

Executive Chief Deputy
Chief Deputy Administrator

DATA PROCESSING BOARD OF GOVERNORS

Data Processing Director
Programming and Systems Manager
Operations Manager

Became a law without the Governor's approval.

Filed in Office Secretary of State June 30, 1975.

CHAPTER 75-489

House Bill No. 1363

AN ACT relating to Pinellas County; repealing chapters 73-595 and 74-579, Laws of Florida; providing for the issuance of countywide occupational licenses; providing for their sale by the county tax collector; establishing fees to be charged; providing for the distribution to the county and municipalities of proceeds received on a pro rata formula basis and for a year-to-year revision of the formula; providing for the invalidity of licenses when failing to properly register; providing for penalties and revocation of licenses if obtained by fraudulent or misleading information or engaging in fraudulent business practices; providing for delinquency penalties and half-year fees; establishing the Pinellas County Construction Licensing Board; providing definitions; providing for membership terms, powers, duties, jurisdiction and functions of the board; providing for fees; providing for examination committees, and the membership and duties of the committees; providing for the classification, registration, examination and certification of contractors; providing for the registration and certification of contracting partnerships, corporations or other legal entities; designating prohibited activities; providing for disciplinary action by the board; providing penalties, providing exemptions; adopting building codes and providing for amendments thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Part I

repealed (22) 506
Section 1. Any person, firm or corporation doing business in Pinellas County within the purview of this special act shall purchase from the county tax collector a countywide occupational license that shall be valid in all municipalities and unincorporated areas within Pinellas County and shall authorize the person, firm or corporation to do business within all the municipalities and the unincorporated areas. The county tax collector shall collect, in addition to the license fee provided for in section 3 of this act, an additional fee of two dollars (\$2.00) for each license issued under the provisions of this act, the two dollar fee to be compensation to the office of the tax collector for the cost of issuance of the licenses.

(1) The purchaser of a countywide occupational license issued pursuant to this act shall not be required to purchase another occupational license from any municipality or unincorporated area within Pinellas County to engage in the business designated on the countywide occupational license.

(2) The countywide occupational license shall contain the address of the principal place of business of the person, firm or corporation but the issuance of the countywide occupational license does not exempt the person, firm or corporation from complying with other municipal or county regulations required by law such as, but not limited to, regulations regarding manufacturing, fabricating, processing or sale of merchandise to the public within a given municipality of unincorporated area.

Section 2. The board of county commissioners shall require competency standards be complied with before issuance of a countywide occupational license for those occupations for which the board now has authority to require a written competency examination for issuance of a county occupational license. The competency requirement for the issuance of the countywide occupational license shall be the same as required for the county occupational license, provided that any applicant for a countywide occupational license who presents satisfactory proof that he has passed a written competency examination of any municipality within the county shall be issued a countywide occupational license for that occupation in which he has qualified. No municipality or county building department shall require any other examination.

Section 3. The countywide occupational licenses issued pursuant to the provisions of this act and the amount to be paid therefor as are follows:

Occupation	Countywide occupational license fee pursuant to the provisions of this special act
Advertising;	
Banners, signs, floats or cartoons, motorized or otherwise, except as a part of a licensed parade, each advertise- ment or vehicle, per day	\$ 20.00
Card director or ad- vertising boards	100.00
Coupon books	600.00
(No license shall be issued for less than the full amount)	
Directories — guide books	150.00
Handbills or sample distribution	75.00
Outdoor advertising	250.00
Person, firm or corporation engaged in business of (painted walls or election displays or other devices	

leased or rented not otherwise specifically licensed)	
Schemes and devises not otherwise provided for	\$600.00
Soliciting for publication unlicensed in city or county	150.00
Armored car service	
First car	150.00
Each additional car	30.00
Auctions and auctioneers	
Auctioneers	
Personal property	500.00
Real estate	750.00
Automotive	
Trucks for hire — hauling	
First truck	75.00
Each additional truck	30.00
Bakeries — baked goods	
Retail-peddling	
First truck	75.00
Each additional truck	30.00
Bottled water, delivery of	
first truck	75.00
Each additional truck	30.00
Bottled gas, dealers in	
First truck	100.00
Each additional truck	30.00
Builders — speculation only	300.00
(In business of building residential and commercial building for resale. Must have approval of building department)	
Carpet and rug cleaning (on location only)	
First truck	75.00
Each additional truck	30.00
Caterers	
Parties, wedding and social functions	100.00
Factories and construction jobs only	
First vehicle	200.00
Each additional vehicle	100.00
Concessionaire	400.00
(Public functions where permitted, no street sales)	

