

52

LIBERTY COUNTY ORDINANCE NO. 75-3

"AN ORDINANCE DEFINING, CLARIFYING AND REGULATING CONTRACTORS AND THE BUSINESS OF CONTRACTING: CREATING THE LIBERTY COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD, DESIGNATING ITS MEMBERS AND PRESCRIBING ITS POWERS, DUTIES AND RESPONSIBILITIES: PRESCRIBING QUALIFICATIONS, AND PROVIDING FOR THE REGISTRATION, EXAMINATION AND CERTIFICATION, OF CONTRACTORS, THE RENEWAL THEREOF AND MAKING CERTAIN EXCEPTIONS AND EXEMPTIONS: PROVIDING FOR PAYMENT AND COLLECTION OF FEES IN CONNECTION THEREWITH AND THE USE AND DISPOSITION THEREOF: MAKING CERTAIN ACTS UNLAWFUL AND PRESCRIBING PENALTIES THEREFOR AND THE EFFECTIVE DATE OF THIS ORDINANCE."

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

SECTION 1. As used in this Ordinance;

(1) "Contractor" means, except those herein exempted, and unless the context otherwise clearly indicates, any person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, construct, 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. "Contractors" are subdivided into ten categories as follows:

(a) "General Contractors" are those whose services are unlimited about the type of work which they may do as set forth in subsection (1) above.

(b) "Building Contractors" are those whose services are limited to construction of commercial buildings and single or multiple dwelling residential buildings, neither to exceed three stories in height, and accessory use structures in connection therewith, or those 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.

(c) "Residential building contractors" are those whose services are limited to construction, remodeling, repair, or improvement of one, two, or three-family unit



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. The scope of work for such contractor 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 connections thereto, sanitary sewer lines, swimming pool piping and filters and electrical power wiring.

(g) "Class B air conditioning contractor" means 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, and 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.

(h) "Class C air conditioning contractor" means any person whose business is limited to the servicing of air conditioning, heating or refrigeration systems,

including duct alterations in connection with those systems they are servicing. No examination, registration or certification is required under this part for the sales, service or 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).

(i) "Mechanical contractor" means 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, lift station 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 installations 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 as to comply with all plans, specifications, codes, laws, and regulations applicable thereto. The scope of work for such a contractor 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

56

connections thereto, sanitary sewer lines, swimming pool piping and filters and electrical power wiring.

(j) "Pool contractor" means any person whose scope of work involves, but is not limited to, the construction and repair of any pools, public or private or otherwise, and used for therapy, swimming or other use. This work shall include, but not be limited to, layout, excavation, operation of construction pumps for dewatering purposes, steel work, installation of light niches, lights and conduits, grounding of the pool, pouring of floors, guniting, 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, pouring of decks, construction of equipment rooms or housing for pool equipment, and the installation of package pool heaters. However, the scope of work of such contractor shall not include direct connections to a sanitary sewer system or to potable water lines.

(2) "Contracting" means, except as herein exempted, engaging in business as a contractor.

(3) "Board" means the Liberty County Construction Industry Licensing Board created hereby unless the context otherwise requires.

(4) "Certificate" means a certificate of competency issued by the Board as provided herein.

(5) "Registration" means registration with the Board as provided herein.

(6) "Certification" means the act of obtaining or holding a certificate of competency from the Board as provided herein.

(7) "Register" means the act of obtaining evidence of registration with the Board as provided herein.

(8) "Registrant" means a person who has registered with the Board.

SECTION 2. The Liberty County Construction Industry Licensing Board is hereby created and shall consist of five (5) members who shall be the individual members of the Board of County Commissioners of Liberty County and they, and their successors in office, in their individual capacities, shall be known and designated as the members of the Liberty County Construction Industry Licensing Board. There is hereby imposed on them the additional duties as set forth herein. They shall receive no additional compensation as members of this Board.

