

ORDINANCE NO. 2017-_____

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, PERTAINING TO BUILDINGS AND BUILDING REGULATIONS, AMENDING CHAPTER 18, ARTICLE I, ENTITLED "UNINCORPORATED CITRUS COUNTY CONSTRUCTION INDUSTRY, REGULATIONS AND TECHNICAL CODES"; AMENDING CHAPTER 18, ARTICLE II, ENTITLED "CONTRACTOR LICENSING"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners ("Board") is the legislative and governing body of Citrus County, Florida, a political subdivision of the State of Florida, authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the State of Florida and Section 125.01, Florida Statutes;

WHEREAS, the Board adopted Ordinance 2013-04 on June 11, 2013 adopting a new Chapter 18, Article I, entitled "Citrus County Construction Industry, Regulations, and technical Codes and Chapter 18, Article II, entitled "Contractor Licensing" among other Articles;

WHEREAS, from time to time, parts of the Code of Ordinances must be revised, revoked, adopted and or amended to reflect consistency with the Florida Building Codes;

WHEREAS, several provisions within the Code conflicted with State Statutes requiring Amendments;

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Citrus County:

Section 1. The provisions of Chapter 18, Article I, of the Citrus County Code of Ordinances are amended by replacing the entirety with the following:

Section 18-1. – Short title, authority, application, and incorporation.

- (a) *Short title.* This Article may be cited as "citrus county construction industry regulations, and technical codes."
- (b) *Authorization.* The board of county commissioners of Citrus County has the authority to adopt this Article pursuant to Article VIII, Section 1 (g) of the Florida Constitution and Florida statute 125.
- (c) *Applicability.* This Article shall apply to the unincorporated areas of Citrus County, Florida. The provisions of this article shall apply to all development that is wholly within or partially within any unincorporated area of Citrus County, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, change of use, change of occupancy, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are not exempt from the Florida building codes; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(d) *Incorporation.* The provisions of state law governing this article are hereby incorporated by general reference as it may exist and be amended from time to time. To the extent that the provisions of this article are more stringent than those of state law, then this article shall apply.

Section 18-2. – Purpose and intent.

It is the intent of this article to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety; and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

Section 18-3. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the board of county commissioners of Citrus County, a political subdivision of the State of Florida.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage including, but not limited to, a floating residential unit.

Codes or technical codes means the rules and regulations pertaining to the trades adopted in this article and all amendments hereto, or any other adopted code governing development in the county.

Floating residential unit means a structure primarily designed or constructed as a living unit built upon a floating base which is not designed primarily as a vessel, is not self-propelled, although it may be towed about from place to place, and is primarily intended to be anchored or otherwise moored in a fixed location.

Start of construction or commencing construction means the first placement of permanent construction of a structure on a site such as the pouring of slabs or footers or any work beyond the stage of excavation, including the relocation of a structure. The placement of a floating residential unit in the water of the county shall be deemed “start of construction” and subject to all the codes adopted by this article and all amendments hereto. Permanent construction does not include the installation of streets and/or walkways; nor does it include the excavation of a basement, footings, piers or foundations, or the erection of temporary forms. Start of construction for manufactured homes, mobile homes, and pre-manufactured structures, means the affixing of the structure at a location other than the distributor’s sales lot or site of manufacture.

Section 18-4. - Administration.

Titles. The board shall employ a building official and a building director (may be the same individual) of the Citrus County building division and such other employees as deemed necessary to carry out the provisions as provided by law, and may pay all the expenses and salaries in connection therewith.

Cross Reference(s)—Administration, ch. 2

State law reference(s)—Inspectors, F.S. § 125.56(3), 553.79(5)

Section 18-5. - Electrification.

Electrification. It shall be unlawful for any utility company to supply electrical power to any building or structure under construction for which a certificate of occupancy has not been issued by the Citrus County building division. However, nothing in this section shall prohibit the Citrus County building division from issuing a temporary waiver to allow the testing of electrical and air conditioning equipment, prior to the issuance of a permanent certificate of occupancy, not to exceed ninety (90) days after the temporary power is connected.

Section 18-6. - Code Review and Appeals Board (CRAB).

(a) *Powers, duties, and functions.* The powers, duties, and functions of the Code Review and Appeals Board, shall be vested in the Citrus County Code Review and Appeals Board (CRAB).

(1) The Code Review and Appeals Board shall consist of seven members, composed of individuals with knowledge and experience in technical codes, i.e. design professionals, contractors, etc., and shall also have two alternate members. The terms of service shall be staggered, with no more than three (3) of the members subject to change in a twelve (12) month period. A quorum shall consist of a simple majority of the members. CRAB shall hold at least one (1) meeting per year. Any other meetings will be on an as needed basis, upon call of the chairman and/or building director.

(2) The members of the board shall elect a chairman and vice chairman who shall serve in that position until the end of their respective term of service.

(b) The Code Review and Appeals Board shall have the following duties and powers:

(1)

a. The Code Review and Appeals Board shall serve as the “local construction regulations board” in accordance with chapter 489 Florida statutes in reviewing any locally proposed technical amendments to building standards or regulations and make recommendations to the board of county commissioners regarding the same.

b. Hear appeals of code interpretations by the building director and/or building official and render final decisions.

c. Review and make recommendations to the Citrus County board of county commissioners on any changes to this chapter of the code under its jurisdiction.

(2) All duties of the “local construction regulation board”, as defined in section 489.105 (12), Florida statutes, except those duties of the local construction regulation board as described in section 489.105 (12), Florida statutes, related to contractor licensing or the discipline of contractors shall be the responsibility of the Citrus County license compliance special master.

(c) *Appeals to CRAB.* A written notice of appeal must be filed with the board within thirty (30) days of the rendering of a decision by the building director and/or building official, unless conditions are determined by the building director and/or building official, to be unsafe, unsanitary, or dangerous and therefore warranting more immediate action. Appeals shall be heard within 30 days after notice of appeal is received. Every decision of the board shall be final, subject to such remedy as any aggrieved party may have at law or in equity.

Section 18-7. - Adoption of codes.

(a) The Florida Building Code as published by the Florida Building Commission, as may hereafter be amended from time to time, and which are adopted by Rule 9N-1.001, Florida administrative code shall be known as the Citrus County building code, and shall be the minimum construction standards for all unincorporated areas within Citrus County, Florida.

State law reference - Construction standards, F.S. Ch. 553

(b) The following provisions are hereby adopted as local building regulations:

(1) Site drawings. Drawings shall show the location of the proposed building or structure, every existing building or structure, and all impervious area existing and proposed; the locations of all roads and rights-of-way; location of septic, drain field, and well, (where required and applicable); location of all manmade and natural surface waters on the site, the location of proposed and existing electrical power lines and services, and the location of proposed and existing water lines and meters. Site drawings must be drawn to scale with the scale indicated. The building director and/or building official may require a boundary line survey; or a flood elevation survey prepared by a qualified surveyor, if the site is within a zone identified as A or V on the Flood Insurance Rate Maps for the county.

(2) All re-inspection or other fees must be paid prior to final inspection. Failure to call for a final inspection when required may be considered a willful code violation. Any requirement necessary for the strength or stability of an existing building, proposed building or structure or for the health or safety of the occupants thereof, not specifically covered by this Code shall be determined by the building director and/or building official.

(3) The Citrus County board of county commissioners shall establish a code review and appeals board for the purpose of reviewing, upon appeal by any substantially affected party, any locally adopted technical amendment to the Florida building codes to determine the amendments compliance with statutory requirements. Findings of the code review and appeals board may be appealed by any substantially affected party to the Florida Building Commission, in accordance with the commission's requirements for appeals.