Contractors	
General Contractors	
Class A	\$300.00
Class B	200.00
Class C	150.00
Specialty contractors	
Electrical	200.00
Plumbing	200.00
General mechanical	300.00
Class A air conditioning	250.00
Class B air conditioning	200.00
Class C air conditioning	150.00
Sheetmetal	100.00
Cabinets and trim	100.00
Concrete and stone (not having a mason license)	100.00
Drainage and sanitary sewers	300.00
Dredging	300.00
Elevators	100.00
Excavations and land clearing	150.00
Fence erectors	100.00
Floor and floor sanding	100.00
Framing and trim	150.00
Glazing	100.00
Installation (if not mechanical)	100.00
Insulation	100.00
Heating and air conditioning	150.00
House movers and wreckers	300.00
Lathers (not having a plastering license)	100.00
Masons (not having a concrete and stone license)	100.00
Paint and paper hangers	100.00
Paving and road grading streets, parking lots, etc.	350.00
Private driveway paving only	200.00
Plasterers (not having a lathers license)	100.00
Refrigeration (if not mechanical)	100.00
Roofing and siding	100.00
Sea walls and docks	200.00
Septic tanks	150.00
Sheet metal (installation only)	100.00
(if not mechanical)	
Steel erectors (installation only)	200.00
Swimming pools	200.00
Tile, marble and terrazzo	100.00
Waterproofing	100.00
Well drillers	100.00
Unclassified (not transferable)	100.00
Each specialty contractor's license is considered a separate	

license, limited to that particular trade named on said license and shall be in addition to but not in lieu of a merchant or manufacturing license when required by the municipality or unincorporated area where licensee is domiciled.

Dairies

Persons or firm delivering or selling milk and no other commodities except milk and by-products thereof

First truck	\$150.00
Each additional truck	30.00
Trucks not operated by a licensed dairy	
Each vehicle	75.00

Directories

300.00

(Persons making or offering for sale state, county or city directories, telephone or otherwise)

Exterminating - pest control - fumigating

One truck or vehicle	100.00
For each additional truck or vehicle used for performing services as an exterminator, pest control operator or fumigator	30.00

Fuel oil, dealers in

One truck	100.00
Each additional truck	30.00

Game machine operator

300.00

Individual machines to be licensed by municipality of the county depending upon where said machines are located

Garbage collectors

Collector of edible animal garbage	100.00
Collector of garbage for rendering or processing plant	75.00
(Must have permit from refuse department of each municipality and/or the unincorporated area where operating)	

Gas fitters

100.00

Ice retail peddling	
First truck	\$ 75.00
Each additional truck	30.00
Ice cream, retail peddling	
First vehicle	150.00
Each additional vehicle	
(Must have approval of city manager or county administrator if in unincorporated area)	
Junk gatherer	
First truck	75.00
Each additional truck	30.00
Knife and scissors sharpeners	
Hand operated	50.00
Mobile unit with power equipment	75.00
Landscapers and tree surgeons	100.00
Lawn service (maintenance only) (not transferable)	35.00
Lawn and tree spraying (power equipment) (state certificate required)	100.00
Linen and uniform service (mobile)	
Trucks operating in municipalities or unincorporated areas of the county other than where licensed plant is located	
First truck	75.00
Each additional truck	30.00
Trucks not operated by a licensed place of business, each vehicle	75.00
Locksmith, mobile unit	
One vehicle	75.00
Each additional vehicle	30.00
Messenger or package delivery service	
One vehicle	75.00
Each additional vehicle	30.00
Music machine operator	200.00
Individual machines to be licensed by municipality or county depending upon where said machines are located	
Peddlers of merchandise (not transferable) (May require city approval)	375.00
Photographers, commercial (not operating a studio)	100.00
Piano tuners, each	50.00

