

ORDINANCE NO. 2002-48

AN ORDINANCE OF ST JOHNS COUNTY, FLORIDA THAT REPEALS ORDINANCE 96-51 AS AMENDED. THIS ORDINANCE ALSO DEFINES, CLARIFIES AND REGULATES CONTRACTORS AND THE BUSINESS OF CONTRACTING; ESTABLISHES A CONTRACTORS REVIEW BOARD AND DESIGNATES ITS MEMBERS AND PRESCRIBES ITS POWERS, DUTIES AND RESPONSIBILITIES; PRESCRIBES CONTRACTORS QUALIFICATIONS AND LICENSING REQUIREMENTS; PROVIDES FOR THE EXAMINATION, REGISTRATION AND LICENSING OF CONTRACTORS AND THE RENEWAL THEREOF; MAKES CERTAIN EXCEPTIONS AND EXEMPTIONS; PROVIDES FOR PAYMENT AND COLLECTION OF FEES IN CONNECTION HEREWITH; MAKES CERTAIN ACTS UNLAWFUL AND PROVIDES PENALTIES; PROVIDES FOR REVOCATION OF LICENSES, ORDERS OF RESTITUTION AND OTHER REMEDIES; SETS FORTH ITS JURISDICTION; AND PROVIDES AN EFFECTIVE DATE.

WHEREAS, the necessity of licensing Contractors was first recognized in St. Johns County Ordinance 76-20 as a means to insure public safety by setting experience and knowledge standards for the various Contractor categories; and

WHEREAS, trade changes in many Contractor categories and in related state Contractor licensing statutes result in a need to amplify, coordinate and correct St. Johns County regulation of contracting and of Contractor licensing, to insure continuing public safety in the built environment.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Definitions. As used in this Ordinance.

- A. Authorized Contractor shall mean any Contractor who owns and possess a current valid Authorized Contractors License.
- B. Authorized Contractors License shall mean a license issued by St. Johns County, whereby the St. Johns County Contractors Review Board has approved a person's right to do the indicated scope of work after satisfying the requirements of this ordinance as a Contractor, not an employee.
- C. Board, Board of Examiners or Examining Board shall be the Contractors Review Board.

- D. Business Organization shall mean a business entity engaging in contracting as an individual sole proprietorship, partnership, company, corporation, limited liability corporation, business trust or other legal entity.
- E. Certified Contractor shall mean any Contractor who owns and possesses a current valid license issued by the Florida Department of Business and Professional Regulation and who may contract in any jurisdiction in the State of Florida without being required to fulfill licensing qualification requirements of that jurisdiction, except to provide proof of Workers Compensation insurance or legal exemption thereto, and a copy of the current state license to create a permitting qualification file and pay a file management fee for such.
- F. Class I Contractors shall mean contractors that hold a County Authorized Contractors License categories that have public health and safety responsibility via construction of entire buildings or whole systems in them and may supervise other class licenses. Class I Contractors are further defined in Section 18 of this ordinance.
- G. Class II Contractors shall mean contractors that hold County Authorized Contractors License categories where work done or supervised by licensees directly affect public health and safety. Class II Contractors are further defined in Section 18 of this ordinance.
- H. Class III Contractors shall mean contractors that hold County Authorized Contractors License categories whose scope of work includes non-structural work and finish trades. Class III Contractors are further defined in Section 18 of this ordinance.
- I. Commencement of Construction shall mean a date on which the construction contract is executed. If no written construction contract is executed, "commencement of construction" shall mean the date on which the Contractor begins work on the project.
- J. Contracting shall mean, except as exempted herein, engaging in any business as a Contractor and includes, but is not limited to, performance of any of the acts as set forth in this ordinance. The attempted sale of contracting services including the use of advertising and the negotiation or bid for a contract for these services shall also constitute contracting and acting for another for compensation as a construction coordinator, negotiator, manager, or on-site supervisor shall also constitute contracting.
- K. Contractor shall mean any person not fitting the definition of "employee" who, except as exempted in this ordinance, for compensation, undertakes to, submits a bid to, does himself or by subcontracting or employment or supervision of others does construct, erect, install, maintain, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others. County Authorized Contractors shall be subdivided into Class I, II or III as established in Section 18 of this ordinance. State Certified Contractors and their classifications are defined by State Statute.

- L. Employee shall mean an individual who receives compensation from and is under the supervision and control of an Authorized or Certified Contractor or owner/builder who should regularly deduct federal withholding tax and F.I.C.A. from the individual's gross wages and provide worker's compensation coverage, all as provided by law; wages to also include piecework compensation when employee production is measured in lieu of the time worked.
- M. Journeyman shall mean those who possess technical knowledge and manual skills to perform in the electrical, plumbing, heating, air conditioning, refrigeration, ductwork or sheetmetal trades while employed by a master of that trade. Journeyman is further defined in Section 18 of this ordinance.
- N. Licensee shall mean a holder of a current valid Authorized Contractor License issued as herein provided.
- O. Licensing Administrator shall mean the St. Johns County Building Official or his/her designated personnel.
- P. Party shall mean any individual, sole proprietorship, person, partnership, corporation, association or any other type of business organization.
- Q. Qualifying Agent shall mean a person who possesses the requisite license, skill, knowledge, experience, and responsibility to direct, manage and control the contracting activities of the business entity with which he is connected, and whose technical and personal qualifications have been assured by investigation and prequalification as provided for in this ordinance. The qualifying agent shall have the responsibility to, direct, manage, and control construction activities on each job built under his license; and shall be financially responsible unless relieved in writing by an employer with majority interest.
- R. Registered Contractor means any contractor who is required by Florida Statute, and has in fact, registered his Authorized Contractors License with the Florida Department of Business and Professional Regulation; and shall include Class I Authorized Contractors.
- S. Supervision shall mean direct on-site observation and direction at all times any unlicensed subcontractor is at work on the building.
- T. Supervisor shall mean a person who provides supervision.
- U. Unlicensed shall mean a person performing work who is not certified by the Florida Department of Business and Professional Regulation or authorized by St. Johns County as a licensed Contractor, and may include employees of a supervisor.
- V. Repeat Violation shall mean a violation of a provision of this Ordinance, codes, Contractors Review Board or County Court Judge by a person who has previously been found to have violated the same provision within 5 years prior to the current violation.

## Section 2. Exemptions.

Except as provided in this Section 2, the provisions of this ordinance shall not apply to the following:

- A. Owners of property when acting as their own Contractor and providing material supervision themselves, when building or improving farm outbuildings or one-family or two-family residences on such property for the sole occupancy or use of such owners and not offered for sale or lease; or building or improving commercial buildings at a cost of under twenty-five thousand dollars (\$25,000.00), on such property for the sole occupancy or use of such owners and not offered for sale or lease. In an action brought under this ordinance, proof of the sale or lease, or offering for sale or lease, of more than one (1) such structure by the owner-builder within one (1) year after completion of the permitted activity as determined by the date of the final inspection by the county shall constitute prima facie evidence that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is engaged by the owner of the property in the capacity of a Contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified under this part and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home on a leased lot. For the purposes of this subsection, "owners of property" includes a husband and wife who own property jointly. Therefore, where a husband and wife own property jointly, the husband and wife may qualify for only one exemption per year.

Owners of property applying for an owner-builder building permit shall demonstrate a basic understanding of electrical, plumbing or mechanical work via successful completion of an open book written examination with a score of 70% or higher before such permits shall be issued.