(4) Adequate sanitary facilities shall be provided at all times that workmen are present on a construction jobsite, and shall be kept in a clean and sanitary condition throughout the duration of work. Required temporary facilities may be portable, enclosed, chemically treated, tank-type units.

(5) The clerk's office in the county courthouse and the Lecanto Government Building shall be places at which copies of the above-referenced codes shall be kept available for public use, inspection, and examination.

State law references – Minimum required standards, FS. § § 553.19, 553.73; adoption by reference, F.S.

Section 18-8. - Permits.

(a) *Permits Required.* No person shall erect, construct, enlarge, alter, repair, move, improve, convert, change the use or occupancy, or demolish any building or structure subject to this code, including a floating residential unit, or set or place a mobile/manufactured home or floating residential unit within the territory covered by this article, without first having obtained a permit therefore. Any person commencing

construction for which a permit is required, without having first obtained such permit, in addition to the penalties described in this chapter, shall also be subject to a penalty equal to double the permit fee.

(b) *Permit holder of record.* Required permits shall be secured only by:

- (1) An owner in accordance with the limitations and requirements of section 489.103 (7) of the Florida statutes.
- (2) State certified contractors or persons holding active certificates of competency whose certification is appropriate for the scope of work of the permit; or their duly authorized agents, or
- (3) An authorized representative of the owner of real property, for the specific and limited purpose of assembly and/or tie down upon that property a storage building not exceeding 400 square feet, which bears the insignia of approval from the Florida Department of Business and Professional Regulation showing the building complies with the Florida building codes, and who has submitted a signed and notarized authorized representative's building permit affidavit.

(c) *Responsibility.* When any person applies for a building permit, they shall be required to conform to the provisions of F.S. § 713.13, where applicable.

(d) *Construction lien law.* An applicant who is not the person whose right, title, and interest is subject to attachment under F.S. ch. 713, shall as a condition to the issuance of a building permit, in writing promise in good faith that he will deliver to the person whose property is subject to attachment a statement summarizing the construction lien law which shall be supplied by the building division. In addition, the building division shall furnish to the permit applicant, by hand delivery, or to the property owner of record, as provided by law, a concise printed statement explaining the provisions of the construction lien law (FS § 713.001 et seq.), relating to the recording and to the posting of copies of notice of commencement, and encouraging the owner to record a notice of commencement and post thereof in accordance with the provisions of F.S. § 713.18. The county shall not be held liable in any action for the failure of an individual or entity, whose property is subject to attachment, to receive or to be delivered a printed statement stating that the right, title, and interest of the person who has contracted for the improvement may be subject to attachment under the construction lien law.

(e) *No inspections.* No permit shall be required and no permit fees shall be charged for construction improvements which do not require one or more inspections to verify compliance with adopted codes. Any exemption from permits allowed by this subsection shall not apply to construction work that is a part of a larger construction project which, when taken as a whole would require a permit and inspections.

State law reference(s) – Permits, F.S. § 125.56(4) § 553.79

Section 18-9. - Fees.

Fee collections. The Citrus County board of county commissioners may, after review by the Code Review and Appeals Board, provide for a charge and collection of reasonable fees for building code enforcement, licensing, and inspection activities in accordance with F.S. § 125.56. Including, establishing reasonable fees for furnishing copies of the forms and the printed statement provided for in this article, to be paid by the applicant for each permit, in addition to all other costs of the permit.

State law reference(s)—Fees, F.S. § 125.62(2)

Section 18-10. - Inspections.

(a) *Building director and/or building official.* Upon presentation of proper credentials, the building director and/or building official of the Citrus County building division and/or his/her employees may enter any building, structure, or premises while under construction, repair, remodeling, or alteration, or any floating residential unit while, or subsequent to, the time it is being placed in the waters of the county, or as a result of a complaint being filed, or for periodic safety inspections, at reasonable times for the purpose of inspection or to prevent violation of this article and the codes adopted under this article. A property owner shall be given a maximum of 5 days' notice to comply and allow inspection of premises. If any owner refuses entrance to his premises to the director of the Citrus County building division or his/her agents attempting to enforce this article, such official shall contact the Citrus County sheriff's office and proceed onto the owner's premises in the company of the law enforcement officer with such legal warrant as is necessary to lawfully enter the owner's premises for the purpose of enforcing this article.

(b) *Notice of commencement.* The building director and/or building official of the Citrus County building division and/or his employees shall determine, that when required, the original or a certified true copy of the recorded notice of commencement, is on file in accordance with F.S. § 713.13. The failure of the owner or his authorized agent to file the original or a certified copy of the recorded notice of commencement as required by F.S. § 713.13, shall relieve the building director and/or building official or his employees from conducting the requested inspection.

(c) *Liability.* The Code Review and Appeals Board, the building director and/or building official of the Citrus County building division or his/her employees charged with the enforcement of this article, acting for the Citrus County board of county commissioners in the discharge of their duties, shall not thereby render themselves liable, personally, and they are hereby relieved from all personal liability or damage that may occur to persons or property as a result of any act required or permitted in the discharge of their duties under this article. Any suit brought against the Code Review and Appeals Board or individual members thereof, the director of the Citrus County building division or his employees, because of such act performed by them in the enforcement of any provision of this article, shall be defended by the county attorney's office in accordance with F.S. § 111.07.

(d) *Certificate of occupancy.* The certificate of occupancy shall be issued only after the building director and/or building official or his/her designated representative inspects the building or structure and finds no violation of the provisions of the Florida building code or other laws that are enforced by the department of building safety.

(e) *Department of building safety.* For the purposes of all of chapter 18, the Citrus County building division is designated as the department of building safety.

Section 18-11 – 18-35. – Reserved.

Section 2. The provisions of Chapter 18, Article II, of the Citrus County Code of Ordinances are amended by replacing the entirety with the following:

Section 18-36. – Short title, authority, application, and incorporation.

(a) *Short title.* This article may be cited as "Citrus County Contractor Licensing."

(b) *Authorization.* The board of county commissioners of Citrus County has the authority to adopt this article pursuant to F.S. chs. 125; 489 parts 1 and 2.

(c) *Applicability.* This article shall apply to all contractors working in the unincorporated areas of Citrus County; and in certain incorporated areas of Citrus County where the building official and his/her designees are authorized to provide regulation. The provisions of this article shall apply to all state and local construction licensing trades.

(d) *Incorporation.* The provisions of state law governing this article are hereby incorporated by general reference as it may exist and be amended from time to time. To the extent that the provisions of this article are more stringent than those of state law, then this article shall apply.

Section 18-37. – Purpose and intent.

The purpose and intent of this article, is to protect the health, safety, and welfare of Citrus County citizens by enforcing the laws and ordinances with regard to contractor licensing, and to ensure fair and equitable regulation of all contractors.

Section 18-38. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertise or advertisement shall mean business cards, business proposals, contracts, construction site signs, all newspapers, airwave transmissions (other than internal company communications), any electronic media including Internet sites, phone directory, and other media including handbills, flyers, shopping, and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufacturer's "authorized dealer" listing, and signs on vehicles. They shall not apply to balloons, pencils, hats, and articles of clothing, shirts or other promotional novelties. Neither shall the terms apply to any single line phone directory listing; nor to free phone directory listings (regardless of page color) of one, two or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole and in part, in an un-bolded or un-highlighted print or without textural or pictorial elaboration or touting in its overall display. All advertising firms or media shall ensure that each contractor shall affix the number of his competency card, registration or certification and company name in any advertisement.

