

## **PCCLB Special Act**

**CHAPTER, 75-489 LAWS OF FLORIDA, as amended by Chapters 78-594, 81-466, 86-444, 89-504, 93-387, 2002-350, 2003-319, and 2004-403 Laws of Florida.**

**Updated 07.14.04**

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## **Part II**

### **Section 10.**

**It is hereby declared to be the public policy of the state that, in order to safeguard the life, health, property and public welfare of the citizens of Pinellas County, the business of construction and home improvement is a matter affecting the public interest and any person desiring to engage in the business as herein defined on a countywide basis without the necessity of meeting the competency requirements of each municipality in Pinellas County and the requirements of Pinellas County may establish his competency and qualification to be certified as herein provided.**

**The Legislature recognizes that the construction and home improvement industries may pose a danger of significant harm to the public when incompetent or dishonest contractors provide unsafe, unstable, or short-lived products or services. Therefore, it is necessary in the interest of the public health, safety, and welfare to regulate the construction industry in Pinellas County.**

### **Section 11. DEFINITIONS.**

**The definitions found in sections 489.105(3) and (6), and 489.505(1), (2), (9), and (12), Florida Statutes, as they may be amended from time to time, apply to this entire Act.**

### **Section 12. Pinellas County Construction Licensing Board; organization; meetings, and powers.**

**(1) The Pinellas County Construction Licensing Board is created, within the county of Pinellas, consisting of twenty-one (21) members, two (2) of whom are primarily engaged in business as general contractors; two (2) of whom are primarily engaged in business as building contractors, two (2) of whom are primarily engaged in business as residential contractors, one (1) who is a Florida registered architect doing business in Pinellas County, one (1) who is an electrical contractor, one (1) who is a plumbing contractor, one (1) who is a mechanical contractor, one who is a roofing or sheet metal contractor, one who is a swimming pool, aluminum, or veneer specialty contractor, two (2) fire marshals, and the three (3) building Directors of the following: City of St. Petersburg, City of Clearwater and County of Pinellas, one (1) North county building director from one of the following municipalities: Tarpon Springs, Dunedin, Oldsmar, Safety Harbor, Belleair, Belleair Bluffs, or Largo, one (1)**

**South county building director from one of the following municipalities: South Pasadena, Gulfport, Seminole, Kenneth City, or Pinellas Park, one (1) Beach Community building director from one of the following: the Town of Belleair Beach, the Town of Belleair Shores, the City of Redington Beach, the City of North Redington Beach, the City of Maderia Beach, the City of Indian Rocks Beach, the City of Indian Shores, the Town of Redington Shores, the City of Treasure Island, and the City of St. Pete Beach, and one (1) consumer member who is a resident and citizen of Pinellas County and who is not and never has been a member or practitioner of any of the trades or professions regulated by the board or a member or practitioner of any closely related trade or profession. All members of the board shall be residents of Pinellas County and appointed by the Chairman of the Board of County Commissioners.**

**(2)(a) To be eligible for appointment to the first board, each member, other than the building director, the architect, and the consumer member, shall personally hold an unexpired certified license issued by the City of St. Petersburg or the City of Clearwater or the County of Pinellas or the State of Florida at the time of appointment; be actively engaged in their respective businesses and have been so engaged for a period of at least five consecutive years before the date of appointment; and be a citizen and resident of the county.**

**(b) Each member of the board, other than the building directors, the architect, and the consumer member, succeeding the original appointees shall possess the qualifications prescribed in paragraph (2)(a).**

**(3) Members of the board shall be selected as follows: The three (3) building directors of the City of Clearwater, City of St. Petersburg and the County of Pinellas; one (1) North county building director and one (1) South county building director selected by the Chairman of the Board of County Commissioners from the municipalities listed in subsection (1); one (1) Beach Community building director appointed from a list of three (3) nominees submitted by The Barrier Island Government Council; a Florida Registered Architect appointed from a list of three recommended architects submitted by the American Institute of Architects Florida Central Chapter, St. Petersburg and Clearwater Sections; two (2) of whom are primarily engaged in the business as general contractors from a list of five (5) submitted by the Association of General Contractors of Mid-Florida, Inc.; two (2) of whom are primarily engaged in the business as Building Contractors from a list of five (5) submitted by the Contractors and Builders Association of Pinellas County; two (2) of whom are primarily engaged in the business as**

residential building contractors from a list of five (5) submitted by the Contractors and Builders Association of Pinellas County; one (1) who is an electrical contractor from a list of five (5) supplied by the Electrical Council of Florida, Pinellas County Chapter; one (1) who is a Plumbing contractor from a list of five (5) supplied by the Pinellas Association of Plumbing-Heating-Cooling Contractors, Inc.; two (2) of whom are fire marshals, who shall be active members of the Tampa Bay Area Fire Marshals Association, from a list of five (5) supplied by said association, one of whom shall serve an initial term of three (3) years, with successors to serve for a term of two (2) years thereafter; one (1) who is a mechanical contractor or Class A air conditioning contractor from a list of (5) supplied by the Refrigeration and Air Conditioning Contractors' Association ("RACCA"); one (1) roofing or sheet metal contractor and one (1) swimming pool, aluminum or veneer specialty contractor selected by the Chairman of the Board of County Commissioners; one consumer member to be appointed by the Chairman of the Board of County Commissioners in accordance with paragraph 2(a). The building director members from the City of Clearwater, from the City of St. Petersburg and Pinellas County, shall be permanent members of the board. All other members shall serve two(2) years. The following members shall commence their terms in even-numbered years: the Florida registered architect, one(1) general contractor, one (1) building contractor or, one (1) residential building contractor, one (1) electrical contractor, one (1) fire marshal, the North county, South county, and Beach Community building directors. The following members shall commence their terms in odd-numbered years: one (1) general contractor, one (1) building contractor, one (1) residential building contractor, one (1) mechanical contractor, one (1) plumbing contractor, one (1) fire marshal, one (1) roofing or sheet metal contractor, one (1) swimming pool, aluminum or veneer specialty contractor, and one (1) consumer member. As the terms of members expire, the Chairman of the Board of County Commissioners of Pinellas County shall appoint a member to fill the vacancy for a term of two (2) years in the same manner as that membership was originally filed. The architect, contractor, electrical, plumbing and mechanical members shall be selected from the county at large. The board shall elect one of its members to serve as chairman and one of its members to serve as vice-chairman, for a term to be set by the board. All terms of office expire on September 30 of the last year of the term. Vacancies in the membership occurring prior to the end of a member's term for any cause shall be filled by appointment in the same manner as that membership was originally filled.

- (4) The board shall meet regularly as needed. Special meetings of the board may be held as the board provides in its rules and regulations. A majority of the members of the board constitute a quorum.**
- (5) The board is authorized to adopt rules and regulations in accordance with s. 162.08, Florida Statutes, to carry out the provisions of this part.**
- (6) Any member of the board or duly appointed hearing officer designated by the board may administer oaths and take testimony about all matters within the jurisdiction of the board, issue subpoenas which shall be supported by affidavit, serve subpoena and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. Chapter 120, Florida Statutes, will govern hearings conducted by or on behalf of the board. The Board is designated an “agency” as defined in s. 120.52(1)(c), Florida Statutes, for purposes of utilizing the Division of Administrative Hearings of the Department of Administration.**
- (7) The board is authorized to employ personnel and incur expense as necessary to perform its duties and enforce this part and shall sue and be sued in its official name.**
- (8) The board shall adopt a seal for its use containing the words "Pinellas County Construction Licensing Board".**
- (9) The board is authorized to waive any examination requirements for certification or registration of a contractor or journeyman, except that all required insurance coverage shall not be waived.**
- (10) The board shall be empowered to issue cease and desist orders in accordance with s.489.113, Florida Statutes, to prohibit any person from engaging in the business of contacting who does not hold the required certification or registration for the type of work being performed under this part.**
- (11) The board shall be empowered to employ investigators or inspectors to enforce the provisions of this part and to issue citations in accordance with s. 489.127(3), Florida Statutes, for violation of this part.**
- (12) The Board is authorized, for good cause shown, to establish such other reasonable classifications of contractors or journeymen in the construction industry as are required or requested by any city or county building department in addition to those specifically enumerated herein, including, but**

**not limited to: aluminum contractors, swimming pool contractors, gas contractors, roofing contractors and carpentry contractors. Certification and registration of such contractors or journeymen shall be on a countywide basis in accordance with the procedure governing other contractors as set forth in this act.**