To qualify for exemption under this subsection, an owner must personally appear at the permitting counter and sign the building permit application as Owner/Builder, complete the state mandated Disclosure Statement; provide evidence of insurance and Federal Employers I. D. number. Thereafter the Owner/Builder shall carry out all construction fully in accordance with all requirements to maintain the status as an owner/builder exempt from Contractor requirements. The state mandated Disclosure Statement shall read substantially as follows:

"State law requires construction to be done by licensed Contractors and licensed subcontractors. You, the owner-builder, have applied for a permit under an exemption to that law. The exemption allows you, as the owner of the property, to act as your own Contractor even though you do not have a Contractor's license. You, the owner-builder, must supervise the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building at a cost of twenty-five thousand dollars (\$25,000.00) or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you, the owner builder, sell or lease

more than one (1) building you have built yourself within one (1) year after completion of the permitted activity as determined by the date of the final inspection by the county, the law will presume that you built it for sale or lease, which is a violation of this exemption.

You may not hire an unlicensed person as your Contractor or subcontractor. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations. It is your responsibility to make sure that people employed by you have licenses required by state and county licensing ordinances. Any person working on your building who is not licensed must work under your direct on-site supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law." (end of disclosure statement)

- B. Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal or state law supercedes this ordinance.
- C. Any building work or construction of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000.00. However, this exemption does not apply:
  - (1) To any person who advertises that he or she is a Contactor or otherwise represents that he or she is qualified to engage in contracting.
  - (2) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different Contractor, or in which a division of the operation is made in multiple contracts of amounts less than \$1,000.00 for the purpose of evading this subsection or otherwise.
- D. The sale or installation of any finished products, materials, or articles or merchandise which are not fabricated into and do not become a permanent fixed part of the structure; except for spas, hot tubs and swimming pools with water capacity depth over 24".
- E. Any employee of an Authorized or Certified Contractor who is acting within the scope of the license held by that Contractor and with the knowledge and permission of the license holder. If the employer is not an Authorized or Certified Contractor in that type of contracting, and the employee performs any of the following, the employee is not exempt:
  - (1) Falsely holds himself or his employer out to be either an Authorized or Certified Contractor or qualified by an Authorized or Certified Contractor;
  - (2) Leads anyone to believe that the employee has an ownership or management interest in the contracting entity; or
  - (3) Performs any acts, which constitute contracting.
- F. Contractors on work building and/or maintaining bridges, roads, streets, and sewage or water utilities incidental thereto, if such Contractors possess a current and valid certificate of qualification issued by the Florida Department of Transportation.

- G. An authorized employee of the United States, the State of Florida, or any municipality, county, or other political subdivision if acting in his official capacity not holding himself out for hire or otherwise engage in contracting except in accordance with such employment.
- H. An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not already underway at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee to accomplish any such new work.
- I. Public utilities, including telecommunications companies as defined in Florida Statute 364.02(12) on construction, maintenance, and development work performed by their employees, which work, including, but not limited to work on bridges, roads, streets, highways, or railroads, is incidental to the primary business of the utility company.
- J. Any construction or operation incidental to the construction or repair of irrigation and drainage ditches by regularly constituted irrigation districts, reclamation districts, clearing, or other work on the land in rural districts for fire prevention purposes.
- K. A registered architect or professional engineer acting within the scope of his practice or any person exempted by the laws regulating architects and engineers, including persons doing design work as specified in section 481.229(1)(b), Florida Statutes, provided, however, that an architect or engineer shall not act as a Contractor or as a construction manager, unless properly and currently licensed as a Contractor.
- L. Any person who only furnishes materials or supplies without any labor services on-site.
- M. Any person who sells, services, or installs heating or air conditioning units which have a capacity not greater than 3 tons or 36,000 Btu, with no ducts, and with a factory -installed electrical cord and plug.
- N. Any person who is licensed pursuant to Chapter 527, Florida Statutes, (Sale of Liquefied Petroleum Gas) when such person is performing the work authorized by such license.
- O. The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services companies.
- P. An architect or landscape architect licensed pursuant to Chapter 481, Florida Statutes, or a professional engineer licensed pursuant to Chapter 471, Florida Statutes, who offers or renders design-build services which may require the services of a Contractor, as long as the Contractor services to be performed under the terms of the design-build contract are offered and rendered by an Authorized or Certified Contractor.
- Q. Any Certified Contractor, as defined in this ordinance, when such person is performing work authorized pursuant to his state Contractor certification in complete accordance with all Florida Statute chapter 489 requirements; provided required evidence of valid insurance and is current on file with the county Licensing Administrator, and required file management fees are paid.

- R. Excluding corporations, a lessee may make application for nonstructural, non-life safety permits as an Owner/Builder when the value of the proposed improvement does not exceed two thousand five hundred dollars (\$2,500.00). The lessee shall submit a copy of a current, valid lease agreement and notarized written approval from the lessor of the building for the work to be permitted.

Section 3. Contractors Review Board.

- A. The Board of County Commissioners of St. Johns County hereby establishes a Contractors Review Board (the "Board") to assist in the proper administration of this ordinance. The Contractors Review Board shall consist of nine (9) members who have been residents of St. Johns County for at least two (2) years prior to the date of their appointment by the county commission, and Contractor members shall remain active Authorized or Certified throughout their term. The members of the Contractors Review Board shall include:

- (1) A licensed general, building, or residential Contractor.
- (2) A licensed roofing Contractor.
- (3) A licensed swimming pool Contractor.
- (4) A licensed electrical Contractor.
- (5) A licensed plumbing Contractor.
- (6) A licensed mechanical or air conditioning Contractor.
- (7) A Class II Contractor.
- (8) Two citizens, with no Contractor industry involvement.

The term of office of each member shall be for four (4) years but the board of county commissioners may remove any member at any time. Members appointed to fill vacancies caused by death, resignation, or removal shall serve the remainder of the unexpired term of their predecessors. The members shall serve without compensation.

Notwithstanding the above requirements, all Contractors Review Board members serving at the time of adoption of this Ordinance as members of the Contractors Review Board created by St. Johns County Ordinance 96-51 (the "Old Board") shall be members of the Contractors Review Board created hereby and may serve until the end of their present term under the Old Board. Total members shall not exceed nine.

- B. Five (5) members of the Board shall constitute a quorum at any meeting and a majority vote of those present shall be required to make any decision, except where a two thirds majority is specified herein.
- C. The Contractors Review Board shall elect the officers of a chairman and a vice-chairman as necessary from among its members. Election of the officers shall be conducted annually in September, with new officers taking charge in October.

- D. The Contractors Review Board shall hold monthly meetings. Each meeting shall be called to order by the chairman and in his absence by the vice-chairman or senior service member.
- E. The Contractors Review Board shall have the authority to make such bylaws, rules and regulations governing its body, as it may deem necessary, provided, that the same do not conflict with other regulations, of St. Johns County or the constitution and laws of the United States or the State of Florida.
- F. The Contractors Review Board shall review and approve or deny applications and licenses for persons desiring to obtain an Authorized Contractor's License within St. Johns County; and address all other meeting Agenda items as prepared by the Licensing Administrator.
- G. The Contractors Review Board shall have the power and authority to revoke approval for examination or deny license after examination, or suspend or revoke an Authorized Contractor's License, and to order an Authorized Contractor to pay restitution for faulty or negligent contracting activities and/or fine such Contractor up to five thousand dollars (\$5,000.00) for cause as determined in public hearing. Such fine or restitution order shall include a payment date and shall not prohibit the imposition of any other remedy and penalty provided at law or equity. When the Authorized License has been suspended or revoked by said Board, the Tax Collector's Office of St. Johns County shall likewise promptly invoke similar action on any occupational license or business license dependent upon such valid license. Causes for Board action shall include, but not be limited to: Failure to correct any violation of St. Johns County Building Codes as adopted by the St. Johns County Ordinances after notification of such violation in writing via certified letter by the County Building Official; failure to timely comply with any order of the St. Johns County Contractors Review Board; failure to comply with, or any violation of, the provisions of this Ordinance; or other good and sufficient reasons including those in Section 14 and 15.
- H. On Certified Contractors, the Contractors Review Board shall serve as the public hearing board required in Florida Statute 489 to deny or limit future permitting privileges or to impose other disciplinary actions authorized for such local Contractor regulatory boards.
- I. Under interlocal agreements between St. Johns County and one or more municipalities in St. Johns County, the Contractors Review Board may also examine and allow testing applicants, and issue a universally accepted license for Contractors in such cooperating jurisdictions upon satisfactory completion of all licensing prerequisites.

Section 4. License Requirements.

- A. Whether working for a Authorized Contractor or a Certified Contractor, or for an unlicensed party, it shall be unlawful for any person, other than a Certified or Authorized Contractor as defined in this ordinance, desiring to engage in or work at the business or occupation of Contractor, as defined in this ordinance, in St. Johns County, to engage in said occupation or business until such person has first obtained a current Certified or Authorized Contractors License as provided in this ordinance, and has registered in the proper classification with the



State of Florida Department of Business and Professional Regulation pursuant to the provisions of Chapter 489, Florida Statutes, when such registration is required; or an Exemption from Section 2 applies.

- B. Display of Contractor's license number. Any Contractor regulated pursuant to this ordinance shall include his State of Florida registration number, if required to be registered as a Contractor by the State of Florida or his Authorized Contractors License number, if not registered, in any newspaper, airwave transmission, phone directory, or other advertising medium aired, circulated, displayed, distributed or marketed within St. Johns County which offers services of the Contractor regulated by this ordinance. For the purpose of this paragraph, the term "advertise" shall apply to business cards, business stationery, business proposals, contracts, construction site signs, handbills, billboards, flyers, trade association publications, classified advertisements, and manufacturer's authorized dealer listings, and any signs on Contractor business vehicles; but shall not include balloons, pencils, pens, hats, articles of clothing or other promotional novelties, or free phone directory listings of one (1) to (3) lines which display only the Contractor's name and telephone number in whole or in part unbolded or unhighlighted prior or without further textual or pictorial elaboration in the overall display. When advertising on a vehicle, the minimum height of each number or letter of the license numbers shall be one-half inch (1/2") high.
- C. As a further requirement, each Authorized Contractor shall furnish the County Licensing Administrator evidence that such person is carrying a policy of Workman's Compensation Insurance as required by law or legal exemption thereto plus; Contractors Liability Insurance with respect to such business through an insurance company authorized to do business in the State of Florida, for General and Building Contractors \$300,000.00 bodily injury per accident, not less than \$50,000.00 for one person and \$50,000.00 for property damage; all other license categories an amount not less than \$50,000 for one person, \$100,000 for bodily injury per accident, and \$25,000 for property damage insurance. If such insurance expires, or is at any time cancelled during the term of a license, then the Authorized Contractors License issued, and permitting rights given to the insured, shall be immediately and automatically suspended and it shall be unlawful thereafter for the Contractor to engage in any business until such insurance and license is reinstated.
- D. Additionally, Certified Contractors shall furnish the county Licensing Administrator with a current copy of their license, and Workmen's Compensation Insurance or legal exemption thereto prior to permitting construction on sites in St. Johns County and shall thereafter maintain current information on file. A biennial file maintenance fee of \$30.00 (thirty dollars) shall be due and payable from each state certified Contractor desiring his/her license and insurance information be added or maintained in the Contractor files, such being a prerequisite to issuance of any permits in St. Johns County.

Section 5. Examination of Applicant.

- A. All applicants for a Journeyman (excluding Journeyman HVAC Installer), Irrigation Sprinkler, Class I or II Authorized Contractor License shall be required to take and pass a written trades examination unless Exempted hereinafter. The form of such examinations

shall be approved by the Contractors Review Board. Tested applicants shall obtain a test grade of seventy (70) per cent or higher in order to pass the exam. In lieu of written trade exams for Class III Contractors, proof of experience, worthiness and acceptability for licensing shall be attested by three acceptable reference letters, with no more than one Class III license being granted per applicant under such untested procedures.

- B. Written Authorized Contractors License examinations shall be conducted in the County annually a minimum of four (4) times. Special examinations at other locations shall be permitted upon payment of applicable fees.
- C. Applications with fees, for any examination, must be filed with the Licensing Administrator four (4) weeks before the examination date.
- D. In addition to aforesaid technical trade requirements, all Authorized Contractors licensed after November 21, 1994, when they cannot produce evidence of being in business of their applicable trade prior to said date, as prerequisite to contracting directly with members of the general public (persons not holding a Contractors license) shall show evidence of their understanding of lien laws, notice of commencement procedures, insurance standards and other business and legal subjects necessary to protect the public by either:
  - (1) Passing a written exam on Business & Law subjects, acceptable to the Board, with a score of Seventy (70) percent or higher, or,
  - (2) Completing of a course of instruction on Business & Law subjects from an educational institution acceptable to the Contractors Review Board.
- E. Irrigation Sprinkler registrants will have until October 1, 2002 to comply with testing requirements. Until such time they shall register with the Licensing Administrator providing a copy of their current proof of liability and workers compensation paying the required licensing fees to receive an authorization certificate. Renewal shall be September 30 of each odd calendar year thereafter.

#### Section 6. Procedure for Obtaining Authorized Contractors License

An Authorized Contractors License shall be obtained as below:

- A. Any person or potential qualifying agent for a firm required or desiring to be qualified as an Authorized Contractor shall submit an application on a form prescribed by the Contractors Review Board and application fee. The Licensing Administrator shall retain the application and all supporting documents. In addition to the application fees paid to St. Johns County, outside testing agencies or educational institution may charge fees for their services and may require payment of such fees directly to them prior to providing their services to applicants.
- B. The Licensing Administrator shall submit only completed applications for acceptance by the Contractors Review Board. A complete application shall include all the following information:

- (1) The name, address and telephone number of the applicant.
- (2) The nature of the applicant's proposed contracting business.
- (3) The type of license for which the applicant is applying.
- (4) Detail on work history of the applicant and business in which the applicant has worked during the past five years including the address of those businesses.
- (5) At least three (3) acceptable letters of reference from past employers, customers or knowledgeable observers, not related to the applicant, having first hand knowledge of the applicant's trade abilities. These letters of reference shall address and positively endorse the applicant's knowledge, experience, and ability as a Contractor in his trade. Such letters of reference shall be notarized or verifiable to include the address, and contact phone number of the reference for authentication, before Board consideration of them.
- (6) Except in the electrical trade, applicants for Journeyman class license shall submit notarized or verifiable written evidence that they have had a minimum of two years experience or education in their field. Two years experience shall be experience gained through working as an apprentice or helper in the appropriate trade for two years; or one year specialized education in the trade at a recognized accredited college or acceptable trade skills development program plus one year of work experience in trade: with four years in lieu of two for applicants in the electrical trade.
- (7) Prequalification requirements for examinations for all Master applicants shall also include two years work experience as a licensed Journeyman; or at least four (4) years of verifiable evidence of journeyman level experience, in the field in which they are applying, if licensed as a Journeyman less than two years; with successful completion of the Journeyman examination required before the Master license application is acceptable.
- (8) Completion of a prescribed statement that the applicant has not been, or has been, convicted of any felony, adjudged bankrupt or insane, been refused a fidelity bond or been refused a Contractor's license or had one suspended or revoked within five years in any jurisdiction prior to their application for a St. Johns County Authorized License.
- (9) Completion of a prescribed statement that the applicant has not or has been convicted of a violation of chapter 489, Florida Statutes. (the State Construction Licensing Law)
- (10) The applicant must attach a recognizable closeup personal photograph and sign an Affirmation that all application information is true and correct.

Section 7. Prerequisite to Issuance of Authorized Contractors License.

- A. The applicant (as individual or as the qualifying agent), as appropriate, has obtained a score of seventy (70) per cent or higher on any required written examination and possesses the necessary character, experience, knowledge and ability required for the type of license for which the application is made, and has submitted the additional information required pursuant to Section 5 or 6 of this ordinance.
- B. The applicant provides evidence of Workmen's Compensation and Contractor's Liability coverage as required pursuant to Section 4, paragraph C of this ordinance.
- C. The applicant possesses a registration issued by the Florida Department of Business and Professional Regulation, the Florida Construction Industry Licensing Board or the Florida Electrical Contractor's Licensing Board for license categories requiring such.
- D. The Contractors Review Board, following personal appearance of the applicant, determines all aforesaid licensing requirements have been satisfied. A two-thirds majority of attending Board members shall be required for approval.

Section 8. Expiration.

- A. A Contractor's failure to renew an Authorize Contractors License prior to midnight on September 30 of each odd calendar year shall cause the license to become inoperative and suspended effective thereafter. It shall be unlawful for any person to advertise, engage in or hold himself out as still qualified to engage in contracting under such an invalid license.
- B. An Authorized Contractors License which is inoperative as the result of failure to renew shall be restored upon payment of the tardy fee \$25.00 if renewal occurs within ninety (90) days; or a late fee \$100.00 thereafter within a one year grace period after the aforesaid September 30 expiration.
- C. If a holder of an Authorized Contractors License fails to renew such license, the Licensing Administrator shall endeavor to notify the previous Contractor by certified mail the date that the grace period to renew such license will expire, not less than 180 days not more than 210 days prior to the one year grace period expiration date, by mailing to the most recent address in the Contractor's license file. Failure of the County to accomplish delivery of such mailing shall not extend the grace period.

Section 9. Voluntary Inactive Status.

- A. Inactive status may be taken by written action of an Authorized Contractor. The inactive status change shall be \$30.00, and \$30.00 per biennial renewal thereafter while held in that status.

- B. Upon receipt of a written request and payment of the inactive status fee from the holder of an active Authorized Contractors License, the License Administrator shall place the license on inactive status. The request for inactive status shall be signed and dated by the license holder. The holder of an inactive Contractors license shall not be permitted to engage in the business of contracting. No advertising use shall be made of any inactive Contractor license for any other purpose.
- C. Inactive status may be obtained by license holders possessing a Master license or a drop may be requested to Journeyman status to allow holders to work legally as a Journeyman in their fields and applicable Journeyman annual fees shall be due and payable thereafter.
- D. A license holder seeking to reactivate an inactive license shall submit the following to the Licensing Administrator:
  - (1) Payment of the current active status fee.
  - (2) An original and valid certificate of insurance in the amounts and coverage as required in this ordinance.
  - (3) The holder of a reactivated Authorized Contractors License shall not engage in the business of contracting until a copy of any required state registered license has been provided by him to the License Administrator.
- E. All holders of an inactive license shall pay the biennial inactive fee no later than September 30 of each renewal period or shall be subject to late fees and loss of license as if on an active status thereafter.

Section 10. Reciprocity.

- A. An applicant for a Authorized Contractor License who has passed an approved written trade license examination in another jurisdiction and obtained a grade of seventy (70) per cent or higher may be exempt from additional written examination requirements on trade or technical subjects. The applicant shall provide the Contractors Review Board with an original letter of reciprocity from the licensing official in the jurisdiction where the examination was administered including details on the examination type, grade, and class of contracting in which applicant was licensed. It is hereby further conditioned that the reciprocating license holder's original licensing jurisdiction accords St. Johns County's license holders this same opportunity for license reciprocity.
- B. Before issuance of a St. Johns County Authorized Contractor License, the reciprocity license holder shall appear before the Contractors Review Board. Upon review and approval of documents provided by the original licensing jurisdiction and submittal of the completed St. Johns County application, the Contractors Review Board may grant said license holder a St. Johns County Authorized Contractor License. For a maximum thirty (30) day period, preceding their appearance before the Board, such Contractors may be issued a permitting and work authority letter by the Licensing Administrator.

- C. The Licensing Administrator shall provide St. Johns County Authorized license holders with a letter of reciprocity to licensing jurisdictions other than St. Johns County for the fee of \$15.00 per letter.
- D. No reciprocity shall be accorded to Contractors' licenses from other jurisdictions that were obtained without a written examination.
- E. Section 5, paragraph D, Business & Law knowledge requirements shall also apply on reciprocating Contractors wishing to contract with members of the general public (persons not holding a Contractor license).

Section 11. Death of Authorized Contractor.

- A. If permitted work remains to be completed at the time of the death of a license holder or qualifier, the permitted work may be completed by any qualified Contractor complying with this section that is acceptable to the property owner. The new Contractor seeking to complete the work under the contract shall provide written notice to the Licensing Administrator within thirty (30) days after the death of the Authorized Contractor on the transfer of responsibility. Such notice shall include the name and address of the person seeking to complete the contract, his knowledge of the contract, and his ability to complete the work remaining under the contract and his license status testifying to compliance with this ordinance.
- B. If the deceased Authorized Contractor was the only qualifying agent for the business organization, the business organization shall have sixty (60) days from the date of the qualifying license holder's death to employ another licensed qualifying agent. During this period, the business organization shall not commence any new construction until a new qualified licensed Contractor is retained, but may continue old work and to provide warranty. The business organization also shall notify the License Administrator of the name and hire date of the new qualifying agent within five (5) days of the hire date. The new qualifying agent shall obtain an Authorized Contractors license for the business as replacement for his prior license designation as provided in this ordinance before any new construction starts.

Section 12. Qualifying Agents.

- A. All applicants for an Authorized Contractor License who intend to qualify a business shall name said business on their application. Applicants who are not sole owners must submit notarized authorization from the business to act in all matters connected with contracting and that they are responsible to supervise any construction undertaken by the business, to include supervision of subcontractors and employees on construction jobsites. The qualifying agent must register his Authorized Contractor license to include the business name with the Department of Business and Professional Regulation if in a license category requiring Registration. When a qualifying agent desires to qualify a second business, the Department of Business and Professional Regulation Board may issue such second registration at their discretion. No Authorized Contractor may contract with any second name under a county Authorized License without such state registration.

In addition, the qualifying Contractor who is not sole owner shall submit a notarized statement revealing the extent of the license holders financial responsibility, if any, from the majority Owner or President of the business.

- B. Applicants for qualifying agents with less than majority ownership in the business shall also provide a notarized statement revealing remaining ownership of the business entity, and full details on any previous contracting operations on other owners to include; type and name of their previous contracting business, jurisdiction where that business was located, dates business operated, and statement on any Contractor regulation violations within the past five years of all owners. All owners contracting backgrounds shall be acceptable to the Contractors Review Board for approval of the application.
- C. A qualifying agent for a business organization may terminate status at will and shall notify the County Licensing Administrator within 30 days thereafter and provide the Licensing Administrator with a copy of any new state registration required showing termination of the prior status, plus any new the registration status.
- D. Upon the loss its of a qualifying agent, the business shall also notify the Licensing Administrator within thirty (30) days and shall have sixty (60) days from the date of the termination to hire another qualifying agent. At any time during which the business entity does not have an active qualifying agent in its employ, it shall (a) start no new work, and (b) provide only warranty service as required under existing warranty obligations, (c) act to only complete any work in progress for only 60 days after loss of the previous qualifier.

Section 13. Restrictions on Authorized Contractors.

- A. An Authorized Contractors License is not transferable.
- B. An Authorized Contractors License holder may only engage in the scope of work covered by the license issued and only while all required insurances and bonds are in force.
- C. An Authorized Contractor shall comply with all applicable state and local laws regulating the construction industry and the licensing and practice for construction Contractors including those in this ordinance.

Section 14. Prohibited Contracting Related Activities.