Produce trucks or vehicles, retail	
One vehicle	\$ 75.00
Each additional vehicle	30.00
(License covers permittee and one helper)	
Real estate	
Brokers	125.00
Salesmen	30.00
Repair services (mobile)	
One vehicle	75.00
Each additional vehicle	30.00
(Applicable to persons operating a mobile repair service in addition to but not in lieu of a merchant or manufacturing license when required by the municipality or county if in unincorporated area where licensee is domiciled)	
Signs	
Painters	
Individual	75.00
Firms, companies, corporations or associations of persons	150.00
Neon signs	200.00
Soft water service	
First truck	100.00
Each additional truck	30.00
Transit-mix cement	
First vehicle	100.00
Each additional vehicle	30.00
Wholesalers and wholesale merchants having no place of business and operating from trucks	
First vehicle	75.00
Each additional vehicle	30.00
Window cleaning or janitorial service	
First vehicle	75.00
Each additional vehicle	30.00
Unclassified	
Every unusual business, occupation, profession or exhibition, substantial, fixed or temporarily engaged in by any person within more than one municipality or unincorporated area and for which no license can be properly required within the purview of this special act,	

ordinances of the various municipalities or Pinellas County and not herein specifically designated shall pay a license tax for the countywide occupational license of \$100.00. The above amounts are in addition to those collected for state and county occupational licenses pursuant to general law and municipal license classifications not included in this special act.

\$100.00

Section 4. Before actually doing business in a municipality the holder of a countywide occupational license shall register with the city clerk or occupational license tax office of the municipality and pay to that municipality a two dollar (\$2.00) registration fee. Registration and payment of the fee shall be required only once during the license year.

The validity of the countywide occupational license in a municipality is contingent on the proper registration. A person, firm or corporation failing to register with the city clerk or occupational license tax office of a municipality before beginning work in a municipality shall be in violation of the law of that municipality and subject to the provisions of its occupational license tax ordinance.

Section 5. At the time of the application each applicant for a countywide occupational license shall be required to provide the following information to the county tax collector:

- (1) Current address where applicant is doing business.
- (2) All addresses where applicant has done business for the previous eighteen months.
- (3) All names under which applicant has conducted business for the previous five years.
- (4) All license numbers of motor vehicles to be used in applicant's business.

When a verified application is completed and the appropriate fee paid, the countywide occupational license shall be issued in ten days unless the license is a renewal, in which case the license becomes effective on payment of the fee. Any intentional misstatement in the application may cause the countywide occupational license to be revoked.

Additionally, anyone who willfully swears or affirms in regards to any material matter respecting said application will be guilty of willful and corrupt perjury, punishable as provided in s. 117.03 and s. 837.012, Florida Statutes.

Section 6. Each municipality within the county will share in the license fees collected from the countywide occupational licenses in the following manner:

(a) On or before October 1 of each year each municipality shall certify to the county tax collector the number of occupational licenses issued and the number of registrations obtained for the previous twelve months.

(b) Distribution of license revenue to each municipality for the current year shall be determined by prorating 50% of license revenue collected on the basis of population, percentages to be determined by dividing the population of a municipality by the total population of all participating municipalities. For the purpose of this section, population shall mean the last estimates made by the Pinellas County planning department and released by the Pinellas County planning council. The remaining 50% will be prorated on the basis of licenses issued and the registrations procured by each municipality and dividing it by the total of licenses and registrations certified to the county tax collector pursuant to paragraph (a).

(c) The county tax collector shall distribute to each municipality its share of license revenue collected, based upon the formula. Distribution shall be made on the fifteenth day of each month, commencing in October.

Section 7. If any person, firm or corporation shall not want to purchase a countywide occupational license pursuant to the provisions of this act, this act shall not prohibit the person, firm or corporation from doing business within any municipality or unincorporated area if the occupational licensing requirements of that municipality or the county are complied with.

Section 8. Countywide occupational licenses shall be sold by the county tax collector under this act beginning September 1 of each year and shall be due and payable on October 1 of each year and shall expire on September 30 of the succeeding year. Countywide occupational licenses not renewed by November 1 shall be subject to 10% penalty for the month of November, plus an additional 5% for each month of default thereafter until paid with a maximum penalty of 20%. Countywide occupational licenses issued for new businesses after April 1 will be computed at one-half the annual license tax under the provisions of this act.

Section 9. In the event any part of this chapter is held unconstitutional or unenforceable for any reason, the remainder of this chapter shall not be affected.

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.