### **Section 13. DISPOSITION OF FEES; EXPENSES; COMPENSATION.-**

**All moneys collected by the board shall be received, deposited, expended and accounted for pursuant to law. The expenses of the board and its officers and of the examinations held by the board, and of other matters in connection with this part shall be paid from the money collected under this part. Members of the board shall receive per diem and mileage as provided by law.**

### **Section 14. BOARD JURISDICTION AND DUTIES.**

**(1) Except as herein provided, the Board shall have concurrent jurisdiction with municipal examining boards.**

**(2) The board shall have the duty to promulgate rules and regulations governing the registration and certification of those engaging in count wide contracting and shall provide for the examination of those so engaged.**

**(3) The board shall have the duty to promulgate rules and regulations governing the County-wide certification of journeymen and shall provide for the examination of those so engaged.**

**(4) The board shall have the authority to employ persons to enforce the provisions of Section 23(1) of this part.**

**(5) The board shall have the duty to promulgate rules and regulations for the administration of a citation program and training of investigators in accordance with s.489.127(j), Florida Statutes.**

### **Section 15. EXAMINATION COMMITTEES.**

**(1) The board shall establish four (4) examination committees establish the examinations required for certification under this part. One committee shall consist of the Board itself to establish and administer the qualifications for certification and the examination for the general contractors, building contractors and residential building contractors, and specialty contractors;**

one committee shall consist of the Chief Mechanical Inspector from either the City of St. Petersburg, City of Clearwater or the County of Pinellas and two (2) mechanical contractors residing and engaged in business within the county all of whom shall be appointed by the board to establish and administer subject to approval by the board, the Qualifications for certification and the examination for mechanical contractors; one committee shall consist of the Chief Electrical Inspector from either the City of St. Petersburg, City of Clearwater or the County of Pinellas and two (2) electrical contractors residing and engaged in business within the county all of whom shall be appointed by the board to establish and administer subject to approval by the board, the qualifications for certification and the examination for electrical contractors; one committee shall consist of the Chief Plumbing Inspector from either the City of St. Petersburg, City of Clearwater or the County of Pinellas and two (2) plumbing contractors residing and engaged in business within the County all of whom shall be appointed by the board to establish and administer subject to approval by the board, the qualifications for certification and the examination for plumbing contractors.

(2) The examination committees for electrical contractors, plumbing contractors and mechanical contractors shall also give examinations for certificates of competency for journeymen in the electrical, plumbing and mechanical trades respectively. For purposes of this act, "journeyman" shall mean a person who is the holder of a valid certificate of competency issued by the board after passing the required examination as provided in this part and who is thereby entitled to perform the manual work of installing plumbing, mechanical or electrical installations under the general direction of a master in the trade. Each examination committee shall determine the matter to be covered by the examination. The examination shall be of a practical and elementary character sufficiently strict to test the qualifications of the applicant.

(3) The board shall have jurisdiction over all the examinations and regulations pursuant to this part.

## **Section 16. REGISTRATION.**

(1)(a) On or before November 1, 1975 all persons presently contracting in the county shall register with the board in the proper classification unless they are certified by the state or registered with the board created by Chapter 73-595, Laws of Florida. Persons later entering the business of contracting as defined herein shall register with the board before engaging in the contracting

**business. To be registered the applicant shall file evidence of holding a current state or county occupational license and/or a current competency license issued by the state, county or any municipality in the county for the type of work for which registration is desired on a form prescribed by the board, with evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired, accompanied by the registration fee fixed by this part. As a prerequisite to registration the board shall require the applicant to submit satisfactory evidence that he has obtained public liability and property damage insurance for the safety and welfare of the public in amounts to be determined by the board and a code compliance bond not to exceed \$5,000 in accordance with s. 489.131(3)(e), Florida Statutes. No examination shall be required by the board for registration.**

**(b) Registration permits the registrant to engage in contracting only in the area and for the type of work covered by the registration unless state or local licenses are issued for other areas and types of work or unless board certification is obtained.**

**(2) The board may receive an application on prescribed forms with supporting data; and upon finding of fact supporting the need or justification, the board may grant a limited and restricted registration to a contractor not domiciled in the county for one project. Renewal application or registration cannot be granted. During such registration the board shall have complete authority to require compliance with this and other statutes of the state and county.**