License compliance officer means any individual authorized by the board through ordinance, resolution, policy, or administrative order, to enforce the provisions of this article, and who has the authority to issue citations and notices to appear, including but not limited to the building division director and/or building official, assistant building official, building inspection supervisor, construction inspectors, trademaster inspectors, license compliance officers and code compliance officers, as defined in the citrus county classification pay plan. This definition also includes code inspectors as defined in Florida Statute, chapter 162.

License compliance special master means any individual authorized by the board of county commissioners for the purpose of hearing and deciding matters of alleged violations of chapter 18, this article, the Florida building code and chapter 489 Parts I and Part II, Florida statutes.

Code enforcement officer means any authorized county employee or agent of the county whose duty it is to assure compliance with county codes. this definition also includes code inspectors as defined in Florida statute 162 and is considered synonymous with code inspector and license compliance officer.

Compensation means the act or fact, expressed or implied, of receiving a mutually agreed upon consideration in return for an action or service rendered.

Contracting means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in F.S. § 489.105(3), which defines some types of contractors requiring licensure. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid or attempted sale of these services requires the corresponding licensure. However, the term “contracting” shall not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell or sells completed residences on property on which the individual or business entity has any legal or equitable interest if the services of a qualified contractor certified or registered pursuant to the requirements of F.S. § 489 have been or will be retained for the purpose of constructing those residences.

Contractor means the same as defined in section 489.105 (3), Florida statutes.

Engaged in business means acting in the capacity of a contractor, or entering into a contract with any such owner, tenant, person, firm, or corporation for performing contracting services.

Limited specialty Subcontractor means a subcontractor whose scope of work and responsibility is strictly limited to a specific subpart of a particular phase of construction. They may not use their limited specialty subcontractor’s license or a combination of limited specialty subcontractor’s licenses in concert to act as a contractor or subcontractor.

Specialty contractor means a contractor whose scope of work and responsibility is limited to a particular phase of construction, or whose scope of work is limited to a subset of the activities described in the categories established in F.S. § 489.105(3)(a)-(3)(p).

Subcontract means a secondary contract undertaking some or all of the obligations and responsibilities of another contract.

Subcontractor means any person who engages in any business under a subcontract, either express or implied.

Trade is defined as, but is not limited to, construction, repair or removal of a building or structures, plumbing, electrical, air conditioning, heating, refrigeration, ventilation, roofing, swimming pool construction, setting and placing mobile/manufactured homes and any other trades, without limitations, requiring expert technical knowledge in the performance thereof.

Section 18-39. – Classifications.

(a) *Trade classifications.* The Citrus County board of county commissioners is authorized in its discretion to classify certificates of competency of any or all trades covered under this or any subsequent ordinance including, but not limited to, masters and journeymen, according to the scope and technical difficulty of the class of work to be performed under the certificates issued for each such classification.

(b) *Contractor classifications.* The following contractor classifications shall have the same meaning as defined in F.S. Ch. 489, Part 1 and 2; or F.A.C. 61G4-15.032.

- (1) General contractor

- (2) Building contractor
- (3) Residential contractor
- (4) Sheet Metal contractor
- (5) Roofing contractor
- (6) Class A air conditioning contractor
- (7) Class B air conditioning contractor
- (8) Class C air conditioning contractor
- (9) Mechanical contractor
- (10) Commercial pool/spa contractor
- (11) Residential pool/spa contractor
- (12) Swimming pool servicing contractor
- (13) Swimming pool layout specialty contractor
- (14) Swimming pool structural specialty contractor
- (15) Swimming pool excavation specialty contractor
- (16) Swimming pool trim specialty contractor
- (17) Swimming pool decking specialty contractor
- (18) Swimming pool piping specialty contractor
- (19) Swimming pool finishes specialty contractor
- (20) Plumbing contractor
- (21) Solar contractor
- (22) Underground utility and excavation contractor
- (23) Pollutant storage systems contractor
- (24) Specialty contractor
- (25) Glass and glazing contractor
- (26) Electrical contractor
- (27) Alarm system contractor i
- (28) Alarm system contractor ii
- (29) Residential alarm system contractor
- (30) Lighting maintenance specialty electrical contractor
- (31) Sign specialty electrical contractor
- (32) Residential electrical contractor
- (33) Limited energy specialty contractor
- (34) Utility electrical line contractor

(c) *Specialty contractor classifications.* As used in this article, the following specialty contractor classifications shall have the following definitions unless a different meaning is clearly intended and, unless otherwise noted. Applicants therefore, must pass a proctored and approved business and legal examination in addition to the required and approved proctored technical examination. Applications for a county competency card tested under the sponsorship of another jurisdiction after February 1, 1993, must show proof of successful completion of both examinations prior to the issuance of such competency card.

- (1) *Carpentry contractor:* A contractor whose services are generally limited to fabrication and installation of any wood product in a structure including, but not limited to rough framing, structural, and nonstructural work, trusses, sheathing, paneling, trim, cabinetry, interior doors, and all hardware incidental thereto. This contractor may not contract for concrete, masonry, roofing, drywall, or other work not listed. This contractor may subcontract from other contractors. Scope of work also allows light gauge steel framing. Nothing contained in this section is intended to require those persons performing only paneling, cabinetry, interior doors, trim or other strictly cosmetic woodworking to obtain a county competency card.

(2) *Concrete contractor:* A contractor whose scope of certification includes and is limited to the execution of contracts requiring skill, knowledge, ability, and experience to install, repair, maintain, and replace, concrete foundations designed to accept any structure when in the design of that structure, a footing is required. The scope of work of such contractor shall also include, but not be limited to, the pouring and finishing of concrete driveways, sidewalks, patios, and miscellaneous slabs.

(3) *Masonry/concrete contractor:* A contractor who is qualified to install, alter, repair, maintain and replace any assembly of preformed masonry block, glass block, rough cut, artificial, or dress cut stone, insulated concrete wall units, brick or other unit masonry products, including the forming and pouring of the beams and lintels incidental to the masonry construction; as well as to pour place and finish concrete flatwork (floors, sidewalks, slabs on grade, etc.), including installation of wire mesh, steel reinforcement, vapor barriers and edge forms incidental thereto.

(4) *Plastering/stucco contractor:* A contractor who is qualified to coat surfaces within a mixture of sand or other aggregate and gypsum plaster, Portland cement, quicklime and water or any combination of such materials as to create a permanent surface coating including but not limited to, plaster, stucco, etc. Such contractor may apply and affix gypsum or lath or any other product prepared or manufactured, including the placement of metal studs and runners to which lath is to be applied, to provide key or suction bases for the support of the plaster coating. A Plastering and Stucco Contractor may also apply marcite to pools, but may not erect wood stud or masonry walls. Such contractor may also apply decorative finishes that are of a non-structural nature to include artificial stone, natural stone, and exterior insulated finish systems when applied as a veneer to an existing structure.

(5) *Structural steel:* means a contractor who is qualified to execute contracts requiring the skill, knowledge, ability, and experience to install, repair, maintain, and replace, steel framework, columns, sheathing, beams, and fabrication of metal buildings.

(6) *Window and door replacement contractor:* A contractor who is qualified and licensed to remove and replace existing windows and exterior doors with others of the same or lesser size, requiring no modification to existing headers/lintels, or any part of any opening, and to install shutters or other protective panels over operable or inoperable glazing, all in accordance with approved engineering and adopted code.

(7) *Demolition contractor:* means a contractor who is qualified to execute contracts requiring the skill, knowledge, ability, and experience for the demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings and residences.