Section 11. Definitions, as used in part II:

(1) "Contractor" means, except those herein exempted, 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, improve any building or structure, including related improvements to real estate for others, or for resale to others and who is responsible for substantially the entire project. A contractor shall subcontract the electrical and plumbing work for which an examination for a certificate of competency or a license is required unless the contractor holds a certificate of competency or license in the respective category as required by the appropriate local authority or by the board. Contractors are divided into three categories and defined as follows:

(a) "General contractors" are those whose services are unlimited about the type of work that 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 residences not exceeding two stories in height and accessory use structures in connection therewith.

(2) "Mechanical contractor" means any person whose services are unlimited in the execution of contracts 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 the 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 the mechanical 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.

(3) Air Conditioning Contractors.

(a) "Class A air conditioning contractor" means any person whose services are unlimited in the execution of contracts requiring the experi-

ence, knowledge, and skill to perform the following: install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor necessary to make complete an air distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith; also piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, 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.

(b) "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.

(c) "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).

(d) "Air conditioning journeyman" means a person who performs the manual work of installing the service authorized and under the direction of a class A, B, or C air conditioning contractor.

(4)(a) "Sheet metal contractor" is one whose services are unlimited in the sheet metal trade and who has the experience, knowledge and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, alteration, repair, servicing and design when not prohibited by law, of ferrous or nonferrous metal work of U. S. No. 10 gauge or its equivalent or lighter gauge and other materials used in lieu thereof; and air handling systems including the setting of air handling equipment and reinforcement of same and including the balancing of air handling systems.

(b) "Sheet metal journeyman" means a person who performs the manual work of installing sheet metal under the direction of a sheet metal contractor.

(5) "Electrical contractor" means a master electrician, employing electricians, or a firm lawfully engaged in the business of electrical wiring or contracting who offer to undertake, or purports to have the capacity to undertake, or submit a bid, or does himself, or by or through others, to contract, alter, repair, add to, substitute from, improve, or move any electrical installation.

(a) "Master electrician" means a person who is the holder of a valid certificate of competency as such, issued by the board in accordance with this act, that entitles him to engage in the business of electrical contractor as an individual or principal or a firm.

(b) "Employing electrician" means a licensed master electrician engaged in the electrical business, who employs others and assumes responsibility and direction over them in the installation of electrical wiring.

(c) "Journeyman electrician" means a person who performs the work of installing electrical wiring under the direction of a master electrician.

(6) "Plumbing contractor" means a person or firm who offers to undertake, contract for, or does himself or through others, to begin the construction, alteration or repair of plumbing installation or who otherwise adds to, removes from, improves upon or moves any plumbing installation. This term shall not include general or building contractors, or other mercantile or retail firms who sell plumbing fixtures or appliances and who bid upon or contract for plumbing installations ancillary to the main business if the contractors or firms subcontract all plumbing work to a properly qualified plumbing firm or licensed master plumber.

(a) "Master plumber" means a person who is the holder of a valid certificate of competency issued by the board in accordance with this chapter, qualified to engage in the business of plumbing as an individual or as the principal of a firm.

(b) "Journeyman plumber" means a person who performs the manual work of installing plumbing under the direction of a master plumber.

(c) "Employing plumber" means a licensed master plumber engaged in the plumbing business, who employs others and assumes the responsibility, charge and direction of them in the installation of plumbing.

(7) "Contracting" means, except as herein exempted, engaging in business as a contractor, mechanical contractor, electrical contractor or plumbing contractor.

(8) "Board" means the Pinellas County Construction Licensing Board created hereby unless the context otherwise requires.

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

(10) "Registration" means registration with the board as provided herein.

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

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

(13) "Registrant" means a person who has registered with the board.

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 thirteen (13) 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 Building 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, and the three (3) building Directors of the following: City of St. Petersburg, City of Clearwater and County of Pinellas. 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 directors and the architect, 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 and the architect, succeeding the original appointees shall possess the qualifications prescribed in paragraph (2)(a).

(3) The members of the board serving on the effective date of this law on the board created by Chapter 73-595, Laws of Florida, shall be reappointed to serve until the expiration of their present terms. All subsequent 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; 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 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 Associated Plumbing and Mechanical Contractors of Pinellas County; one (1) who is a mechanical contractor from two (2) lists of five (5), one (1) list of five (5) supplied by the Heating and Air

Conditioning Association of Pinellas County and one (1) list of five (5) supplied by the Associated Plumbing and Mechanical Contractors of Pinellas County. 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. The remaining members of the board shall be appointed as follows: five (5) members for a three year term and five (5) members for two year terms and all appointments thereafter shall be for two year terms. 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 but no member shall succeed himself except the building directors. The contractor members of the board shall be appointed each from different "areas, districts, or geographical regions" in the county. The architect, electrical, plumbing and mechanical members shall be selected from the county at large. Chairmanship of the board shall vest in the building director members with the initial chairman being the Pinellas County building official and thereafter the office shall be rotated annually. No building director may serve two consecutive terms as chairman. The vice chairman shall be the next building official in rotation and he shall serve as chairman in the chairman's absence. 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 members 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. Eight (8) members of the board constitute a quorum.