SECTION 3. The Board shall meet regularly as the need presents itself. The Board shall elect officers from its membership, whose term shall expire at the end of the calendar year in which they are elected to serve. Special meetings of the Board may be held as the Board provides in its rules and regulations. Three (3) members of the Board shall constitute a quorum. The Board is authorized to adopt reasonable rules and regulations not in conflict with any other Ordinance of this County or State law. Any member of the Board may administer oaths and take testimony about all matters within the jurisdiction of the Board. The Board may designate one of its members or another person to be the Clerk of the Board and who shall keep, maintain and preserve a current list of all persons registered with or certified by the Board, shall issue written evidence of registration with, or certification by, the Board and perform the normal duties of a Clerk and such other duties as the Board may reasonably require and may receive such compensation as the Board shall fix to be paid out of money collected by the Board. The Clerk of the Circuit Court of Liberty County, Florida may be designated as such Clerk in addition to his regular duties but if he is designated he shall receive no additional compensation.

SECTION 4. The Board is authorized to employ personnel (to be paid such compensation as the Board shall fix) and incur expenses, to be paid out of money collected by the Board, as necessary to perform its duties and enforce the provisions hereof.

SECTION 5. All money collected by the Board shall be received, deposited, expended and accounted for pursuant to law. The actual and necessary expenses of the Board in the administration of this Ordinance and its employed personnel and of the examinations held by the Board, and of other matters in connection with this Ordinance shall be paid from the money collected under the provisions of this Ordinance.

SECTION 6. Within 180 days after the effective date of this Ordinance, all persons contracting in Liberty County, Florida (except those exempted as hereinafter provided) shall register with the Board in the proper classification unless they are already certified by the Florida Construction Industry Licensing Board. To be registered with the Board the applicant shall file evidence of holding a current County Occupational License as a contractor, issued by any County in this State, or a current license as a contractor issued by any municipality in this State, or evidence of holding one of such licenses for the type of work for which registration is desired, on a form prescribed by the Board, accompanied by the registration fee fixed herein. No examination shall be required by the Board for such registration.

SECTION 7. Persons not engaged in contracting in Liberty County on the effective date of this Ordinance, or within such 180 day period after such effective date, but later desiring to enter the business in Liberty County and persons who have not registered as provided by Section 6 of this Ordinance but who desire to enter such business, shall register with the Board under the following provisions: File with the Board evidence of successful compliance with the examination of, and license requirements for, a contractor of another County or municipality in this state, which has examination and

licensing requirements as a pre-requisite to the issuance thereof. No examination shall be required by the Board for registration under this subsection.

SECTION 8. Registration permits the registrant to engage in contracting in Liberty County only for the type of work covered by the registration unless certification is obtained.

SECTION 9. (1) To obtain a certificate, an applicant shall submit an application in writing to the Board containing the statement that the applicant desires the issuance of a certificate and the class of certificate desired on a form containing the information prescribed by the Board and shall be accompanied by the fee fixed by this Ordinance.

(2) (a) Examinations shall be held at times and places within the County as the Board determines, but an examination shall be held within six months from the time the application is submitted. Each applicant shall take an objective written examination about his fitness for a certificate in the category for which application is made. There shall be a type of examination for each of the ten categories of certificates which shall apply to the type of work covered by the certificate applied for. The examination shall cover knowledge of basic principles of contracting and construction applicable to the category for which a certificate is required. It shall be an open-book examination consisting of multiple-choice, fill-in, true-false, or short-answer questions and may include or consist of diagrams, plans, or sketches in connection with which the applicant is required to demonstrate his knowledge of construction by answering questions keyed to such diagrams, plans or sketches.

(b) A passing grade on the examination is seventy per cent (70%).

(3) As a prerequisite to issuance of a certificate, the Board shall require the applicant to submit satisfactory evidence that he has obtained public



60

liability and property damage insurance for the safety and welfare of the public in reasonable amounts to be determined by the Board.

SECTION 10. When an individual proposes to do business in his own name, registration or certification, when granted, shall be issued only to that individual.

SECTION 11. If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and of its partners, or the name of the corporation and of its officers and directors, or the name of the business trust and its trustees, or the name of such other legal entity and its members, and furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the person applying for the examination is legally qualified to act for the business organization in all matters connected with its contracting business; and that he has authority to supervise construction undertaken by such business organization. The registration or certification, when issued upon application of a business organization, shall be in the name of such business organization and the name of the qualifying individual or individuals shall be noted thereon.

