upon submission of an application for a county certificate of competency, provide a certificate of insurance for the coverage required by statute, regulation, ordinance, or resolution, whichever is greater, and proof of worker's compensation insurance or evidence of entitlement to an exemption from the requirement to maintain worker's compensation insurance, pursuant to statutory authority. Proof of insurance coverage and worker's compensation insurance as required by this paragraph shall be provided to the County on a biannual basis.
- E. Exemption. Any person who is not required to obtain registration or certification pursuant to Section 489.105(3)(d)-(o), Florida Statutes, may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local license if such person is under the supervision of a certified or registered general, building, or residential contractor, as provided by Florida law.

**SECTION 5. SEVERABILITY.**

The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this ordinance.

**SECTION 6. INCLUSION IN THE CODE.**

When the text of this Ordinance is published for inclusion in the Code of Ordinances, Highlands County, Florida, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

**SECTION 7. CONFLICT.**

Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon filing with the Department of State.  
DONE AND ADOPTED this 17<sup>th</sup> day September, 2019.

(SEAL)

ATTEST:

By: *J. K. Germaine*  
Robert W. Germaine, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF HIGHLANDS COUNTY, FLORIDA  
BY: *James L. Brooks*  
James L. Brooks, Chairman



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 19, 2019

Honorable Robert W. Germaine  
Clerk of the Circuit Court  
Highlands County  
590 South Commerce Avenue  
Sebring, Florida 33870-3867

Attention: Ms. Pamela Gamez

Dear Mr. Germaine:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Highlands County Ordinance No. 18-19-20, which was filed in this office on September 19, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb