

ORDINANCE NO. 16 -1975

AN ORDINANCE REQUIRING CONTRACTORS, SUB-CONTRACTORS, MASTERS, JOURNEYMEN AND MAINTENANCE PERSONNEL TO OBTAIN A CERTIFICATE OF COMPETENCY PRIOR TO ENGAGING IN BUSINESS IN MONROE COUNTY, FLORIDA; DEFINING THE OCCUPATIONS AND TRADES COVERED BY THIS ACT; SETTING FORTH THE METHOD OF OBTAINING A CERTIFICATE OF COMPETENCY; **CREATING AN EXAMINING BOARD**; PROVIDING FOR EXAMINATION FEES AND RENEWAL FEES; REQUIRING SAID APPLICANTS TO PASS SAID EXAMINATIONS BEFORE THE ISSUANCE OF SAID CERTIFICATES OF COMPETENCY; PROVIDING FOR THE METHOD OF APPOINTMENT OF SAID EXAMINING BOARD BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA; SETTING FORTH THEIR TERMS OF OFFICE, ORGANIZATION, FUNCTIONS, POWERS AND DUTIES; EXEMPTING CERTAIN PERSONS FROM THE PROVISIONS OF THIS ORDINANCE; CREATING AN EXAMINERS MEDIATION BOARD AND DEFINING ITS FUNCTIONS, POWERS AND DUTIES; AUTHORIZING DISCIPLINARY PROCEEDINGS FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR THE SUSPENSION OR REVOCATION OF CERTIFICATES OF COMPETENCY ISSUED HEREUNDER; MAKING CERTAIN ACTS UNLAWFUL; GIVING JURISDICTION OF VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE TO THE COUNTY COURT IN AND FOR MONROE COUNTY, FLORIDA; REPEALING ALL LAWS OR PARTS OF LAWS, WHETHER SPECIAL OR LOCAL, IN CONFLICT WITH THIS ORDINANCE TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. General: For the purpose of the administration and enforcement of this Ordinance, and unless otherwise stated in this Ordinance, the following words shall have the meanings indicated herein.

Words used in the present tense shall include the future tense; words used in the singular number shall include the plural.

Section 2. It shall be unlawful for any person or firm to engage in the business or act in the capacity of a contractor, sub-contractor, master, journeyman, or maintenance personnel, as hereinafter defined, anywhere within the unincorporated areas of this county without a current valid certificate of competency issued by the county examining board having jurisdiction over the several trades concerned.

Section 3. Definitions: (A) "Firm" shall include a sole proprietorship, partnership, corporation, association or any other type of business organization.

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(B) "Contractor" is any person, firm or corporation who engages in any business under an express or implied contract in any of the trades hereinafter listed.

(C) "Subcontractor" is one who contracts with a contractor to perform part of the latter's work.

(D) "Engage in Business" shall mean doing a trade for any owner or any tenant of land or of a building or of any part thereof, or for any person, firm or corporation in possession or in charge of the same or any part thereof, or entering into a contract with any such owner, tenant, person, firm or corporation for the doing of a trade.

(E) "Trade" shall include but shall not be limited to plumbing, electrical work, plastering, construction, repair or removal of buildings, and any other similar occupation connected with the construction industry.

(F) "General Contractor Class I" are those whose services are unlimited about the type of work they may do as follows. 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; however, a contractor shall subcontract the electrical, plumbing, mechanical, roofing, sheet metal, and air conditioning work, unless he holds a certificate of competency for the respective trade.

(G) "General Contractor Class II" are those whose services are limited to construction of commercial buildings and single or multiple dwelling or 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 improving of any size building if the services do not affect the structural members of the building. However, they must comply with the same regulations in regards to subcontractors as a General Contractor Class I.

(H) "General Contractor Class III" are those whose services are limited to construction, remodeling, repair, improvement of one, two, or three family unit residences not exceeding two stories in height and accessory use structures in connection therewith. However they must comply with the same regulations in regards to sub-contractors as a General Contractor Class I.

(I) "Pool Contractor" are those whose scope of work involves the construction and repair of any pools, public or private, used for therapy, swimming, or other use. This work shall include, but not limited to, layout, excavation operation of pumps for dewatering purpose, steel work, installation of light niches, lights, and conduits, grounding of the pool, pouring of floors, guniting, installing of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment, and chemical feeder of any type. Plastering of the interior, pouring of decks, construction of equipment rooms or housing for pool equipment, and the installation of package pool heaters. However, the scope of work of such contractor shall not include direct connections to a sanitary sewer system, or to potable water lines.

(J) "Specialty Contractors" are those whose work consists of the performance of construction work and skills that are usually a minor, but important part of the complete structure. Also other trade un-related to the building. The following is a list of specialty skills with the scope of work that may be performed under each Certificate.