Cross reference - Definitions generally, and 1-2

State law reference - Definitions for building trades, F.S. § § 489.105, 489.505

Section 18-40. - Compliance and exemption.

(a) *Certificate of competency.* It shall be unlawful to engage in the trades designated under the authority of this article without first obtaining a certificate of competency in the county. Nothing in this article, nor the regulations adopted pursuant to this article, shall prohibit any owner from performing his own work upon his own premises, for his own use and occupancy, in accordance with chapter 489 F.S., provided that the structure meets all the requirements of the rules, regulations, and codes adopted pursuant to this article, and a required permit is issued.

(b) *Exemptions.* Any person who possesses a valid and current state certification from the State Construction Industry Licensing Board or the Electrical Contractors Licensing Board shall be exempt from the licensing provision of this article, and shall not be required to obtain a certificate of competency for the trade in which he/she holds a state certificate. However, nothing in this section shall exempt such a person from obtaining the proper business tax receipt required for conducting business in the county.

State law reference(s)—Exemptions for state certified contractors, F.S. §§ 489.113(4), 489.516(3).

Section 18-41. - Certification and Licensing Requirements.

(a) *Examination.* Any person who is at least 18 years of age who desires to be licensed as a contractor, subcontractor, or specialty contractor in Citrus County shall apply to the Citrus County, building division in writing, for a competency card. If the applicant has not taken an approved, proctored examination for his or her trade, he or she must be approved by the building division staff prior to taking the examination. This approval will be based on his/her moral character, financial responsibility, and employment experience. Upon approval of the application, the applicant will take an exam covering the technical, business and legal aspects associated with the trade. A score of 75 percent or above on an examination shall be considered a passing grade. Any person failing to pass an examination may re-test within one year of approval of the application. If an individual takes the examination more than one year from the date of approval, the individual must reapply to the building division and complete a new application. Each applicant who passes the examination satisfactorily and has proven to the building division and code compliance division that he or she is of good moral character, possesses the necessary experience in the trade for which the applicant is applying, in order to responsibly engage in the particular trade for which application is made, and has proven his/her financial responsibility, shall be issued a certificate of competency which shall be effective through the following September 30. If the applicant has already taken an exam of substantial equivalence and scored 75 percent or above in his or her trade, and has a competency card from another jurisdiction, the applicant must still complete the application and receive approval from the building division staff before a Citrus County competency card is issued.

The Citrus County board of county commissioners does hereby establish the following rules and standards to be utilized by the building division in determining a person's moral character, financial responsibility or experience in a particular trade.

(b) *Approval.* Any person who is at least 18 years of age who desires to be licensed as a contractor, subcontractor, or specialty contractor in Citrus County shall apply to the Citrus County Building division in writing, for a competency card. If the applicant has not taken an approved, proctored examination for his or her trade, he or she must be approved by the building division staff prior to taking the examination. This approval will be based on his/her moral character, financial responsibility, and employment experience.

(1) *Good moral character.* An applicant has the burden of showing he or she is of good moral character. Good moral character means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this State and Nation. When an applicant is found to be unqualified for a competency card due to a lack of experience, or good moral character, the building division shall furnish the applicant a statement containing the findings with a complete record of the evidence upon which their determination was based, and a notice of the rights of the applicant to appeal the decision to the License Compliance Special Master. He or she may be denied licensure for any of the following offences: (a) being guilty of making misrepresentations in connection with his business, (b) having committed a felony in connection with his trade, or (c) having defrauded the general public in practicing his trade.

(2) *Financial responsibility.* All applicants for a competency card must demonstrate that they are financially responsible. Financial responsibility is defined as the ability to safeguard the public from sustaining economic loss resulting from a contractor's inability to fulfill his lawful obligations under a construction contract. The building division shall determine this requirement according to the sworn statements submitted by the applicant that he/she has (a) no unsatisfied judgments against her/him in connection with the practice of the trade for which he is applying for a competency card; (b) no unpaid past due bills or claims for labor, materials, or services, as a result of construction operations of any persons in the organization which he/she is qualifying; (c) no liens, suits, or judgments of record as a result of the construction operations of the business she/he is operating or of the business she/he is qualifying; (d) no liens of record by any approved agency against the applicant, any business of the applicant or any business the applicant seeks to serve as qualifier, unless said lien is the subject of a repayment agreement with the agency involved and said repayment agreement is current and in good standing. The applicant shall be required to certify and provide proof to the County on an annual basis, under penalties of perjury that the repayment agreement is current and in good standing.

In addition, an applicant has the responsibility of assuring that he or she is financially responsible by submitting a current (within the last 120 days) financial statement showing current assets, current liabilities, total assets, total liabilities, and net worth. Evidence acceptable to the building division staff must demonstrate a net worth in the amount listed below:

Division I contractor	net worth \$20,000
Division II contractor	net worth \$10,000
Specialty contractor	net worth \$ 2,500

In addition to the financial statement, a current credit report (within 120 days) must be submitted. Failure to submit required information or truthfully answer questions that prove financial responsibility shall be grounds for denial of a certificate of competency.

(3) *Eligibility for other than electrical or electrical specialty licensure.* All applicants except for electrical or electrical specialty licensure shall meet at least one (1) of the experience eligibility requirements set forth below:

- a. Has received a baccalaureate degree from an accredited four year college in the appropriate field of engineering, architecture, or building construction, and one year of proven experience in the category in which the person seeks to qualify. For the purpose of this rule, a minimum of 2,000 man-hours shall be used in determining full-time equivalency.
- b. Has at least four years of active experience as a workman who has learned his trade by serving an apprenticeship, or as a skilled workman who is able to command the rate of mechanic in his particular field, and has at least one year of active experience at the level of foreman who is in charge of a group of workmen, and who is responsible to a superintendent or a contractor or the equivalent.
- c. Has a combination of not less than one year of experience as a foreman and not less than three years of credit from any accredited college level courses; or has a combination of not less than one year of experience as a skilled workman, one year of experience as a foreman, and not less than two years of credits from any accredited college level courses. All junior college or community college level courses shall be considered accredited college level courses.

(4) *Eligibility for electrical or electrical specialty licensure.* Applicants for licensure in electrical or electrical specialty classifications must meet experience eligibility requirements according to at least one (1) of the following criteria:

- a. Has, within the six (6) years immediately preceding the filing of the application, at least three years' proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent;
- b. Has, within the eight (8) years immediately preceding the filing of the application, at least four-years experience as a foreman, supervisor, or contractor in the trade for which he is making application;
- c. Has, within the twelve (12) years immediately preceding the filing of the application, at least six (6) years of comprehensive training, technical education, or broad experience associated with an electrical or alarm system installation or servicing endeavor; or
- d. Has been licensed for three years as an engineer.

(5) The following outline the eligibility requirements for licensure upgrade examinations:

- a. *Eligibility for certified or registered residential contractor for building contractor's exam.* An active certified or registered residential contractor is eligible to take the building contractors' examination if she/he possesses a minimum of three years of proven experience in the classification in which she/he is currently certified or registered.
- b. *Eligibility for certified or registered residential contractor for general contractor's exam.* An active certified or registered residential contractor is eligible to take the general contractors' examination if she/he possesses a minimum of four years of proven experience in the classification in which she/he is currently certified or registered.
- c. *Eligibility for certified or registered building contractor for general contractor's exam.* An active certified or registered building contractor is eligible to take the general contractors' examination if he possesses a minimum of four years of proven experience in the classification in which she/he is currently certified or registered.
- d. *Eligibility for certified or registered air conditioning Class B contractor for air conditioning Class A exam.* An active certified or registered air conditioning Class B contractor is eligible to take the air conditioning Class A contractor's examination if she/he possesses a minimum of one year of proven experience in the classification in which she/he is currently certified or registered.
- e. *Eligibility for certified or registered swimming pool servicing contractor for residential swimming pool contractor's exam.* An active certified or registered swimming pool servicing contractor is eligible to take the residential swimming pool contractor's examination if she/he possesses a minimum of three years of proven experience in the classification in which she/he is currently certified or registered.
- f. *Eligibility for certified or registered swimming pool servicing contractor for commercial swimming pool contractor's exam.* An active certified or registered swimming pool servicing contractor is eligible to take the commercial swimming pool contractors' examination if she/he

possesses a minimum of four years of proven experience in the classification in which she/he is certified.