No person, shall commit any of the following activities:

- A. Impersonate or hold himself out as a licensed Contractor of any type; without holding an Authorized or Certified Contractors license of that type. In addition, no person shall provide any inactive or fraudulent license number to another person for any purpose, without disclosing in writing that the number is inactive or fraudulent.
- B. Present as his own the Contractor license of another;

- C. Submit any false information or other evidence in obtaining an Authorized Contractor license, or in qualifying a business;
- D. Use or attempt to use an Authorized Contractor license which has been revoked, suspended or placed on inactive status;
- E. Engage in the business or act in the capacity of a Contractor or advertise himself as available to engage in the business or act in the capacity of a Contractor or construction supervisor/coordinator without being presently licensed or having a qualifying agent, except as otherwise herein provided;
- F. Operate a business organization engaged in contracting without a licensed qualifying agent, except as otherwise herein provided;
- G. Depart from, or disregard, plans, specifications or permits in material respect, without consent of the owner and prior County approved revision of all permit documents;
- H. Commit any willful, careless, reckless or fraudulent act as a Contractor or subcontractor causing financial injury, or safety or health threat to another;
- I. Fail to have the Contractor license number appear in any newspaper, airwave transmission, telephone directory or other advertising medium aired, circulated, displayed, distributed or marketed within St. Johns County which offers services of the Contractor that are regulated by this ordinance. No person, firm, corporation or other legal entity may air advertising broadcasts or publish advertisements circulated, displayed, distributed or marketed within St. Johns County, which identifies a Contractor offering services regulated by Chapter 489, Florida Statutes or this St. Johns Contractors Ordinance, unless the advertisements include the Contractor's license number. No publisher or broadcaster shall be charged with violation unless a pattern of noncompliance occurs that includes at least four different noncompliant ads within a sixty-day period. Any publisher or broadcaster that presents in an advertisement a Contractor license number claimed in writing by the advertising person as being valid shall be deemed to have complied with this requirement, even if such claimed license number is found to be invalid or fraudulent.

Alternately, the broadcaster of a Contractor ad and the publisher of a Contractor ad shall be deemed to have complied with this subsection (I) if it includes one of the following two statements, as applicable, in the advertisement:

- a. (Name of Contractor) advises that (its)(his)(her) Contractor license number pertaining to the work and services described in this advertisement is (insert number), or
- b. (Name of Contractor) advises that a Contractor's license is not required for the type of work and services described in this advertisement.



Except as exempted above, any person or entity who violates this subsection (I) shall be guilty of a separate violation for each day of advertisement without such Contractor license information being placed in the public ad. It shall not be a violation of this subsection (I) if the advertisement could not reasonably result in the Contractor performing the advertised service within the County.

- J. Fail to prominently display the County Authorized Contractors License number or state-registered Contractor license number on any business signs displayed on motor vehicles used by the license holder or the qualified business in the business of contracting, transporting employees, equipment and/or materials to a construction site in letters at least one-half inch (1/2") high.
- K. Commence or perform work for which a County building permit is required without obtaining the appropriate permits in advance or registering work as an Emergency and thereafter requesting all required inspections and proceeding only after Approvals;
- L. Willfully or deliberately disregard or violate any County regulation relating to Contractors or contracting, including any Contractor or Owner/Builder using any unlicensed person as a subcontractor without providing full time on-site supervision.
- M. Operate a business organization engaged in contracting sixty (60) days following the loss of its designated qualifying agent without formally replacing the qualifying agent in county licensing records.
- N. Contract directly with a member of the general public without Business & Law knowledge demonstrated by compliance with Section 5, paragraph D, as required.
- O. Provide false information to an advertising medium concerning the Contractor license information or the alleged lack of a requirement for license number in the Contractor ad that subsection (I) above requires to be placed in a published advertisement or advertising broadcast. Any person or entity who violates this subsection (O) shall be guilty of a separate violation for each day an advertisement containing the false information is published or broadcast.

#### Section 15. Discipline of Authorized Contractors.

The Contractors Review Board shall have the power prior to licensing to revoke approval of a candidate for examination, deny issuance of a new Authorized Contractors license after examination; and after licensing to revoke or suspend an issued Authorized Contractors license, impose a fine or order restitution up to five thousand dollars (\$5,000.00) if it determines through public hearing that the candidate for or holder of an Authorized Contractors license, or the business for which the holder of the Authorized Contractors license is a qualifying agent, has committed any of the following acts:

- A. Obtained a County Authorized Contractors License or business qualification by fraud, deceit, or misrepresentation; including erroneous or incomplete Owners background; or submitted such a flawed application.

- B. Is convicted of, or pleads guilty to, any serious offense, which relates to the practice of contracting or the ability to practice contracting.
- C. Willfully disregards and violates any applicable state or local building code, regulation or law.
- D. Performs any act, which assists a person or business in engaging in the unlicensed business of contracting, as defined herein, if the license holder knows the person or business is unlicensed or fails to ascertain their license status, lack of knowledge being no defense.
- E. Conspires with a person by allowing a license to be used by an unlicensed person to evade the provisions of this ordinance. When an Authorized Contractor allows his license to be used by a person or business organization for permitting without the license holder having controlling active participation in the operation, management and control of the construction undertaken, such act shall constitute prima facie evidence of violation of the provisions of this ordinance.
- F. Acts in the name of a license holder or in the capacity of a Contractor other than in accordance with the detailed status contained in the application for county an Authorized Contractor License as approved by the Contractors Review Board.
- G. Fails to maintain current mailing address information in his license file by written notice to the License Administrator within thirty (30) days after any such change.
- H. Abandons a construction project in which the Contractor is engaged or under contract. A project shall be considered abandoned ninety (90) days after the Contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination; or fails to perform work onsite under the contract for ninety (90) consecutive days.
- I. Signs a statement with respect to a project or contract which falsely indicates that payment has been made for subcontracted work, labor, and/or materials which results in a financial loss to the owner, purchaser, supplier, or another Contractor; or falsely indicates that worker's compensation and/or public liability insurance are maintained.
- J. Commits fraud or deceit or other misconduct in the practice of contracting; including refusal to make warranty repairs or to correct serious construction defects after written notice of the County Building Official via certified letter to the Contractors address as contained in his license file within the reasonable time given.
- K. Proceeds on any construction job without satisfying state statutory requirements on the required owners Notice of Commencement, or before obtaining the County building permits and thereafter obtaining all code required inspection approvals before proceeding or covering unapproved work; or allows occupancy prior to a Certificate of Occupancy.
- L. Exceeds the scope of work which the Contractor has been licensed to perform; or exceeds or changes the work permitted without first obtaining written County Building Department correction of all permit documents, including plans, and paying any additional fees due.

- M. Fails to have his Authorized Contractors License or state-registered Contractor's license number appear in any newspaper, airwave transmission, phone directory, or other advertising medium, which offers services of the Contractor which are regulated by Chapter 489, Florida Statutes, or this ordinance.
- N. Fails to prominently display the Contractor's name or name of the business organization for which he is qualifying agent and the Authorized Contractors license or state-registered license number on any signs displayed on motor vehicles used in the business of contracting and/or transporting employees, equipment and material to a construction site, in letters at least one-half inch (1/2") tall.
- O. Aids or abets any person or business organization to evade any provision of this ordinance, or any other contracting or building code regulation.
- P. Uses or attempts to use an Authorized Contractors License which has been revoked, suspended or placed on inactive status in any manner including advertising use, which is prohibited for any inactive Contractor license.
- Q. Intimidates, threatens, coerces, or otherwise discourages the services of a Notice to Owner or a Notice to Contractor required under Florida Statutes; or prevents an Affidavit of Filing on a Notice of Commencement that has not actually been received for recording in the Clerks office.
- R. Fails to discharge a debt judgment as court ordered when such judgment is entered as a result of engaging in the business of contracting.
- S. Contracts directly with a member of the general public without meeting requirements of Section 5D concerning Business & Law knowledge.