## **Section 17. CERTIFICATION.**

**(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 prescribed fee.**

**(2)(a) Examinations shall be held at times and places within the county as the board determines, but there shall be at least three (3) examinations a year. 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 all contractor categories that 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 requested. 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 the diagrams, plans, or sketches or make a drawing if required by a certificate of competency examination. All examinations shall be prepared by an independent testing agency, subject to approval of the board.**

**(b) A passing grade on the examination is seventy percent.**

**(c) Persons desiring to engage in specialty building trades with the County, not covered by this part, that require a municipal or county examination for licensing or certification shall be required to take and pass only one such examination that shall then be recognized in all other municipalities and the county without the necessity for an additional examination.**

**(3) Examinations for journeymen certificates of competency shall be conducted by an independent agency and shall be held at the times, conducted in the manner, require the passing grade and shall be otherwise similar to those prescribed in subsection (2) of this section.**

**(4) Upon receipt of the fee and application the board shall investigate the financial responsibility and credit, business reputation of the applicant and of any business organization on behalf of which he proposes to engage in contracting, the education and experience of the applicant. Within thirty days from the date of the examination, the board shall tell the applicant in writing whether he has qualified or not and, if the applicant has qualified, that it is ready to issue a certificate in the category for which application was made, subject to compliance with the requirements of subsection (5) of this section.**

**(5) As a prerequisite to issuance of a contractor's certificate, the board shall require the applicant to submit satisfactory evidence that he has obtained public liability and property damage insurance for the safety and welfare of the public in amounts to be determined by the board and a code compliance bond not to exceed \$5,000 in accordance with s. 489.131(3)(e), Florida Statutes. Thereupon, the certificate shall be issued forthwith, but this subsection does not apply to inactive certificates.**

**(6) If an applicant for an original certificate, after having been notified to do so, does not appear for examination within one year from the date of filing his application, the fee paid by him shall be credited to the board as an earned**

**fee. A new application for a certificate shall be accompanied by another application fee. Forfeiture of a fee may be waived by the board for good cause.**

**(7) When a certificate holder desires to engage in contracting in any area of the county including municipalities as a prerequisite therefore, he shall only be required to exhibit to the local building official evidence of holding a current certificate issued by the board accompanied by the fee for the occupational license and building permit required of other persons. He shall not be required to take a municipal examination to prove his competency to obtain a municipal license.**

**(8) When a state certificate holder desires to engage in contracting in any area of the county, including municipalities, as a prerequisite therefore, he shall be required to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area, evidence of holding a current state certificate accompanied by the fee for the occupational license and the building permit required of other persons. State certificate holders must register with the Board to provide proof of current general liability insurance in amounts determined by the Construction Industry Licensing Board pursuant to chapter 489, Florida Statutes, and provide a code compliance bond not to exceed \$5,000 in accordance with s. 489.131(3)(e), Florida Statutes. He shall not be required to take an examination to prove his competency for the county or municipality, to obtain a county or municipal license.**

**(9) The certificate shall not be transferable.**

**(10) Persons not desiring to engage in contracting on a countywide basis may take any required examination of any municipality within which he wishes to limit his business except that he must register with the board in addition thereto.**

**(11) A municipality may require persons desiring to engage in the business of contracting within its boundaries to comply with the examination requirements provided in this part rather than requiring its own examination, but it shall not require both.**

**Section 18. BUSINESS ORGANIZATIONS.**

**(1) When a natural person proposes to do business in his own name, registration or certification when granted, shall be issued only to that individual.**

**(2) (a) 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. The 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 the business organization. The registration or certification shall be in the name of the qualifying individual. If a natural person so qualified on behalf of the business organization ceases to be affiliated with the business organization, he shall inform the board as provided in this part. In addition, if the natural person is the only qualified natural person affiliated with the business organization, the business organization shall notify the board of his termination and shall have a period of sixty days from the termination of his affiliation with the business organization in which to qualify another natural person under the provisions of this part, failing which the certification of the business organization shall be subject to revocation by the Board.**

**(b) The natural person 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 the new business organization shall supply the same information to the board as required for applicant under this part.**

**(c) After an investigation of the financial responsibility, credit, and business reputation of the natural person, or the new business organization, and upon a favorable determination, the board shall forthwith issue without charge or examination a new certificate on the natural person's name.**

**(3) When a business organization makes application for an occupational license in any municipality, the application shall be made with the tax collector in the name of the business organization; and the license, when issued, shall be issued to the business organization upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by this board. The business organization's certified**