- g. *Eligibility for certified or registered swimming pool contractor for commercial swimming pool contractor's exam.* An active certified or registered swimming pool contractor is eligible to take the commercial swimming pool contractor's examination if she/he possesses a minimum of one year of proven experience in the classification in which she/he is currently certified or registered.

(6) *Proof of experience.* An applicant can acquire their experience outside the jurisdiction of Citrus County, however, in order to prove that experience to the building division, he/she needs to supply a sworn affidavit of another person which substantiates the experience he is alleging to have acquired and wishes to apply to one of the requirements enumerated above. The affiant's knowledge must be direct knowledge of the workmanship of the applicant and he must so state in her/his testimony.

(7) *Affidavit.* All applications submitted shall be accompanied by an affidavit stating that the applicant will not undertake any work which is within the scope of the certificate of competency for which she/he is applying until he or she has obtained the appropriate competency card, and that she/he will comply with all county regulations and/or state statutes applicable to his work.

(8) *Qualifier.* certificates of competency shall be issued to a person only. In the case of firms or corporations, a certificate shall be issued to the person determined to be qualified, and actively in charge of and supervising the work. Should the qualified representative of the firm or corporation sever his connection with the firm or corporation, it shall become the duty of such individual, and of any such firm or corporation, to immediately notify the Citrus County building division in writing.

(9) *Scope of Work.* An active certified or registered division I or division II contractor may, at his or her discretion, operate as a local specialty contractor, or qualify the operation of a local specialty contractor company, provided the trade activity undertaken is within the scope of work of the qualifying license, and is a trade activity on which the license holder was tested. Such a qualifying contractor shall be responsible for the business and financial activities of the organization so qualified.

Section 18-49. - Fees.

Schedule of fees. A schedule of fees for contractor testing, licensing, administrative processing, and related fees shall be adopted by the Citrus County board of county commissioners. A fee, in accordance with such schedule, shall be charged each person for each examination.

The holder of an inactive certificate of competency shall not be permitted to engage in the particular trade for which the certificate was issued until such time as he has activated his certificate by paying the active certificate of competency fee. The above-described fees shall be due and payable on or before September 30th of each renewal year and there shall be assessed a penalty for each late renewal, as set forth by resolution of the Citrus County board of county commissioners. All renewal fees are due and payable by the September 30th immediately preceding each two-year license period. The holder of a certificate who fails to renew his certificate, after such certificate has been expired for over two years and up to 10 years, shall be required to appear before the building division director or his designee to be re-examined as to financial responsibility, moral character, and trade experience before his certificate may be re-issued. If such person received his competency card based on the successful completion of a professional examination approved by the License Compliance Special Master, then that person shall not be required to retake such professional test as a condition of license re-issuance. If, however, such person was originally issued a competency card

based on a “grandfather” clause, then that person must successfully pass such a professional test prior to the issuance of a competency card. Persons holding Citrus County competency cards which have been expired for over ten years and who have not been properly licensed and active in another jurisdiction shall be considered by the building division director or his designee to be new applicants for licensure.

Employees of the County who are required to maintain inactive certificate of competency as a condition of their employment, or whose professional standing in their particular positions of employment, such as fire inspectors, engineers, license compliance officers, etc., would be enhanced by the maintenance of inactive certificates of competency, shall be exempt from the payment of fees required in this section for inactive certificates of competency.

Section 18-50. - Insurance.

(a) *Proof of Liability.* Subsequent to the successful passing of the appropriate examination, and prior to the issuance of a Certificate of Competency under this Article, every applicant shall furnish proof that public liability insurance, under limits of liability of not less than \$100,000.00 for injury or death to any person, and/or limits of not less than \$300,000.00 for injury or death to more than one person in any one accident, and limits of not less than \$50,000.00 with respect to damage to property is maintained with an insurance company licensed to do business in the State of Florida. Each holder of a Certificate of Competency shall furnish evidence of the above-described insurance prior to having his Certificate of Competency renewed each year.

(b) *Proof of workers’ compensation.* Subsequent to successful passing of the examination, and prior to the issuance of a certificate of competency under this article, every applicant shall show proof that the requirements of the workers’ compensation law in the state have been met. Each holder of a certificate of competency shall furnish evidence that the requirements of the workers’ compensation law of the State of Florida have been complied with prior to having his certificate of competency renewed each year, and subsequently as a prerequisite to the issuance of a building permit.

(c) *Certificate holder.* Certificates of insurance must name Citrus County, Florida, a political subdivision of the State of Florida, as the certificate holder.

Section 18-51. - Business tax receipt.

Issuance of business tax receipt. No county business tax receipt shall be issued to any person to engage in any business or trade wherein a certificate of competency is required under the provisions of this article until the applicant therefore, shall exhibit a certificate of competency issued by the county or any of the municipalities therein, for the period for which such business tax receipt is sought. Such business tax receipt is not to be construed as regulatory in nature or authorizing the practice of a trade which requires state or local trade licensure or certificate of competency. Suspension or revocation of any certificate of competency, as provided in this article, shall automatically suspend or revoke, as the case may be, any county business tax receipt that may have been issued. The building division director or his designee shall, upon action to suspend or revoke a competency card by the license compliance special master, notify the Tax Collector’s office of such action pursuant to the suspension or revocation of such business tax receipt.

Section 18-52. - Display.

Licensure Display. Any person holding an active certificate of competency issued by the county shall:

- (1) Place or cause to be placed her/his state registration or certificate of competency number and company name on all vehicles used for production work under authority of his/her contractor's license. Such numbers and letters shall be two inches high and shall be centered on the width of each front door. The above-described registration or competency card numbers shall also be placed in the lower corner of the trunk, tailgate, cargo bed, or bumper, as appropriate, on the driver's side of the rear of each vehicle. License numbers on vehicles shall be clearly visible.
- (2) Affix the number of his/her competency card, registration, or certification to each application for a building permit and on each building permit issued and recorded.
- (3) Make certain that the competency card, registration, or certification number of the contractor shall appear in any newspaper, airwave transmission, phone directory or other advertising medium used by that contractor. The term "advertise" or "advertisement" shall mean business cards, business proposals, contracts, construction site signs, all newspapers, airwave transmissions (other than internal company communications), any electronic media including Internet sites, phone directory, and other media including handbills, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufacturer's "authorized dealer" listing, and signs on vehicles. They shall not apply to balloons, pencils, hats articles of clothing, shirts or other promotional novelties. Neither shall the terms apply to any single line phone directory listing; nor to free phone directory listings (regardless of page color) of one, two, or three lines, which display nothing more than the proper name, address, and telephone numbers in whole and in part, in an un-bolded or un-highlighted print or without textural or pictorial elaboration or touting in its overall display. All advertising firms or media shall ensure that each contractor shall affix the number of his/her Competency Card, Registration, or Certification and company name in any advertisement. All advertising firms or media shall ensure that each contractor shall affix the number of his/her Competency Card, Registration, or Certification and Company name in any advertisement.