Additionally, in the event any of the above actions cause damage or injury to another person or entity, the Contractors Review Board may order such Contractor and/or business that commit such act to pay the damaged or injured party restitution up to \$5,000.00. A fine or restitution order imposed hereby shall not prohibit the imposition of any other remedy or penalty provided at law or equity.

Any suspension of an Authorized Contractors License made by the Contractors Review Board shall be, and remain in force and effective for the period of time for which such suspensions may be set by the Contractors Review Board; or annulled by success of an appeal per Section 16 of this ordinance.

Any person holding an Authorized Contractors License who is charged with a violation of this Ordinance and is thereby faced with any punitive action, shall have the right to a hearing in person or by counsel by the Contractors Review Board on such charge or charges at the time and place set by the said Board for such hearing, before any action is taken by said Board on action against the licensee. Any person so charged with a violation of this Ordinance, who fails to appear in person or by counsel before said Board for a hearing thereon (after having been notified by certified mail or public notice published twice, a week apart, in a newspaper of general circulation in St. Johns County, within the three weeks before hearing date; of the time and place set forth for such hearing

by said Board) shall thereby forfeit the right to be heard by said Board on such charge or charges and the said Board may then proceed with public hearing and any resulting punitive action against the licensee as decided by said Board.

Section 16. Appeals.

An aggrieved party, including the local governing body, may appeal a final administrative order of the Contractors Review Board the State 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 Contractors Review Board. An appeal shall be filed within 30 days of the date of the order to be appealed.

Section 17. Additional Compliance Methods & Remedies.

- A. It shall be unlawful for any person to violate or fail to comply with any provision of this Ordinance. The violation of any provision of this Ordinance may be prosecuted in the same manner misdemeanors are prosecuted, and shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment. Each day a violation of any provision of this Ordinance shall continue shall constitute a separate offense.
- B. The violation or failure to comply with any provision of this Ordinance may be referred by either the Contractors Review Board or the St. Johns County Building Official to the St. Johns County Code Enforcement Board for enforcement proceedings in accordance with the provisions of Part I of Chapter 162 of the Florida Statutes.
- C. A citation for the violation or failure to comply with any provision of this Ordinance may be issued by a code enforcement officer pursuant to Part II of Chapter 162 of the Florida Statutes and Ordinance No. 94-36, as amended. Hearings of such citations shall be held by the County Court in and for St. Johns County.
- D. It shall be unlawful and a violation of this Ordinance for any person to disregard or violate any provision of this Ordinance as provided by Section 489.127(1) of the Florida Statutes, or to otherwise violate any provision of Section 489.127(1) or 489.132(1) of the Florida Statutes. The Building Official of St. Johns County is hereby designated to enforce the provisions of s. 489.127(1) and s. 489.132(1) against persons who engage in activity for which an Authorized Contractors License or state certification or registration is required. A Code Enforcement Officer may issue a citation for the violation of s. 489.127(1) or s. 489.132(1). For the schedule of penalties authorized by s. 489.127(5)(f), the civil penalty shall be \$500.00 for each violation of any provision of this Ordinance or any provision of s. 489.127(1) or s. 489.132. Each day a willful, knowing violation continues shall constitute a separate offense. In accordance with s. 489.127(5), upon appeal, the Contractors Review Board shall hear such citations and 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 per day for each violation if a public hearing occurs. All provisions of s. 489.127, including but not limited the form and issuance of citations, conduct of hearings, determination of penalties, the recording of certified copies of orders imposing civil penalties as liens against the real and personal

property owned by violators, foreclosure of liens, and appeals, are incorporated herein by reference as fully as if set forth verbatim. Monies collected pursuant to s. 489.127(5)(f) shall be maintained by the Clerk of Circuit Court and used to support future enforcement activities against unlicensed Contractors.

- E. As to each violation the Building Official and/or any authorized code enforcement officer shall have discretion to select appropriate compliance method and remedy from among those listed in this Section or elsewhere available in this Ordinance.
- F. The compliance methods and remedies provided under this Section 17 are supplemental to any other penalties and remedies elsewhere provided in this Ordinance.

#### Section 18. Types of Authorized Contractor Licenses.

Class I Contractors shall include those that have major responsibility for public safety in entire buildings or whole systems and may supervise other class licenses. New Authorized Contractors Licenses in Class I require successful completion of approved written examinations and all shall be registered with the Florida Department of Business and Professional Regulation, and are further defined in this section; and shall also satisfy requirements of Section 5D on Business & Law knowledge.

Class II Contractors shall include those not in Class I where work supervised by licensees directly affects public health and safety through structural components or operating systems within a building. New Authorized Contractors Licenses in Class II require successful completion of an approved written examination, and are further defined in this section; and shall also satisfy requirements of Section 5D before contracting with the public.

Class III Contractors shall include those not in Class I or II whose scope of work include non-structural and finish trades, and are further defined in this section; and shall also satisfy requirements of Section 5D before contracting with the public.

Journeyman shall include persons licensed to perform the trades while employed and supervised by a master of the trade, and are further defined in this section. An active Journeyman shall be authorized to represent his employer master licensee as an on-site job supervisor, in the absence of the master, and at least one such Journeyman shall always be on-site in absence of the master license holder, including on service calls.

- A. Class I Contractors:

Application fee shall be \$50.00 and a biennial Renewal fee shall be \$100.00, and shall include:

- (1) General Contractor - unlimited to the type of building that may be constructed.
- (2) Building Contractor - limited to construction of commercial buildings and single-family dwelling or multiple-family dwelling residential buildings, which do not

exceed three (3) stories in height, and accessory use structures in connection therewith or a Contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.

- (3) Residential Contractor - limited to construction, remodeling, repair, or improvement of one-family, two family, or three family residences not exceeding two (2) habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.
- (4) Swimming Pool/Spa Contractor, Commercial - shall include the construction, repair, water treatment, and servicing of any swimming pool or hot tub or spa, whether public or private or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks (slabs incidental to the pool), construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. (However, the scope of work of such Contractor shall not include direct connections to a sanitary sewer or to potable water lines.) Such Contractors may contract for screen enclosures if such work is performed by a sublicensed specialist, and contracted with pool work.
- (5) Swimming Pool/Spa Contractor, Residential - shall include, but is not limited to, the construction, repair, water treatment, and servicing of any residential swimming pool or hot tub or spa, regardless of use. Such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior construction of decks, (slabs incidental to the pool), installation of housing for pool equipment, installation of package pool heaters. (However, the scope does not include direct connections to a sanitary sewer system or to potable water lines.) Such Contractors may contract for screen enclosures if work is performed by a licensed specialist, and contracted with pool work.
- (6) Swimming Pool/Spa Servicing Contractor - shall mean those who are qualified to service, repair, perform water treatment, including, but not limited to the direct infusion of chlorine gas accomplished through the use of machinery attached to the pool, and maintenance of any swimming pool or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of new additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, reconstruction of decks, and reinstallation or addition of pool heaters.