(5) The board is authorized to adopt rules and regulations in accordance with chapter 120, 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. Chapter 120, Florida Statutes, will govern hearings conducted by or on behalf of the board.

(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".

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 county-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.

Section 15. Examination committees.—

(1) The board shall establish four (4) examination committees to 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; 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. Any person who on the date this act takes effect holds a certificate of competency from the board created by Chapter 73-595, Laws of Florida, or who otherwise holds a valid certificate of competency or valid journeyman certificate of competency received as a result of a written examination within Pinellas County shall be entitled to a certificate of competency issued automatically by the board.

(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 unless they are certified. To be registered the applicant shall file evidence of holding a current state or county occupational license or a current license issued by the 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. No examination shall be required by the board for registration.

(b) The Secretary of State, shall notify the Pinellas County Tax Collector of the adoption of this act, and shall supply the Tax Collector with a copy of this act before August 1, 1975.

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

(2) The board may receive an application on prescribed forms with supporting data; and upon finding a 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 the general contractor, building contractors, residential building contractors. General mechanical contractors, Class A air conditioning contractors, Class B air conditioning contractors, Class C air conditioning contractors, sheet metal contractors, electrical contractors, and plumbing contractors 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 respective division of the board.

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

(c) Persons desiring to engage in 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 certificate of competency shall be conducted by the respective examination committee 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. 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 therefor, he shall only 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 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 therefor, he shall only 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. 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) On or before November 1, 1975, all persons contracting in the county, holding a valid current certificate issued on or before the effective date of this act, by the City of Clearwater, City of St. Petersburg, County of Pinellas, or holding a countywide municipal occupational license, upon application to this board shall be certified.

(10) The certificate shall not be transferable.

(11) 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.

(12) 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.

(c) 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 applicants under this part.

(d) 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, not to exceed five dollars per year.

Section 21. Fee.—The board shall impose the following fees:

(1) The initial application fee for a certificate shall be fixed by the board not to exceed \$125.00.

(2) The annual renewal fees for certification shall be fixed by the board not to exceed \$25.00.

(3) The application fee and subsequent annual renewal fees for registration without examination shall be fixed by the board not to exceed \$10.00 annually.

(4) A state certificate holder will not be required to pay any fees to be certified by this board.

(5) Any funds received by the board from certification or registration 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 five years from the date of the examination.

Section 23. Prohibited activities; penalties.—

(1)(a) It is unlawful for any person to engage in the business or act in the capacity of contracting without having been duly registered or certified under this part of state certified.

(b) Any person who violates any provision of this part or commits any of the acts constituting cause for disciplinary action as herein set forth is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

(2) Revocation or suspension of certificate or registration.—

(a) 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, the board shall take jurisdiction. The board may take appropriate disciplinary action if the contractor is found to be guilty of or has committed

any one or more of the acts or omissions constituting cause for disciplinary action set out herein or adopted as rules or regulations by the board.

(3) The following acts constitute cause for disciplinary action:

(a) Willful or deliberate disregard and violation of the applicable building codes or laws of the state.

(b) Aiding or abetting any uncertified or unregistered person to evade any provision of this part.

(c) Knowingly combining or conspiring with an uncertified or unregistered person by allowing one's certificate or registration to be used by any uncertified or unregistered person with 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 companies without having any active participation in the operations, management, or control of the companies, this act constitutes prima facie evidence of an intent to evade the provisions of this part.

(d) 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 the registrant as set forth in the application for the certificate or registration, or as later changed as provided in this part.

(e) Diversion of funds or property received for prosecution or completion of a specified construction project or operation when as a result of the diversion the contractor is or will be unable to fulfill the terms of his obligation or contract.

(f) Disciplinary action by any municipality or city. The action shall be reviewed by the county board before the county board takes any disciplinary action of its own.

