

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Revisions to Seminole County Code Chapter 40.

DEPARTMENT: Planning and Development **DIVISION:** Building

AUTHORIZED BY: Dori DeBord **CONTACT:** Tom Helle **EXT:** 7338

MOTION/RECOMMENDATION:

Approve and authorize the chairman to execute an ordinance amending Chapter 40 sections 40.2,40.20,40.22 and 40.24 Seminole County Code.

County-wide

Tom Helle

BACKGROUND:

The Building Division issues competency cards (comp cards) in accordance with Chapter 40 Seminole County Code to registered contractors. The comp card is reciprocity to a license that was issued by another jurisdiction within the state of Florida. At present the ordinance contains some outdated nomenclature and definitions and a requirement for the applicant to hold the license issued by the local jurisdiction for a period of not less than five (5) years before the Division can issue a comp card. The proposed revisions to the code clarify the outdated nomenclature and definitions, and remove the five (5) year licensure requirement. In addition to clarifying the language and definitions, the revisions if approved will allow for a larger number of qualified registered contractors to work within Seminole County that presently cannot due to the requirements of the current ordinance.

STAFF RECOMMENDATION:

Staff recommends that the board approve and authorize the chairman to sign an ordinance amending Chapter 40 of the Seminole County Code.

ATTACHMENTS:

- 1. Economic Impact Statement
- 2. Ordinance

<p>Additionally Reviewed By:</p> <p><input checked="" type="checkbox"/> County Attorney Review (Melissa Clarke)</p>
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ECONOMIC IMPACT STATEMENT

DATE: January 20, 2009

DEPT./DIVISION: P & D/Building

CONTACT PERSON: Tom Helle

EXTENSION: 7338

DESCRIBE PROJECT/PROPOSAL: Revision to Chapter 40 Seminole County Code. The changes are procedural changes to the process we currently use to issue competency cards to registered contractors.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE OPERATION OF THE COUNTY: None

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED: None.

IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL: None

AN ORDINANCE AMENDING SECTION 40.20, CHAPTER 40, SEMINOLE COUNTY CODE; AMENDING THE DEFINITIONS IN CONNECTION THEREWITH; AUTHORIZING THE BUILDING DIVISION TO ISSUE A COMPETENCY CARD TO A CONTRACTOR REGISTERED IN ANOTHER JURISDICTION IN THE STATE OF FLORIDA; AMENDING THE REQUIREMENTS FOR THE ISSUANCE OF A COMPETENCY CARD TO A PERSON APPLYING ON BEHALF OF A PARTNERSHIP, CORPORATION, TRUST OR OTHER LEGAL ENTITY; SPECIFYING THE CRITERIA AND REQUIRED DOCUMENTS FOR THE ISSUANCE OF A COMPETENCY CARD; DELETING THE REFERENCE TO THE SEMINOLE COUNTY CONSTRUCTION LICENSING BOARD'S ISSUANCE OF A LICENSE; AMENDING SECTION 40.22 BY SPECIFYING THE CRITERIA AND REQUIRED DOCUMENTS FOR THE RENEWAL OF A COMPETENCY CARD; AMENDING SECTION 40.24 BY CHANGING ALL REFERENCES TO OCCUPATIONAL LICENSE TO BUSINESS TAX RECEIPT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seminole County no longer issues licenses to practice construction in Seminole County; and

WHEREAS, the Board desires to amend Section 40.20 to authorize the Building Division to issue a competency card to a contractor registered in another jurisdiction in the State of Florida; and

WHEREAS, the Board desires to amend Section 40.20, Seminole County Code, to specify the requirements for the issuance of a competency card to a contractor registered in another jurisdiction in the State of Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. AMENDMENT TO DEFINITIONS.

Section 40.2, Seminole County Code, is hereby amended to read:

Sec. 40.2 Definitions.

As used in this Chapter and unless the context requires otherwise, the following terms shall mean as follows:

Abandon or abandonment: (1) Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination. (2) Failure of a contractor to perform work without just cause for 180 days. (3) Failure to obtain an approved inspection within 180 days from the previous approved inspection.

Apprentice electrician: A helper or assistant to a journeyman electrician who is not qualified to work on electrical construction alone.

Apprentice plumber: A helper or assistant to a journeyman or master plumber who is not qualified to work on plumbing construction without supervision.

Building (verb): The removal, disassembly, repair, replacement, installation or assembly of the building, structure, building system or building components in whole or parts thereof.

Building component: An element or assembly of elements integral to or part of a building.

Building contractor: A contractor, general contractor, building contractor or residential building contractor all as defined by Florida Statutes Section 489.105(3).

Building shell: The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

Building system: A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

~~Certificate of Competency: A written statement issued by the State of Florida evidencing that a specified person is qualified to engage in contracting, subcontracting or other specific construction trade. The meaning attributed in Florida Statutes, Chapter 489, or successor provisions.~~

Competency Card: A card issued by the Building Division of Seminole County which evidences that a specified person is competent to practice construction in Seminole County. Said card is issued based on registration as a contractor in another jurisdiction in the State of Florida and satisfaction of all requirements of section 40.20 Seminole County Code.