- (7) Master Electrician Unlimited - shall mean those who have the knowledge and skill, to install, repair, alter, add to or change any electrical wires, fixtures, appliances, apparatus, raceways, conduit or any part thereof; which generates, transmits, transforms or utilizes electrical energy in any form for light, heat, power or communications, all in compliance with applicable plans, specifications, codes, laws and regulations.
- (8) Master Residential Electrician - shall mean those who have the skills of a master electrician, as they apply strictly to installations in one and two family residences.
- (9) Master Plumber - shall mean those who have the knowledge and skill to install, maintain, repair, alter or extend plumbing, sanitary drainage or storm drainage facilities, venting systems, public and private water supply systems, septic tanks, drainage and supply wells, swimming pool piping; irrigation systems; or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water and storm and sewer lines, water and sewer plants and substations.
- (10) Master Heating, Air Conditioning and Refrigeration Contractor, Class A and/or Class A Air Conditioning Contractor - shall mean any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to perform the following: install, maintain, repair, fabricate, alter, extend or design, (when not prohibited by law) central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system (only to the extent such duct work is performed by the Contractor necessary to make complete an air distribution system), boiler and unfired pressure vessel systems, and all appurtenances, apparatus or equipment used in connection therewith; also piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or new connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.
- (11) Master Heating, Air Conditioning and Refrigeration Contractor, Class B, and/or Class B Air Conditioning Contractor - shall mean any person whose services are limited to twenty-five tons cooling and five hundred thousand B.T.U. heating (in any one system) in the execution of contracts requiring the experience, knowledge and skill to perform the following: install, maintain, repair, fabricate, alter, extend or design (when not prohibited by law) central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system (only to

the extent such duct work is performed by the Contractor necessary to make complete an air distribution system) being installed under this classification; also, piping, insulation of pipes, vessels and ducts, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system, all in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable thereto.

- (12) Master Heating, Air Conditioning and Refrigeration Contractor, Class C and/or Class C Air Conditioning Contractor - shall mean any person whose business is limited to the servicing of air conditioning, heating or refrigeration systems, including duct alteration in connection with those systems they are servicing. No examinations, registration or certification is required under this part for the sales and installation of package heating or air conditioning units with no ducts or remote controls (maximum of three tons, thirty-six thousand B.T.U. in capacity). No person not previously licensed as a Class C Air Conditioning Contractor as of October 1, 1988 shall be after October 1, 1988, however the board shall continue to license and regulate those Class C licenses issued prior to October 1, 1988.
- (13) Master Mechanical Contractor - shall mean any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to perform the following; install maintain, repair, fabricate, alter, extend or design (when not prohibited by law) central air conditioning, refrigeration, heating and ventilation (including duct work in connection with a complete system only to the extent such duct work is performed by the Contractor necessary to make complete an air distribution system) boiler and unfired pressure vessel systems, lift stations, equipment and piping and all appurtenances, apparatus, or equipment used in connection therewith; also piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installation and piping for same, fire sprinkling systems and standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system, all in such a manner to comply with all plans, specifications, codes, laws and regulations applicable thereto. The scope of work for such Contractor shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters and electrical power wiring.
- (14) Master Sheet Metal Contractor - shall mean any person whose services are unlimited in the sheet metal trade and who has the experience, knowledge and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing and design, (when not prohibited by law) of ferrous or non-ferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling equipment and reinforcement of same and including the balancing of air-handling systems.



- (15) Roofing, Unlimited Contractor - shall mean any persons whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to install, maintain, repair, alter, extend, or design, (when not prohibited by law) and use materials and items in the installation, maintenance, extension and alteration of all kinds of roofing and waterproofing, all in such manner as to comply with all plans, specifications, codes, laws and regulations applicable thereto.
- (16) Roofing, Limited Contractor - shall mean those who are qualified to install repair and replace residential steep roof coverings. Work may include fabrication and installation of sheet metal incidental to residential steep roof coverings and installation of asphalt shingles, asphalt roll roofing materials, clay tile, concrete tile, slate, wood shake or shingles and other prefabricated shingle products.
- (17) Solar Contractor - shall mean those who services consist of the installation, alteration, repair, maintenance, relocation or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use.
- (18) Underground Utility Contractor - shall mean those whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary, sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multi-occupancy commercial properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures.
- (19) Alarm System Contractor I (Burglar and Fire Alarm) - shall mean those whose services include the skill to layout, fabricate, install, maintain, repair, alter, or extend burglar and fire alarm systems. Any electrical installation will be performed by a licensed Electrical Contractor.
- (20) Alarm System Contractor II (Burglar Alarm) - shall mean those whose services include the skill to layout, fabricate, install, maintain, repair, alter or extend burglar alarm systems only. Any electrical installation will be performed by a licensed Electrical Contractor.
- (21) Sign Contractor, Electrical - shall mean those who are qualified to install, repair, alter, add to, or change any electrical wires, apparatus, raceways, conduit or any part thereof on electrical signs and is qualified to erect signs also in accordance with sign ordinances and regulations. Nothing herein shall invalidate requirement for independent lab inspection/label on closed electric signs, or invalidate use of Electrical Contractors for electric power supply installation.

B. Class II Contractors:

Application fee shall be \$50.00 and a biennial Renewal fee shall be \$100.00; and shall include:

- (1) Masonry Contractor - shall mean those who are qualified to select, cut and lay brick and concrete block or any other unit masonry products; rough cut and dress stone, artificial stone and precast blocks, structural glass brick or block; but shall not pour or finish concrete.
- (2) Masonry/Concrete Contractor - shall mean those who are qualified to do the work of a Masonry Contractor and to also pour, place, and finish concrete foundations and flatwork (footers, floors, sidewalks, etc.) including placement of mesh reinforcement, vapor barriers and edge forms incidental thereto.
- (3) Concrete, Form & Place Contractor - shall mean those who are qualified to batch and mix aggregates, cement and water to agreed specifications, to construct forms and formwork for the casting and shaping of concrete, to place miscellaneous embedded steel and to pour, place and finish concrete.
- (4) Concrete Place & Finish Contractor - shall mean those who are qualified to pour, place and finish concrete, foundations and flatwork (footers, floors, slab on grade, sidewalks, etc) including placement of mesh reinforcement, plastic vapor barriers and edge forms incidental thereto.
- (5) Pre-Stressed/Pre-Cast Concrete - shall mean those who are qualified to erect structural pre-cast concrete units such as decks, beams girders, walls, columns, and stairs that are or may be used as structural members for buildings and structures, including welding and rigging in connection therewith and to erect pre-cast concrete units for guard rails and decorative panels above the ground floor, including such minor field fabrication as may be necessary.
- (6) Aluminum Contractor - shall mean those who are qualified to fabricate, install, maintain, repair, alter or extend accessories such as metal siding, soffits, gutters, awnings and prefabricated rooms, excluding screening.
- (7) Aluminum/Concrete Contractor - shall mean those who are qualified to fabricate, install, maintain, repair, alter or extend accessories such as metal siding, soffits, gutters, awnings and prefabricated rooms. These Contractors may form, place reinforcing steel and miscellaneous steel and pour, place and finish concrete incidental to an aluminum accessory structure only, on grade only, excluding screening.
- (8) Aluminum Erection Contractor - shall mean those whose scope of work shall include and be limited to screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, mobile home panel roof-overs, residential glass window and door enclosures, vinyl panel window enclosures, single story self-contained aluminum utility storage structures (not to exceed 500 sq. ft.), siding, soffit, fascia

and gutters. The scope of such work may include wood work incidental to the aluminum construction work, limited to the construction of wood framing for the walls of uninhabitable utility storage structures, raised wood decks for enclosures and the repair and/or replacement of wood incidental to the installation of glass windows and doors; installation of siding, soffit, fascia, gutters, and preformed panel-post and beam roofs. The scope of such work may also include masonry concrete work but be limited to foundations, slabs and block kneewalls incidental to the aluminum construction work. The Aluminum Erection Contractor shall not perform any work that alters the structural integrity of the primary building including, but not limited to, roof trusses, lintels, load bearing walls, and foundations.