**representative shall not be required, upon exhibition of this evidence, to take a municipal examination to prove competency to obtain a municipal license.**

#### **Section 19. RECIPROCAL REGISTRATION AND CERTIFICATION.**

**The board shall have the authority to grant registration or certification to any person who holds a certificate or is registered or otherwise similarly licensed by any other city or county in the state.**

#### **Section 20. RENEWAL AND RESTORATION OF CERTIFICATE OF REGISTRATION.**

**(1) Certificates and registration shall expire annually at midnight on September 30.**

**(2) Failure to renew the certificate or registration during September 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.**

**(3) A certificate or registration that is inoperative because of failure to renew shall be restored on payment of the proper renewal fee, if the application for restoration is made by September 30 of the subsequent year. If the application for restoration is not made within the one year period, the fee for restoration shall be equal to the original application fee, and in addition, the board may require reexamination of the applicant.**

**(4) A person who is registered or holds a valid certificate from the board may go on inactive status during which time 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**

#### **Section 21. FEES.**

**(1) The board is authorized to establish reasonable fees for certification, registration, examination, Board of Adjustment and Appeals hearings, annual renewal fees, and such other fees deemed necessary to accomplish the purposes of this act.**

**(2) Any funds received by the board from fees which remain uncommitted and unexpended at the end of each biennium shall be paid into the county general revenue fund.**

## **Section 22. RECORDS.**

**(1) All information required by the board of any applicant for certificate or registration or journeymen shall be a public record, except financial information and examination grades are confidential and shall not be discussed with anyone except members of the board and its staff, but the applicant is entitled to see his examination papers and grades. An applicant may waive in writing the confidentiality of his examination for the purpose of discussion at meetings of the board.**

**(2) If a certificate holder or registrant changes his name style, address or employment from that appearing on his current certificate or registration, he shall notify the board of the change within thirty days after it occurs.**

**(3) All examinations shall be retained for a period of two years from the date of the examination.**

## **Section 23. PROHIBITIONS; PENALTIES.**

**(1) No person shall:**

**(a) Falsely hold himself out as a certificate holder or registrant;**

**(b) Falsely impersonate a certificate holder or registrant;**

**(c) Present as his own the certificate or registration of another;**

**(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a certificate or registration;**

**(e) Use or attempt to use a certificate or registration which has been suspended or revoked;**

**(f) 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 without being duly registered or certified; or**

**(g) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another qualifying agent.**

**(2) Any person who violates any of the provisions of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.**

#### **Section 24. REVOCATION OR SUSPENSION OF CERTIFICATE OR REGISTRATION.**

**(1) On its own motion or the verified written complaint of any person, the board may investigate the action of any contractor certified or registered under this part and hold hearings pursuant to law. When any complaint involves a contractor certified or registered under this part for acts or omissions occurring in any area of the county that has a local board, the board shall forward the complaint to the local board where the alleged violation occurred for its action. Where no local board exists, or when such local board waives its jurisdiction, the board shall take jurisdiction. The board may take appropriate disciplinary action if the contractor<sup>4</sup> is found to be guilty of or has committed any one of the acts or omissions constituting cause for disciplinary action set out herein or adopted as rules or regulations by the board.**

**(2) The following acts constitute cause for disciplinary action:**

**(a) Obtaining a certificate or registration by fraud or misrepresentation**

**(b) Being convicted or found guilty, regardless of adjudication, or a crime any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting;**

**(c) Violation of chapter 455, Florida Statutes.**

**(d) Willfully or deliberately disregarding and violating the applicable building codes or laws of the state, this board, or of any municipality or county of this state;**

**(e) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if he certificate holder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered;**

**(f) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his certificate registration to be used by the uncertified or unregistered person with the intent to evade the provisions of this part. When a certificate holder or registrant allows his certificate or registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this part;**

**(g) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificate holder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificate holder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this part;**

**(h) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:**

**1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and, the contractor has not had the liens removed from the property, by payment or by bond, within 30 days after the date of such liens.**

**2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned.**

**3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.**

**(i) Being disciplined by any municipality or county for an act or violation of this part, which discipline shall be reviewed by the board before the board takes any disciplinary action of its own.**