Certificate of occupancy (C.O.): A written statement issued by the County evidencing that a structure substantially satisfies all County construction requirements and may be occupied.

Certified contractor: Any contractor who possesses a certificate of competency issued by the State of Florida.

Change of occupancy: A change from one code, occupancy classification or sub-classification to a different one.

Demolition: The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

Electrical construction: All work and materials used in installing, maintaining, extending and/or connecting a system of electrical wiring for light, heat or power and appurtenances, apparatus or equipment used in connection therewith; provided, however, that this definition shall not include work and materials outside the scope and purview of those standards set forth in Section 40.61.

~~*Electrical contractor:* A person who holds a master electrician's certificate of competency and who is engaged in the business of electrical construction and possesses the experience and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus or equipment for light, heat or power; or a partnership,~~

~~corporation, business trust or other legal entity operating under a master electrician's certificate of competency issued for its use and benefit in the name of a master electrician.~~

Electrician: A person qualified under the terms and provisions of this Chapter who is engaged in the trade or business of electrical construction.

FCILB: The Florida Construction Industry Licensing Board.

Imminent danger: (1) A structurally unsound condition of a structure which could cause physical injury to persons or property; or (2) a structurally unsound condition of a structure which could cause a portion of the structure to detach or move and create potential for physical injury to persons or property; or (3) a structural condition which harbors or is inhabited by pests, vermin, or organisms injurious to human health.

Journeyman electrician: A person qualified under the terms and provisions of this Chapter who possesses the training, and technical knowledge to install electrical wiring, apparatus, or equipment for light, heat or power and who is capable of performing electrical work under the supervision of a master electrician.

Licensed contractor: A contractor certified by the State of Florida or the local jurisdiction who has satisfied all state or local requirements to be actively engaged in contracting.

Maintenance electrician: A journeyman electrician who is regularly employed by only one person to maintain and make minor repairs to the electric wiring, apparatus, and equipment, which is installed, contained, and used upon the premises or within buildings owned, occupied, or controlled by the person for whom he is a full-time employee.

Maintenance plumber: A person who is qualified as a journeyman plumber but who is regularly employed to maintain and make only minor repairs to the plumbing, piping, apparatus, and equipment which is installed, contained, and used upon the premises or in a building owned, occupied or controlled by the person who employs him full time.

Mechanical contractor: A person who is a Class A air conditioning contractor, or a Class B air conditioning contractor or a Class C air conditioning contractor or a mechanical contractor, all as defined in Florida Statutes Ch. 489, as amended.

Permit: A written statement issued by the County authorizing performance of a specific activity regulated by this Code.

~~*Plumbing contractor:* A person engaging in the business of plumbing contracting who holds a current master plumber's certificate of competency or state certification, or in the~~

~~alternative a partnership, corporation, business trust or other legal entity operating under a current master plumber's certificate of competency or state certification issued for its use and benefit in the name of another.~~

Pump installer: Any person engaged in the business of installing or repairing pumps and pumping equipment.

Registered contractor: Any person who holds an active license from any jurisdiction within the State of Florida, who has been found competent to perform the work on the license and achieved a passing grade on a written exam germane to the licensed trade.

Registered Electrical contractor: A person who holds a master electrician's competency card as defined in this Chapter and who is engaged in the business of electrical construction and possesses the experience and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus or equipment for light, heat or power; or a partnership, corporation, business trust or other legal entity operating under a master electrician's competency card as defined in this Chapter issued for its use and benefit in the name of a master electrician.

Registered Plumbing contractor: A person engaging in the business of plumbing contracting who holds a current master

plumber's competency card as defined in this Chapter or state certification, or in the alternative a partnership, corporation, business trust or other legal entity operating under a current master plumber's competency card as defined in this Chapter or state certification issued for its use and benefit in the name of another.

Remodeling: Work which changes the original size, configuration or materials of a structure.

Specialty contractor: A contractor whose scope of work and responsibility is limited to a particular phase of construction and whose scope is limited to a subset of the activities as described in Florida Statutes Chapter 489.

Stop work order: An order by the Building Official, or his designee, which requires the immediate cessation of all work and activities described in the order.

Structural component: Any part of a system, building or structure, load bearing or non-load bearing, which is integral to the structural integrity thereof, including but not limited to walls, partitions, columns, beams and girders.

Structural work or alteration: The installation or assembling of new structural components into a system, building or structure; or any change, repair or replacement of any

existing structural component of a system, building or structure.

Section 2. Amendment to application for license; information required.

Section 40.20 is hereby amended to read:

Sec. 40.20. Application for ~~license~~ competency card; information required.