Section 18-53. - Enforcement.

Enforcement staff. The building division director and such members of his or her staff as he/she may deem necessary to serve as construction inspectors, license compliance officers and/or code compliance officers are appointed for the purpose of enforcing this article.

Section 18-54. - Violations.

(a) *Violation provisions.* Any person violating any of the provisions of this article, or any codes, orders or resolutions promulgated pursuant to this article, shall, upon conviction, be punished as provided in this article.

(b) *Without permits.* If any activity occurs which requires a permit, or any building or structure is erected, constructed, altered, or repaired, placed upon land, or any building or structure is used in violation of this article, or of any order or resolution or other regulation made under the authority conferred hereby, the proper local authorities of the county, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful activity, erection, construction, alteration, change of use or occupancy, or repair; to restrain, correct, or abate such violation; to prevent the occupancy of the building or structure; or to prevent any illegal act, conduct, business, or use in or about such premises. If any activity occurs which requires a permit, or a building or structure is constructed, altered, or repaired, without application for the issuance of a permit as provided for in this section, and the owner of such property, building or structure does not secure a permit after ten days' notice in writing from the Citrus County board of county

commissioners, the building division, or the Citrus County code compliance division and pay the prescribed fee therefore, the Citrus County board of county commissioners is authorized and empowered to record, in the official records of the county and the office of the clerk of the county circuit court, a lien on such property, building or structure for the amount of the prescribed permit fee and penalties; and in addition thereto, the cost of recording such lien. The lien shall state the name of the owner, the amount of the lien and the purpose of the lien, and shall be signed by the chairman of the Citrus County board of county commissioners. Such lien shall be a lien, with a maximum period of twenty (20) years after the filing thereof on such building, and may be enforced by any procedure authorized for the enforcement of the liens. All costs of enforcement shall be taxed against the owner of the building or structure, including reasonable attorney's fees incurred by the county. Nothing in this section shall preclude or prevent the enforcement of the section by any other means authorized by the Florida Building Code or Florida statutes.

(c) *Job site nuisance prevention.* It shall be the responsibility of the contractor to ensure each job site utilizes a means to properly contain construction debris, trash, and discarded building materials so as to prevent the job site from becoming a nuisance to neighboring property owners. Such method of containment shall be in place no later than 3 business days after the slab is poured. Burial shall not be considered an acceptable method of disposition, and it shall be a violation of this Article for any person to bury construction material, lot clearing debris, or trash on any job site. Permit holders who fail to properly contain trash and construction debris in accordance with this Article shall, upon notice, have five (5) business days in which to bring their site into compliance. Failure to abate the violation within the time frame prescribed shall be grounds for the issuance of a \$50.00 notice of non-compliance, plus a \$50.00 trip charge for the compliance re-inspection, and the suspension of further inspection services for permits issued on the subject site until such site is no longer in violation and the fees have been paid.

(d) *Erosion control and containment.* It shall be the responsibility of the contractor of record to ensure each job site has a means to properly contain sediment. Permit holders for development involving the alteration of existing grade shall make every reasonable effort during construction to prevent erosion and/or the transport and discharge of sediment to wetlands, roadways, or adjacent properties until permanent erosion control and containment are in place, through the use of a silt fence or similar method of control.

State law reference(s)—Construction industry generally, F.S. Ch. 489; local authority over construction industry, F.S. § § 489.127(4), (5), 489.131(3), 489.516(4), 489.531(3)—(6), 489.537(3).

(e) *Violation List.* It shall be a violation of this Article to:

- (1) Falsely hold himself or herself or a business organization out as a licensee, certificate-holder, or registrant.
- (2) Falsely impersonate a certificate holder or registrant.
- (3) Present as his or her own, the license, certificate, or registration of another.
- (4) Knowingly give false or forged evidence to the license compliance special master, building division, or licensing staff for the purpose of obtaining a certificate of competency.
- (5) Use or attempt to use a certificate or registration which has been suspended or revoked.
- (6) Engage in the business or act in the capacity of a contractor, or advertise himself or herself or a business organization as available to engage in the business or act in a capacity of a contractor without being duly registered or certified.

- (7) Operate a business organization engaged in contracting after sixty (60) days following the termination of its only qualifying agent without designating another primary qualifying agent
- (8) Commence or perform work for which a building permit is required, pursuant to part IV or F. S. Chapter 553, without such building permit being in effect
- (9) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.

(f) Each day a willful knowing violation continues shall constitute a separate offense under the provisions of this section.

Section 18-55. – Citations, enforcement procedures, administrative hearings.

This section establishes a means of enforcing violations of chapter 18. A person or business organization/entity found violating the provisions of chapter 18 is subject to a hearing before a special master as defined and established in this article. Hearings may involve and are not limited to: county certified/registered contractors; state certified/registered contractors; uncertified/unregistered/unlicensed contractors; unpermitted work; commencing work without applicable permit; vehicle marking; advertising, and other violations as set forth in chapter 18 now and in the future as may be adopted.

(1) *Issuing of citation.* A license compliance officer and/or code compliance officer may issue a citation for any violation based upon personal investigation if said officer has reasonable and probable grounds to believe that such a violation has occurred.

(2) *Statements on citation.* The citation issued by the license compliance officer/code compliance officer shall state:

- a. The time and date of issuance.
- b. The name and address of the person to whom the citation is issued.
- c. The address of where the violation took place.
- d. The time and date of the violation.
- e. A brief description of the violation, the specific article section and subsection of this ordinance, that was violated and the fact constituting reasonable cause.
- f. The name of the construction code inspector, license compliance officer, or code compliance officer.
- g. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- h. The applicable civil penalty if the person elects not to contest the citation.
- i. A statement that upon receipt of the above-referenced citation by the violator, the violator shall cease the act or actions for which the citation is issued, and the person charged with the violation

shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation and, as provided for in this section, or within 10 days of receipt of the citation, exclusive of weekends and local holidays, request an administrative hearing before the License Compliance Special Master.

(3) *Cited individuals/entities.* A person who has been served with a citation shall elect either to:

- a. Correct the violation (if not irreparable or irreversible) and pay the civil penalty in the manner indicated on the citation; or
- b. File with the licensing office, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, a written request for a hearing before the special master.

(4) *Lack of written request.* Failure by the alleged violator to file anything with the licensing office within the time frame set forth in this section shall constitute a waiver of the alleged violator's right to a hearing. A waiver of the right to a hearing shall be an admission of the violation and penalties may be imposed accordingly. Failure of the alleged violator to file anything or pay the fine shall cause the citation to become a final order of the special master.

(5) *Noncriminal infraction.* A person cited for a violation pursuant to this section is deemed to be charged with a noncriminal infraction.

(6) *Authorization.* This section does not authorize or permit a license compliance officer/code compliance officer to perform any function or duty of a law enforcement officer, other than a function or duty that is authorized by this section.

(7) *Notice.* All notices required by this section shall be provided to the alleged violator by certified mail, return receipt requested, by hand delivery by the sheriff or other law enforcement officer or license compliance officer/code compliance officer by leaving the notice at the violator's usual place of residence with some person of his family above 15 years of age and informing such person of the contents of the notice, or by including the hearing date within the citation.

(8) *Refusal to sign a citation.* Any person who willfully refuses to sign and accept a citation issued by a license compliance officer/code compliance officer commits a misdemeanor of the second degree punishable as provided by law.

(9) *Other means of enforcement.* Nothing contained in this section shall prohibit the county from enforcing its code or ordinances by any other means.

Section 18-56. - The license compliance special master.