**(j) Failing in any material respect to comply with the provisions of this part.**

**(k) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project is to be considered abandoned after 90 days if the contractor terminates the project without notification to the prospective owner and without just cause.**

**(l) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.**

**(m) Being found guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the practice of contracting.**

**(n) Proceeding on any job without obtaining applicable local building department permits and inspections.**

**(3) If a contractor disciplined under subsection (1) is a qualifying agent for a business organization and the violation was performed in connection with a construction project undertaken by that business organization, the board may impose an additional administrative fine not to exceed \$1,000 against the business organization or against any partner, officer, director, trustee, or member if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.**

**(4) The board may specify by rule the acts or omissions which constitute violations of this section.**

**(5) The board is authorized to take the following disciplinary action:**

**(a) Suspend the certificate holder or registrant from all operations as a contractor during the period fixed by the board but the board may permit the certificate holder or registrant to complete any contracts then uncompleted.**

**(b) Revoke a certificate or registration.**

**(c) Impose an administrative fine or penalty not to exceed \$1,000.00 (which shall be recoverable by the board only in an action at law).**

**(d) Require restitution and impose reasonable investigative and legal costs.**

**(6) After suspension of the certificate or registration on any grounds set forth in this section, the board may remove the suspension on proof of compliance by the contractor with all conditions prescribed by the board for removal of suspension, or, in the absence of the conditions, as in the sound discretion of the board.**

**(7) After revocation of a certificate or registration, the certificate or registration shall not be renewed or reissued for at least one year after revocation and then only on a showing of rehabilitation of the contractor. The lapse or suspension of a certificate or registration by operation of law or by order to the board or a court, or its voluntary surrender by a certificate holder or registrant does not deprive the board of jurisdiction to investigate or act in disciplinary proceedings against the certificate holder or registrant.**

**(8) The board may restrain any violation of this part by action in a court of competent jurisdiction.**

## **Section 25. APPLICATION OF PART II.**

**(1) Nothing in this part limits the power of a municipality, city or the county to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections that are designed to secure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety.**

**(2) Nothing in this part limits the power of a municipality, city or county to collect occupational license and inspection fees for engaging in contracting, or examination fees from persons who are registered with the board pursuant to local examination requirements.**

**(3) Nothing in this part limits the power of the municipalities, cities or counties to adopt any system of permits requiring submission to and approval by the municipality, city or county of drawings and specifications for work to be performed by contractors before commencement of the work.**

**(4) Nothing in this part shall be construed to waive any requirements of any existing local ordinance or resolution of the board of county commissioners regulating the type of work required to be performed by a specialty contractor.**

**(5) Any official authorized to issue building or other related permits shall ascertain that the applicant contractor is duly registered in the area where the construction is to take place or certified before issuing the permit. The evidence shall consist only of the exhibition to him of current evidence of certification or registration.**

**(6) Municipalities or cities may continue to provide examinations for their territorial area, provided that:**

**(a) To engage in contracting in the territorial area, an applicant must also be registered with the board.**

**(b) All local contractors licensing boards or agencies shall transmit annually during August to the board the names of all local licensees, the status of the license, and a report of any disciplinary action taken against the licensee.**

**(c) A certificate has not been issued by the board.**

**(7) The right to create local boards in the future by any municipality, city or the county is preserved.**

**(8) Notwithstanding any provisions to the contrary in s. 235.31, Florida Statutes, about prequalification of bidders, any person holding a certificate shall be deemed qualified to participate in any project contemplated by this section.**

**(9) This part applies to any contractor performing work for the state, county or any municipality. They are required to determine compliance with this part before giving a commencement order on any of its contracts for construction, improvement, remodeling or repair.**

**(10) If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. The person shall notify the board within thirty days after the death of the contractor of his name and address. For purposes of this subsection, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his death or on which he was the low bidder and the**

**contract is subsequently awarded to him regardless of whether any actual work has commenced under the contract before his death.**