(g) Failure in any material respect to comply with the provisions of this part.

(4) 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 \$500.00 (which shall be recoverable by the board only in an action at law).

(5) 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.

(6) 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 of 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.

(7) The filing of a petition in bankruptcy, either voluntarily or involuntarily, or the making of a composition of creditors or the appointment of a receiver for the business of the registrant or certificate holder may be considered by the board as just cause for suspension of a certificate or registration.

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

Section 24. 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 25. 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) A subcontractor or specialty contractor whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of the construction.

(3) Employees of any person engaged in contracting who are subordinates of such person who is certified or registered to engage in contracting if the employees do not hold themselves out for hire or engage in contracting except as an employee.

(4) 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.

(5) 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.

(6) Public utilities on construction, maintenance, and development work performed by their forces and incidental to their business.

(7) 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.

(8) 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 presumptive evidence that such structure was undertaken for purposes of sale.

(9) 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.

(10) 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) When 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 or exhibits by any manner or device which might indicate to the public that he is qualified to engage in contracting.

(11) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches or regularly constituted irrigation districts, reclamation districts, or 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.

(12) A registered architect, professional engineer, or residential designer acting in his professional capacity or any person exempted by law in the chapters of the Florida Statutes regulating architects and professional engineers.

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

(14) Any person as defined and licensed under chapter 527, Florida Statutes.

(15) Any person who is certified under chapter 468, Part II, Florida Statutes.

Part III

Section 26. It is the intent of the legislature to provide for uniform building codes for Pinellas County.

Section 27. 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 adopts the codes known as:

- (1) The Standard Building Code, 1973 edition with 1975 amendments, and all appendices except (G), (K), (L), and (M).
- (2) The NFPA Natural Gas Code 54, NFPA L.P. Gas Code 58, NFPA Industrial Piping Code 54A.
- (3) The National Electric Code, 1975 edition with the exception of Section 210.08.
- (4) The Standard Mechanical Code, 1974 edition.
- (5) The Standard Plumbing Code, 1975 edition.
- (6) The National Fire Prevention Association life safety code 101, the 1975 edition.

The codes are incorporated in this law as fully as if set out at length.

Section 28. The board shall have the power to amend the codes from time to time and may adopt variations for different areas of the county if the variations are justified. Before making any amendment or variation, the board shall hold a public hearing on the amendment or variation. The governing body of any municipality or the county may adopt amendments to the codes that are necessary as a condition precedent to any federal or state sponsored program and may adopt amendments to the administrative chapter of all standard codes.

Section 29. 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 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 30. Inspection and enforcement of the codes shall be effected by the county, the municipalities in Pinellas County or the authorized designees of either.

Section 31. (1) The board shall create three 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) master plumbers, two (2) master gas fitters and two (2) mechanical 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 codes.

(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 Standard Building Code and NFPA 101 dealing with life safety.

(2) 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. The boards may interpret the provisions of the codes that apply to plumbing, mechanical and gas and to electrical to cover special cases if it appears that the provisions of the codes do not cover the point raised or that the intent of the code is not clear or that ambiguity exists in the phraseology. Any person aggrieved by a ruling of a building director of any municipality or of the county 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. Appeals for the use of alternate materials and types of construction, if determined to be in conformity with the intent of the codes may be granted by approval of a majority of the boards. The decision of the boards shall be furnished to the appealing party in writing within fifteen days after the meeting at which the appeal was considered.

Section 32. The respective Boards of Adjustment and Appeals shall have complete authority to interpret its respective code adopted for the county. Appeals for the use of alternate materials and types of construction may be granted if determined to be in conformity with the intent of the codes. Interpretations of the codes may be made to cover special cases when the provisions of the codes do not definitely cover the point raised or the intent of the codes is not clear or ambiguity exists in the phraseology of the codes. The codes shall be interpreted liberally to provide safe, economic and sound buildings and structures in the county.

Section 33. Chapters 73-595 and 74-579, Laws of Florida, and other laws or parts of laws in conflict herewith are hereby repealed.

Section 34. This act is supplemental and cumulative to chapter 205, Florida Statutes.

Section 35. This action shall be effective upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 2, 1975.

CHAPTER 75-490

House Bill No. 2018

AN ACT relating to Pinellas County; amending Chapter 73-602, Laws of Florida, pertaining to the Pinellas County Board of Consumer Affairs