(a) There is hereby established and created, for the purpose of hearing and deciding matters of alleged violations of chapter 18, this article, and Florida statute 489, Part I and Part II, and to impose fines and enforcement costs when applicable, a licensing compliance special master. The special master shall be vested with all the powers granted to a construction licensing appeal board under Florida statutes, as amended from time to time, except that any powers conferred upon local governments therein, including but not limited to, the authority to execute satisfactions and releases of liens, or to otherwise mitigate code fines and liens shall not be delegated to the special master, but are expressly reserved for the Citrus County board of county commissioners.

(b) An attorney from the county attorney's office shall either be counsel to the license compliance special master or shall represent the county, but in no case shall the attorney from the county attorney's office serve in both capacities.

Section 18-57. - Qualifications of the license compliance special master.

The following shall be the minimum qualifications for any person appointed to the position of license compliance special master:

- (1) Must be a member in good standing of the Florida bar for a minimum of five (5) years and shall have demonstrated adequate knowledge of the county code of ordinances and chapter 489, Part 1 and Part II.
- (2) Must possess a reputation in the community for integrity, responsibility, and professional ability.

Section 18-58. - Appointment and removal of the license compliance special master.

(a) Appointment to the position of license compliance special master shall be made by the board of county commissioners on the basis of experience or interest in licensing enforcement. Additional and/or alternate license compliance special masters may also be appointed by the board of county commissioners. Any license compliance special master may be reappointed or replaced at the discretion of the board of county commissioners.

(b) Appointments shall be for a term of one year. There shall be no limit on the number of reappointments that may be given to any individual, provided however, a determination as to removal or reappointment must be made by the board of county commissioners at the end of each one year term.

(c) The license compliance special master shall not be a county employee, but shall be compensated at an hourly rate to be established by contract.

(d) The board of county commissioners and the county administrator shall have the authority to temporarily suspend a license compliance special master for cause. The board of county commissioners shall have the authority to remove any license compliance special master with cause. Appointments to fill any vacancy for the remainder of an unexpired term may be made by the board of county commissioners.

Section 18-59. - Jurisdiction of the license compliance special master.

(a) The license compliance special master shall have the jurisdiction to hear and decide alleged violations of chapter 18, this article and chapter 489, Parts I and II, Florida statutes as it pertains to contractor licensing.

(b) The jurisdiction of the license compliance special master shall not be exclusive. Any alleged violation of the county codes may be enforced by appropriate action in any court of competent jurisdiction.

(c) The license compliance special master shall not hear any case in which he or she has a conflict of interest through familiar relationship, personal or business financial interest, or other conflict of interest recognized under the rules regulating the Florida bar.

Section 18-60. - Powers and duties of the license compliance special master.

(a) The license compliance special master shall have the power to:

- (1) Conduct disciplinary hearings against state/local certified contractors, registered contractors and business organizations or financially responsible officers issued a certificate of competency; when the report of a designated code enforcement office, field investigator, the building official or his/her designee shows alleged violations of any provision of this article.
 - (2) To issue a final order of disciplinary action against a contractor and/or a business organization and/or a financially responsible officer; for violating any provision(s) of this article.
 - (3) Impose all penalties and perform any functions set forth in the provisions of this article.
 - (4) To suspend, revoke a certificate, registration, or certificate of competency for any individual or business organization that associates a person as an officer, director, or partner, or in a managerial or supervisory capacity, after such person has been found under a final order to have violated this section or was an officer, director, partner, trustee, or manager of a business organization disciplined upon finding reasonable cause that such person knew or reasonably should have known of the conduct leading to the discipline.
 - (5) Impose all penalties and related disciplinary guidelines adopted hereto.
 - (6) Take testimony under oath.
- (b) The license compliance special master shall conduct hearings on a regular scheduled monthly basis or more frequently upon request of the director of planning and development.

Section 18-61. - Hearing procedure for hearings before the license compliance special master.

- (a) At the time and place determined by the director of planning and development or his or her designee, or at such other times as may be necessary, and or upon request of a License compliance officer or the building division director, the license compliance special master shall call a hearing. However, no hearing shall be set for a date less than twenty (20) days after service of the notice of hearing.
- (b) All hearings before the license compliance special master shall be open to the public.
- (c) Minutes shall be kept of all hearings conducted by the license compliance special master.
- (d) The building division shall provide clerical and administrative personnel as may be necessary for each special master.
- (e) The proceedings of the hearing may be recorded by a stenographer at the expense of the requesting party.
- (f) Each case before the license compliance special master shall be presented by the license compliance officer issuing the citation, or the administrative complainant or the building division director.
- (g) Each party shall have the right to be represented by an attorney at its own expense. All testimony shall be given under oath and shall be recorded by electronic device. The license compliance special master shall take testimony from the license compliance officer issuing the citation, the administrative complainant, the building division director, as applicable, and the alleged violator. Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any issue relevant to

the matter. The license compliance special master and attorney from the county attorney's office shall have the right to question the alleged violator and any witness giving testimony.

(h) At any time prior to the hearing date the special master assigned to hear the case may; at the request of the designated code enforcement officer, field investigator, building official or his/her designee or legal counsel assigned by the county attorney's office; or at the request of an alleged violator and/or his/her attorney; issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for the hearing the alleged violator or his/her attorney fail to appear, the special master may find the alleged violator in default and shall proceed with the hearing and accept evidence relevant to the existence of a violation of this article and/or applicable codes, law, rules and associated practices.

(i) If the person issued the citation or his designated representative appears at the administrative hearing and proves that the citation is invalid or that the violation has been corrected prior to appearing before the license compliance special master, the license compliance special master may dismiss the citation unless the license compliance special master finds the violation to be irreparable or irreversible.

(j) The formal rules of evidence shall not apply, but fundamental due process shall be observed. The license compliance special master may accept any relevant and material evidence. The license compliance special master's decision shall be based upon competent and substantial evidence.

(k) In order to support a finding of guilt in any matter before the license compliance special master, the special master must find by a preponderance of the evidence that the violator was legally responsible for the violation of the county code, an ordinance, or State statute cited in the civil citation.

(l) If an alleged violator is found guilty, the special master may impose disciplinary penalties including fines. A violator is also liable for the costs associated with prosecution and investigation of the respective case, all at the discretion of the special master and in accordance with the adopted county fee schedule established and adopted by the board of county commissioners. Said costs shall include but not be limited to; investigative time, attorney fees and special master fees.

(m) At the conclusion of the hearing, the license compliance special master shall state his or her findings of fact based on the evidence in the record and conclusions of law, and shall state the proper relief ordered consistent with the powers granted herein. The license compliance special master shall have the findings of fact and conclusions of law reduced to a written order. The order shall also include a notice that it must be complied with by a specified date and that a fine may be imposed.

(n) A certified copy of an order shall be recorded in the public records of the county. If the order is complied with by the date specified in the order, the license compliance special master shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order.

(o) In the case of unlicensed contractor hearings, if the special master finds that a violation exists, the special master may order the violator to pay a civil penalty of not less than the amount set forth on the citation, but not more than \$1,000.00 per day for each violation. In determining the amount of the civil penalty, the special master may consider the gravity of the violation, any actions taken by the violator to correct the violation and any previous violations committed by the violator.

(p) In the case of unlicensed contractor hearings, the special master shall enter an order directing a violator pay a civil penalty set forth on a citation or notice of violation; upon notice from a designated code enforcement office, field investigator, building official or his/her designee that the violator has not

contested the citation or paid the civil penalty within the time frame allowed on the citation; or that the violator has not contested the notice of violation and has not corrected the violation within the time frame set forth on a notice of violation.