SECTION 12. (1) At least one member or supervising employee of such business organization shall be registered or certified under this Ordinance in order for the business organization to hold a current registration or certificate in the category of the business conducted for which the member or supervising employee is qualified. If any individual so qualified on behalf of such business organization ceases to be affiliated with such business organization he shall promptly inform the Board. In addition, if such individual is the only qualified individual affiliated with the business organization, the business organization shall notify the Board of the individual's termination and shall have a period of 60 days from the termination of the individual's affiliation with the business organization

61  
in which to qualify another person under the provisions of this Ordinance, failing which the certification or registration of the business organization shall be subject to revocation by the Board.

(2) The individual shall also inform the Board in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization; and he or such new business organization shall supply the same information to the Board as required for applicants.

SECTION 13. Certificates and registration shall expire annually at midnight on June 30th;

(1) Failure to renew the certificate or registration during June shall cause the certificate or registration to become inoperative, and it is unlawful thereafter for any person to engage or offer to engage or hold himself out as engaging in contracting under the certificate or registration unless the certificate or registration is restored or reissued.

(2) A certificate or registration which is inoperative because of failure to renew shall be restored on payment of the proper renewal fee, if the application for restoration is made within 90 days after such June 30th. If the application for registration is not made within the 90 day period, the fee for restoration shall be equal to the original application fee; and in addition the Board may require re-examination of the applicant.

(3) A person who is registered or holds a valid certificate from the Board may go on inactive status during which he shall not engage in contracting but may retain his certificate or registration on an inactive basis on payment of an annual renewal fee during the inactive period, which renewal fee shall be as set forth in Section 14 (2) hereof.

SECTION 14. The Board shall impose and collect the following fees:

(1) The initial application fee for a certificate shall be \$50.00.

(2) The initial application fee for registration without examination shall be as follows:

- (a) General Contractor \$ 50.00
- (b) Building Contractor 25.00
- (c) Residential Contractor 10.00
- (d) Sheet metal Contractor 20.00
- (e) Air conditioning contractor, each class 20.00
- (f) Roofing Contractor 20.00
- (g) Mechanical Contractor 20.00
- (h) Pool Contractor 20.00

(3) The renewal fees shall be one-half of the above amounts.

(4) Any funds received by the Board from certification or registration fees which remain uncommitted and unexpended at the end of each fiscal year of the Board, which shall end September 30th of each year, shall be paid into the general revenue fund of Liberty County.

SECTION 15. This Ordinance does not apply to:

- (1) Those certified by the Florida Construction Industry Licensing Board.
- (2) Those exempted from the provisions of Chapter 468, Florida Statutes by Section 468.114, Florida Statutes.

SECTION 16. Persons contracting in Liberty County, Florida on the effective date of this Ordinance and who have previously registered as a contractor, shall be exempted from the provisions of Sections 6 and 7 herein and shall be held, deemed, and considered as registered in compliance with the provisions of this Ordinance and shall not be required to renew the same for the current registration year ending June 30, 1976: persons exempted under this Section shall not be required to pay the initial application fee pursuant to Section 14 herein.

63

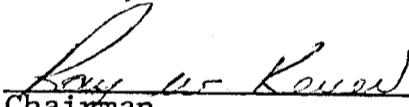
SECTION 17. Nothing herein shall be construed to require general contractors, building contractors, or residential building contractors to obtain additional occupational licenses for specialty work where such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility, and such contractors do not hold themselves out to the public as being specialty contractors.

SECTION 18. (1) It is unlawful for any person to engage in the business or act in the capacity of a contractor in Liberty County, Florida without having been duly registered or certified under the provisions hereof.

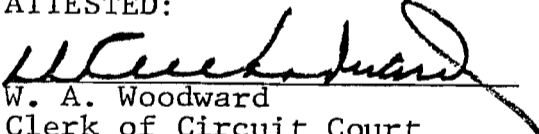
(2) Any person who violates any provisions of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500.00 or by imprisonment not to exceed 60 days or by both such fine and imprisonment.

SECTION 19. This Ordinance shall take effect as provided by law.

PASSED AND ADOPTED IN REGULAR SESSION OF THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, ON THE 2nd DAY OF SEPTEMBER, 1975.

  
\_\_\_\_\_  
Chairman

ATTESTED:

  
W. A. Woodward  
Clerk of Circuit Court  
Liberty County, Florida