- (9) Structural Steel/Structural Framing – shall mean 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.
- (10) Carpentry Contractor - shall mean those who have the knowledge and skill to install any wood products in a building including, but not limited to, any framing, trusses, sheathing and finish trim materials.
- (11) Finish Carpentry – shall mean those who are qualified to install finish wood products including paneling, trim cabinetry, doors, windows (including metal), stair treads and handrails and all hardware incidental thereto.
- (12) Sign Contractor, Non-Electrical - shall mean those who are qualified to install, repair, add to or change non-electrical signs in accordance with sign ordinance and regulations.
- (13) Building Maintenance - shall mean those who are qualified to perform general maintenance and repair of existing buildings and structures to include drywall, plaster, non-structural wood and paint. No mechanical, plumbing, electrical or roofing components are included.
- (14) Drywall Contractor, Unlimited - shall mean those who are qualified to install gypsum drywall products to wood and metal studs, wood and steel framing 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, blocking and necessary trim.
- (15) Glass and Glazing - shall mean those who are qualified to select, cut, assemble, and install all makes and kinds of glass and glasswork and execute the glazing of frames, panels, sash and door and holding metal frames, ornamental decoration, mirrors, tub and shower enclosures.
- (16) Irrigation Sprinkler - shall mean those who have the knowledge and skill to install, repair, maintain, and replace, lawn sprinkler irrigation systems.

C. Class III Contractors:

Application fee shall be \$50.00 and a biennial Renewal fee shall be \$100.00; and shall include:

- (1) Authorized for General Public Practice:  
(after Section 5D requirements are met)

Cabinet Installer	Lath and Plaster
Ceramic Tile and Marble	Lath Only
Decorative Stone	Plastering
Trim Carpentry	Prefab Building Installation
Floor Covering	Residential Fireplace Installer
Painting	Residential Drywall, Hang and Finish
Insulation	Stucco
  
- (2) Authorized SubContractors only to Pool Builders:  
Pool/Spa, Designated Subtrade (steel/pipe, shell, tile, deck, marcite)

D. Journeyman Class:

Application fee shall be \$50.00 and a biennial Renewal fee shall be \$30.00; and shall include:

- (1) Journeyman Electrician - shall mean those qualified and tested to perform work in the electrical trades while employed by a Master Electrician.
  
- (2) Journeyman Plumber - shall mean those qualified and tested to perform work in the plumbing trades while employed by a Master Plumber.
  
- (3) Journeyman Heating, Air Conditioning, Refrigeration - shall mean those who are qualified and tested to install, maintain, repair, fabricate, alter, extend or design (when not prohibited by law) central air conditioning, refrigeration, heating and ventilating, including duct work, pneumatic control piping, and installation of a condensate drain from an approved disposal other than a direct connection to a sanitary system when employed and supervised by a Master Heating, Air Conditioning, Refrigeration Contractor.
  
- (4) Journeyman Sheetmetal - shall mean those who are qualified and tested to fabricate, install, repair, alter or extend sheet metal work while employed by a Master Sheet Metal Contractor.
  
- (5) Journeyman HVAC Installer - shall mean those qualified by experience as verified by acceptable testimonial letters to, fabricate and install HVAC system including ducts and to set preassembled equipment when employed by a Master Heating, Air Conditioning, Refrigeration, Sheetmetal or Mechanical Contractor. However, the scope of such work does not include starting and testing the operation of such equipment.

Section 19. Emergency Special License Provisions.

In event of official state declared Disaster in St. Johns County, emergency licenses may be issued to Contractors whose trade abilities are desired to assist recovery efforts provided all following conditions are met by the Contractor:

- A. Completes the heretofore described Application for license, and
- B. Provides for review an original valid verifiable Contractor license in the Contractors home jurisdiction obtained by written exam, and
- C. Provides certification of required insurance to be effective in St. Johns County, and
- D. Pays all required license fees, and
- E. Obtains a county occupational license, as required.

The Application, complete with evidence of all conditions above having been met, may be temporarily approved by the Licensing Administrator or his/her designee plus the senior available member of the Contractors Review Board prior to issuance of any such emergency license. A record of all emergency licenses shall be submitted for public hearing and confirmation at the next occurring full Contractors Review Board meeting; and any Contractor not confirmed shall thereupon lose all contracting rights in the County.

All Board confirmed emergency licenses shall expire six (6) months after the date of official Disaster declaration, with ninety (90) day extensions authorized only in those license categories deemed necessary by Contractors Review Board formal action.

All building permits issued to emergency licensed Contractors shall require an original and notarized property Owners signature on permit applications, such Contractors not granted agency signature authority on permit applications for rebuilding Disaster damage.

Section 20. Recognition of State Construction Rules.

The provisions of this Ordinance, of the Contractors Review Board herein created, and of administrative formats for complaints against Contractors, of disciplinary hearings for Contractor and any resulting orders, do and shall comply with State of Florida, Department of Business & Professional Regulation, CONSTRUCTION INDUSTRY LICENSING BOARD, Rule 61G4-20.001 entitled "Local Disciplinary Actions".

Section 21. Changes By Resolution.

Following initial enactment of this Ordinance, future revisions in the named Contractor license categories along with any fees for such, may be changed by a Resolution adopted by of the Board of County Commissioners after recommendation of the Contractors Review Board.

Section 22. Recordation/Effective Date.

A certified copy of this Ordinance shall be filed in the Office of the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment, and this Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

Section 23. Legal Challenges.

If any section, sub-section, sentence, clause, word or provision of this Ordinance or the Code hereby adopted is held invalid, the remainder of the Ordinance or code shall not be affected.

Section 24. Ordinance 96-51 As Amended Is Repealed.

St. Johns County, Florida Ordinance 96-51 as amended is hereby repealed, and in its place, this ordinance is being substituted and incorporated herein.

Section 25. Jurisdiction.

This ordinance shall apply to the unincorporated area of St. Johns County, Florida and to municipalities within St. Johns County that agree to such applicability by inter local agreement with the County.

PASSED AND ENACTED by the Board of County commissioners of St. Johns County, State of Florida, this 17<sup>th</sup> day of September 2002.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: James E. Bryant  
James Bryant

ATTEST: Cheryl Strickland, Clerk of Court

By: Vernie King  
Deputy Clerk

RENDITION DATE 09/19/02

Effective Date: September 23, 2002



NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, September 17, 2002 at 1:30 p.m. In the County Auditorium of the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S.1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA THAT REPEALS ORDINANCE 96-51 AS AMENDED. THIS ORDINANCE ALSO DEFINES, CLARIFIES AND REGULATES CONTRACTORS AND THE BUSINESS OF CONTRACTING; ESTABLISHES A CONTRACTORS REVIEW BOARD AND DESIGNATES ITS MEMBERS AND PRESCRIBES ITS POWERS, DUTIES AND RESPONSIBILITIES; PRESCRIBES CONTRACTORS QUALIFICATIONS AND LICENSING REQUIREMENTS; PROVIDES FOR THE EXAMINATION, REGISTRATION AND LICENSING OF CONTRACTORS AND THE RENEWAL THEREOF; MAKES CERTAIN EXCEPTIONS AND EXEMPTIONS; PROVIDES FOR PAYMENT AND COLLECTION OF FEES IN CONNECTION HEREWITH; MAKES CERTAIN ACTS UNLAWFUL AND PROVIDES PENALTIES; PROVIDES FOR REVOCATION OF LICENSES, ORDERS OF RESTITUTION AND OTHER REMEDIES; SETS FORTH ITS JURISDICTION; AND PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 823-2505 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK  
By: Patricia DeGrande, Deputy Clerk

COPY OF A

# THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **LINDA Y MURRAY**

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a

## NOTICE OF PUBLIC HEARING

In the matter of

## CONTRACTORS QUALIFICATIONS

in the Court, was published in said newspaper in the issues of

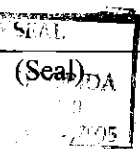
**AUGUST 26, 2002**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **26<sup>TH</sup>** day of **AUGUST** 2002

by *Linda Y Murray* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Zoe Ann Moss*  
(Signature of Notary Public)



Zoe Ann Moss