(q) Lack of a state certificate, state certification or state registration may be established by confirming with the State Department of Business and Professional Regulation (DBPR) that the named violator does not hold a state certificate/registration. An original or certified copy of a written statement from the custodian of the records of the licensing office that contact with DBPR was made and confirmation as to non-licensure was achieved regarding any named violator shall be admissible into evidence and sufficient to establish the presumption that the alleged violator is not a state certified contractor. The alleged violator has the right to present evidence to overcome this presumption.

(r) Lack of a county certificate or county certification or registration may be established by confirming with the building division, that the named violator does not hold a county certificate/certification/registration. An original or certified copy of a written statement from the custodian of records of the licensing office that pertinent licensing records have been reviewed confirming that no record of county certificate/certification/registration exists for the alleged violator shall be admissible into evidence and sufficient to establish the presumption that the alleged violator is not a county certified/registered contractor. The alleged violator has the right to present evidence to overcome this presumption.

(s) A certified copy of an order imposing the civil penalty against the violator may be recorded in the public records, and thereafter shall constitute a lien against any real or personal property owned by the violator. Upon petition of the circuit court, such order may be enforced in the same manner as a court judgment including a levy against personal property. However, such order shall not be deemed to be a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three months from the filing of any such lien which remains unpaid, the board of county commissioners may authorize the county attorney's office to foreclose on the lien. No lien created on real property which is homestead pursuant to the provisions of this section may be foreclosed on under Section 4, Article X, of the State constitution.

Section 18-62. - Appeals of a license compliance special master order.

An aggrieved party, including the board of county commissioners, may appeal a final administrative order of the license compliance special master to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the license compliance special master hearing. An appeal shall be filed within thirty (30) days of the date on which the order to be appealed was executed. If an appeal is not filed within the period of time allowed, the right to appeal shall have been waived.

Section 18-63. - Fines.

(a) *Schedule of fines.* The Citrus County board of county commissioners does hereby establish the following schedule of fines for violations:

- (1) Falsely hold himself or herself or a business organization out as a licensee certificate holder or registrant.....\$500.00
- (2) Falsely impersonate a certificate holder or registrant.....\$500.00

- (3) Present as his or her own the license, certificate, or registration of another.....\$500.00
- (4) Knowingly give false or forged evidence to the license compliance special master or building division staff for the purpose of obtaining a certificate or registration.....\$500.00
- (5) Use or attempt to use a certificate or registration that has been suspended or revoked.....\$500.00
- (6) Engage in the business or act in the capacity of a contractor, or advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified.
 - (a) Advertising only:
 - First offense.....\$100.00
 - Second offense.....\$250.00
 - Subsequent offenses.....\$500.00
 - (b) Engaging in the business or acting in the capacity of a contractor without being duly registered or certified.....\$500.00
- (7) Operate a business organization engaged in contracting after 60 days following the termination of the only qualifying agent without designating another primary qualifying agent:
 - First offense.....\$100.00
 - Subsequent offenses.....\$500.00
- (8) Commence or perform work for which a building permit is required pursuant to part IV of F.S. Chapter 553, without such building permit being in effect:
 - First offense.....\$100.00
 - Second offense.....\$250.00
 - Subsequent offenses.....\$500.00
- (9) Willfully or deliberately disregard or violate any municipal or County ordinance relating to uncertified or unregistered contractors.....\$500.00

(b) *Monies collected.* Monies collected pursuant to violations found by the license compliance special master shall be set aside by the County in a specific fund to be used to support future enforcement activities against unlicensed contractors.

Section 18-64. - Discipline and penalties for registered, certified, and competency cardholders.

(a) *Certified contractors, registered contractors or competency cardholders.*

- (1) *Notice of Noncompliance.* The Citrus County building division shall issue a notice of noncompliance as its first response to a minor violation of a regulatory law in any instance in which it is reasonable to assume that the violator was unaware of such a law or unclear as to how to comply with it. A violation of a regulatory law is a “minor violation” if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare, or create a significant threat of such harm. A “notice of noncompliance” is a notification by the local jurisdiction agency charged

with enforcing the ordinance, which is issued to the licensee that is subject to this ordinance. A notice of noncompliance shall not be accompanied by a fine or other disciplinary penalty, and will identify the specific ordinance that is being violated, provide information on how to comply with the ordinance, and specify a reasonable time for the violator to comply with the ordinance. Failure of a licensee to take action correcting the violation within a set period of time would then result in the institution of further disciplinary proceedings.

(b) Certified contractors.

(1) *Disciplinary proceedings.* Upon sworn complaint, by the authority having jurisdiction, the license compliance special master may under authorization of F.S. § 489.113, F.S. § 489.126, F.S. § 489.127, and F.S. § 489.129 conduct disciplinary proceedings against a certified contractor and may:

- a. Deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions.
- b. Assess fees if necessary.

(c) Registered contractors or competency cardholders.

(1) *Disciplinary proceedings.* Upon sworn complaint, by the authority having jurisdiction, the license compliance special master may conduct a public hearing on the question of whether or not a certificate of competency shall be acted upon. Under authorization of F.S. § 489.131(7), the license compliance special master may conduct disciplinary proceedings against a locally licensed or registered contractor and may:

- a. Require restitution;
- b. Impose a suspension or revocation of the individual's competency card;
- c. Fine the individual up to a maximum of \$5,000.00; or
- d. Any combination thereof, for gross incompetency, negligence in conducting work in the trade, misrepresentation, financial irresponsibility, conviction of a felony, permitting their license to be used by another person for the purpose of obtaining permits or doing work; or for any cause enumerated in F.S. § 489.129, or 489.531 and 489.533.

(d) Severity of the penalty. The severity of such penalty as determined by the license compliance special master shall bear a reasonable relation to the gravity of the offense being heard. Reasonable investigative and legal costs incurred for the prosecution of the violation against the violator in amounts not to exceed \$50.00 per hour and \$150.00 per hour, respectively, may be set and levied by the license compliance special master.

In addition to any action the license compliance special master deems appropriate, there shall be issued, or cause to be issued, a recommended penalty to the State construction industry licensing board, referred to in this section as CILB or electrical contractor licensing board, as appropriate for action on their part.

The recommended penalty may include a recommendation for (1) no further action, (2) suspension, (3) revocation, (4) restriction, or (5) fine, or any combination thereof, to be placed against the individual's state registration. The license compliance special master shall inform the disciplined contractor and the

complainant of the local penalty imposed, the penalty recommended to the CILB, their rights to appeal, and the consequences should they not appeal.

The license compliance special master shall upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the CILB of its action and the recommended state board action.

The disciplined contractor or the complainant may challenge the license compliance special master recommended penalty to the construction industry licensing board as outlined in F.S. § 489.131(7)(c). A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the construction industry licensing board. If challenged, there is a presumptive finding of probable cause hearing.

Failure of the disciplined contractor or the complainant to challenge the license compliance special master recommended penalty within the time period set forth heretofore shall be deemed an admission of the violation, and the penalty shall become a final order. The disciplined contractor may appeal the order to the district court.

Section 18-65 – 18-120. – Reserved.

Section 3. Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 4. Codification. The publisher of the County’s Code of Ordinances, the Municipal Code Corporation, is directed to incorporate the amendments to the provisions of Chapter 14, Article II of the Citrus County Code of Ordinances.

Section 5. Modification. The provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk.

Section 6. Effective Date. This Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting, this ____day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

ATTEST:

ANGELA VICK, Clerk

SCOTT CARNAHAN, Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY:

DENISE A. DYMOND LYN
County Attorney