## **Section 26. EXEMPTIONS.**

**This part does not apply to:**

- (1) Contractors who work exclusively on bridges, roads, streets, highways, railroads, or utilities and services incidental thereto.**
- (2) Any employee of a certificate holder or registrant who is subordinate of such certificate holder or registrant if the employee does not hold himself out for hire or engage in contracting except as an employee.**
- (3) An authorized employee of the United States, Florida, or any municipality, city, or county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state as long as the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.**
- (4) 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 that were not underway at the time of appointment of the officer by the court are undertaken, he shall employ or contract with a registrant or certificate holder.**
- (5) Public utilities on construction, maintenance, and development work performed by their forces and incidental to their business.**
- (6) The sale or installation of any finished products, materials, or articles or merchandise which are not actually fabricated into and do not become a permanent fixed part of the structure, except for spas or inground swimming pools with a capacity in excess of 200 gallons, and for above-ground swimming pools with a capacity in excess of 200 gallons that involve excavation, plumbing, chemicals, or wiring of any appliance without a factory-installed electrical cord and plug. This subsection shall not be construed to limit the exemptions provided in subsection (7) below.**
- (7) Owners of property building or improving one or two-family residences thereon for the occupancy of such owners and not offered for sale. In all actions brought under this part, proof of the sale or offering for sale of more than one such structure by the owner-builder within one year after completion of same is prima facie evidence that such structure was**

**undertaken for purposes of sale. This subsection does not exempt any person who is engaged by such owner or any person other than the owner who acts in the capacity of a contractor.**

**(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States, or to any construction, alteration, improvement, or repair on any project where federal law supersedes this part.**

**(9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than five hundred dollars but this exemption does not apply:**

**(a) 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 contracts of amounts less than five hundred dollars for the purpose of evading this part or otherwise.**

**(b) To a person who advertises as a contractor or otherwise represents or exhibits by any manner or device that he is qualified to engage in contracting.**

**(10)(a) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches;**

**(b) Regularly constituted irrigation districts, reclamation districts; or**

**(c) Clearing or other work on the land in rural districts for fire prevention purposes or otherwise except when performed by a certificate holder or registrant under this part.**

**(11) A registered architect or engineer, acting in his professional capacity**

**(12) Any person who only furnishes materials or supplies without fabricating them into or consuming them in the performance of the work of the contractor.**

**(13) Any person as defined and licensed under chapter 527, Florida Statutes, when such person is performing the work authorized by such license.**

**(14) Any person who is certified under chapter 489, Florida Statutes, except the provisions of sections 16 and 17(8) of this part regarding registration shall apply.**

### **Part III**

**Section 27. It is the intent of the legislature to provide for uniform building codes and uniform life safety codes for Pinellas County. It is further the intent of the legislature to provide for continuing uniformity of the aforementioned codes by placing the sole authority for making technical amendments to the codes, applicable within the boundaries of Pinellas County, with the Pinellas County Licensing Board.**

**Section 28. For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, Pinellas County hereby recognizes as applicable to the county the codes known as:**

**(1) The Florida Building Code, as may be amended or updated pursuant to general law.**

**(2) The applicable version of the National Fire Protection Association Life Safety Code 101 adopted through the provisions of the Florida Fire Prevention Code or adopted pursuant to the powers of the Florida State Fire Marshal as described in Florida Administrative Code s. 4A-60, as either may be subsequently amended.**

**Copies of all amendments or variations thereto adopted by the board pursuant to the provisions of section 29 of this part, shall be filed with and available for inspection at the office of the board.**

**Section 29. The board shall have the power to amend the codes from time to time, subject to the requirements of section 553.73(4), Florida Statutes, and may adopt variations for different areas of the county if the variations are justified under the procedures contained herein and in section 553.73, Florida Statutes. Before making any amendment or variation, the board shall refer the proposed amendment to the appropriate county-wide Board of Adjustment and Appeals described in Section 32 for study and recommendations. The board shall then hold a public hearing on the proposed amendment or variation and shall reject, adopt, or defer action**

upon the recommendation of the Board of Adjustment and Appeals. A two-thirds vote of the board is required to reject any recommendation of the Board of Adjustment and Appeals. The board may adopt amendments to the codes that are necessary as a condition precedent to any federal or state sponsored program and the governing body of any municipality or the county may adopt amendments to the administrative chapter of the Florida Building Code. For the purposes of section 553.73, Florida Statutes, and chapter 98-287, Laws of Florida, as amended by chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of Florida, and as may be subsequently amended, the Pinellas County Construction Licensing Board shall be the sole local governing body authorized to make technical amendments to the Florida Building Code or the version of the National Fire Protection Association Life Safety Code 101 as described in section 28 and is deemed to be the countywide compliance review board for Pinellas County as required by section 553.73(4)(b)7., Florida Statutes. The Pinellas County Construction Licensing Board shall likewise be the local administrative board for the provision of interpretations upon request of local building officials and for the resolution of conflicts of interpretations between local building officials and local fire code enforcement officials. The resolution of these disputes shall be in accordance with applicable general law. The decision of the board interpreting a code, resolving a conflict of interpretation, or adopting an amendment following a recommendation by the applicable Board of Adjustment and Appeals shall be the final local determination of the matter which is subject to the appeal to the Florida Building Commission pursuant to section 553.73, Florida Statutes, and/or the State Fire Marshal pursuant to chapter 633, Florida Statutes.