(a) Any person desiring a ~~certificate of~~ competency card for a registered contractor required herein shall file a written application with the Building Division upon a form provided by the Building Division. The applicant shall appear in person, present valid government issued photo identification and sign all related documents including the competency card.

(b) In addition to all other information required, the person applying for the ~~certificate~~ competency card shall state on the application form the class or kind, if any, of ~~certificate~~ competency card for which he is applying.

(c) ~~In addition, any person who is applying~~ A contractor may apply on behalf of, or for the use and benefit of, any partnership, corporation, business trust or other legal entity ~~shall state on the certificate application form~~ provided that the contractor signs the application and competency card and

provides the names and addresses of all officers and/or partners in said entity.

(d) The ~~appropriate~~ Seminole County ~~construction licensing board~~ Building Division will not issue a ~~license competency card~~ to any person to practice construction in Seminole County unless:

(1) ~~The applicant is certified by the State of Florida in the respective class he wishes to practice, if the State has certification for such class of construction; or~~

~~(2) The applicant, at the time of application, is registered in another jurisdiction in the State of Florida or possesses a Certificate of Competency from another jurisdiction in the State, where he has passed a written examination administered by a recognized testing agency which is germane to the requested license competency card. and held an active license in the respective class in which he wishes to practice for a period of not less than five years; or~~

(2) In addition, the applicant shall hold an active license from that jurisdiction in the respective class in which the applicant wishes to practice and the applicant shall submit a letter from that jurisdiction dated within seven days of the date of application for the competency card stating that the applicant's license is active and in good standing. The letter

shall also include the date that the applicant passed the applicable written examination, the resulting test scores, the applicant's trade, and any disciplinary actions. The Building Division will not issue a competency card to any registered contractor who is undergoing an active disciplinary hearing or who has any sanctions by the State or local governments within the past twelve (12) months.

~~(3) If the State does not have certification for such class of construction, and the applicant is not registered or does not possess a Certificate of Competency in another jurisdiction in the State, the applicant may, if available, take a written examination to be administered by a recognized testing agency selected by the appropriate County contractor licensing board regarding the subject class of construction. If the applicant passes said examination, has at least five years experience in said class of construction and does not have any sanctions by the State or local governments during the five years preceding the application regarding any class of construction, the applicant may be licensed.~~

(e) Notwithstanding any other provision of this Chapter, all persons having a license competency card in Seminole County, upon the effective date of this subsection, will be allowed to continue practicing construction in Seminole County as long as

they maintain an active license competency card in good standing in Seminole County.

Section 3. Amendment to Certificate expiration and renewal.

Section 40.22 is hereby amended to read:

Section 40.22. Certificate Competency Card expiration and renewal.

(a) Certificates Competency cards issued pursuant to the provisions of this Part shall expire on the date the license upon which the competency card was issued expires. Any contractor desiring to renew the competency card shall provide a letter from the jurisdiction that issued the license dated within seven days of the renewal request. Such letter shall verify that the contractor's license is active and shall state any current disciplinary actions as well as any sanctions against said license within the past twelve (12) months. every year beginning on the dates indicated below:

TABLE INSET:

<u>Class of Certificate</u>	<u>Expiration Date</u>
<u>Building contractors.....</u>	<u>September 30, 1991</u>
<u>Electrical contractors and journeymen electricians.....</u>	<u>September 30, 1992</u>

Mechanical contractors.....	September 30, 1991
Plumbing contractors and journeymen plumbers.....	September 30, 1992
Swimming pool contractors.....	September 30, 1991
Well drilling or pump installation or repair contractors.....	September 30, 1992

(b) Any ~~certificate~~ of competency card required herein which is not renewed within 90 days after its expiration shall be void and shall not be renewed. ~~the holder thereof shall not be issued another such certificate.~~ A contractor who has not renewed a competency card within 90 days after its expiration is required to apply for a new competency card pursuant to the requirements in section 40.20.

(c) Nothing in this Section shall be construed to authorize a person to operate without an appropriate and current ~~certificate of competency card~~ or State certification.

Section 4. Amendment to requirement for occupational license.

Section 40.24 is hereby amended to read:

Section 40.24. ~~Occupational License.~~ Business Tax Receipt.

(a) It shall be unlawful for any person to engage in a business regulated by the provisions of this Chapter or in the capacity of being a contractor regulated herein without the ~~occupational license~~ business tax receipt required by law.

(b) It shall be unlawful for any person to engage in the business of being a journeyman electrician or plumber without the ~~occupational license~~ business tax receipt required by law.

(c) No person shall be issued an ~~occupational license~~ a business tax receipt for any business, trade or profession regulated in this Chapter if such person does not hold the appropriate ~~certificate of~~ state issued license or competency card required herein.

Section 5. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 5, 6 and 7 shall not be codified.

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 7. Effective Date. This Ordinance shall take effect on _____, 2009, or upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners, whichever is later.

ENACTED this ____ day of _____, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOB DALLARI, Chairman

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2/25/09

Not for Execution