**Section 30.** Except as provided in this law for amendments and variations, the codes shall be exclusively controlling in the construction of all buildings and structures within Pinellas County and no municipality or the county shall adopt any technical amendments, ordinances, rules or regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures that conflict with the codes as amended.

**Section 31.** Inspection and enforcement of the codes shall be effected by the county, the municipalities in Pinellas County or the authorized designees of either.

**Section 32.**

**(1)** The board shall create four Boards of Adjustment and Appeals as follows:

**(a) A plumbing, mechanical and gas Board of Adjustment and Appeals consisting of one (1) mechanical engineer, two (2) plumbing contractors, two (2) natural gas contractors and two (2) mechanical or Class A air conditioning contractors. This Board of Adjustment and Appeals shall have the powers and duties specified in subsection (2) for appeals relating to plumbing, mechanical and gas provisions of the Florida Building Code.**

**(b) An electrical board consisting of one (1) electrical engineer, two (2) electrical contractors and one (1) member of the building industry at large. This board shall have the powers and duties provided in subsection (2) for appeals relating to the electrical code.**

**(c) A Board of Adjustment and Appeals for the Florida Building Code provisions not falling within the jurisdiction of the boards created by subsection (a) or subsection (b).**

**(d) A life safety and fire code Board of Adjustment and Appeals consisting of two (2) active fire marshals, two (2) active building officials, and a fifth member to be selected from the joint recommendation of the fire marshals and building officials comprising said board.**

**(2) Any appeal which may be brought before either the Board of Adjustment and Appeals for the Florida Building Code or the Board of Adjustment and Appeals for the Life Safety and Fire Code, shall be referred to the latter. The Board of Adjustment and Appeals for the Life Safety and Fire Code shall determine whether or not it has jurisdiction over said appeal. Upon a determination that said board has no jurisdiction, the appeal shall be considered by the Board of Adjustment and Appeals for the Florida Building Code. The Boards of Adjustment and Appeals shall meet as frequently as is required but not less often than once every three months. Members of the boards shall serve without compensation. Any person aggrieved by a ruling of a building director or a fire marshal or other fire official of any municipality or of the county, or any building director or fire marshal or other fire official desiring interpretation of a code, may file a written appeal to the proper Board of Adjustment and Appeals. Provided, however, if the municipality in which the dispute occurred has established a Board of Adjustment and Appeals the aggrieved party must first appeal to the municipal board. After a decision is rendered by the municipal board the aggrieved party shall have 15 days to file the appeal provided for in this subsection. The decision of the boards shall be furnished to the appealing party in writing within 15 days**

**after the meeting at which the appeal was considered. The decisions of the boards are subject to appeal pursuant to section 553.73, Florida Statutes.**

**Section 33. The respective Boards of Adjustment and Appeals shall have authority to interpret its respective code adopted for the county. Interpretations of the codes shall be based upon specific findings of fact and may be made when any provision of the code is ambiguous as applied to an activity subject to the code or to allow alternate material and types of construction if found to be in conformity with the intent of said code. The codes shall be interpreted liberally to provide safe, economic and sound buildings and structures in the county. Code Interpretations of any Board of Adjustment and Appeals made under this section shall be final administrative actions and shall not be subject to review by the board. Final decisions of the board or any Board of Adjustment and Appeals shall be based upon substantial competent evidence and shall be subject to review by the Florida Building Commission or the Florida State Fire Marshal.**

**Section 2. If any section, subsection, sentence, clause, phrase, or provision of this law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this law invalid or unconstitutional.**

**Section 3. This act shall take effect upon becoming a law.**

**Approved by the Governor June 17, 2004.  
Filed in Office Secretary of State June 17, 2004.**