1. Awning Erection Contractor is a contractor whose operation consists of the installation and repair of awning, wood, or metal.
2. Cabinet and Millwork Contractor is a contractor whose work consists of building and the installation of cabinets of all kinds. Also millwork of any kind. Shop must be located in a BU-3 District.
3. Demolition Contractor, whose work is limited to the demolition of buildings.

4. Elevator Contractor is a contractor whose work is limited to the installation and maintenance of elevators.
5. Fence Erectors is a contractor whose work is limited to erecting fences of wood or chain link. He may pour concrete for holding posts in place or a base for the above.
6. Flooring Contractor may install all types of flooring except tile, marble, or terrazzo.
7. Glazing Contractor may install glass of all kinds, also metal window frames.
8. Gunite and Sandblasting Contractor, in addition to guniting and sandblasting, may place the wire mesh for guniting, he may place backing for gunite work, he may do minor forming.
9. House Moving Contractors work is limited to moving buildings; he is allowed to block up a building prior to moving, but foundations at the new site must be done by others.
10. Insulating Contractors work is limited to the placing of any approved insulation in any type structure.
11. Masonry Contractors work is limited to placing concrete or decorative block and bricks in building under a permit taken by others. Also, placing and finishing concrete. He cannot build or place forms or place steel in anything other than non-structural concrete components.
12. Painting Contractor is permitted to paint buildings, interior and exterior, with brushes, rollers, or spray. Also paint and waterproofs roofs.
13. Plastering Contractor is permitted to plaster interior or exterior of any structure, and in addition, may finish concrete.

14. Roof Waterproofing Contractor is permitted to paint and waterproof roofs.
15. Sign Erection Contractor is permitted to erect signs of all classes and may do repairs; however, if electrical signs are installed or repaired, a master electrician or sign master shall be required.
16. Steel Reinforcing and Iron Contractors are permitted to place and tie reinforcing steel in forms built by others.
17. Structural Steel Erection Contractors are permitted to erect and fasten structural steel in place, by riveting, bolting, or welding.
18. Exterminating and Fumigating Contractor is permitted to place fumigating tents over buildings for termite extermination. He may also sell service to control other insects and pests.
19. Tile, Marble and Terrazzo Contractor is permitted to install, repair, and maintain, tile, marble, and terrazzo.

(K) "Engineering Contractor"

1. Class I - General Engineering Contractor is a contractor who does work such as, but not limited to: harbors, docks, excavating, filling and grading, drainage, pile driving, levees, pumping stations, and similar types of work in conjunction with water power, water control, waterworks and water supply, paving and sidewalks, curbs and gutters, streets and roads, bridges and overpasses and underpasses in streets, roads and public thoroughfares, underground sewage collection and disposal systems, bulkheading and underground utility line construction, both sanitary and storm sewer systems and similar work.

2. Class II - Specialty Engineering Contractor is an engineer contractor, under the jurisdiction of the Monroe County Examining Board, who specializes in one or more of the following engineering crafts and whose scope of work is so limited under his certificate of competency. His principal contracting business is the exe-

cution of contracts, in some instances sub-contracts, and possibly involving two more trades requiring the experience, financial means, knowledge and skill, as herein set forth, to engage in the business of the particular engineering specialty concerned in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable. A specialty engineering contractor (Class II) may contract for and take out permits for any and all work or trades connected with his present project or with the construction industry, except that in those trades for which a "master" is specifically required, he shall sub-contract with a qualified contractor holding a current certificate of competency in that field. All permits for soakage pits, dry wells, catch basins and connection pipes or filled property shall be secured from the proper authority and installations made in accordance with the Southern Standard Building Code.

(a) A pipeline engineering contractor is an engineering contractor qualified by the experience and skill gained by not less than five years as a general superintendent for a general engineering contractor or pipeline engineering contractor or education equivalent thereto, or a combination thereof and certified to excavate, construct, install, repair or alter pipelines, such as water and gas transmission and distribution lines, storm and sanitary sewerage lines, force mains, outfalls, and pumping facilities incidental to the collection or installation and placing within a structure which is constructed for the purpose of pumping or processing such pipeline products. A pipeline engineering contractor may construct or install junction boxes, manholes, inlets, valves, and similar components, in such manner as to comply with all plans, specifications, codes, laws and regulations applicable. The work of the pipeline engineering contractor shall be considered to stop at a point five (5) feet from a building not specifically constructed for the purpose of pumping or processing pipeline products.

(b) A pile driving and foundation engineering contractor having the experience and skill gained by not less than three (3)

years as a general superintendent for a general building or general engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to drive piling including sheet piling and construct foundations including the excavating, forming and placing of reinforcing steel and concrete and perform other work incidental thereto.

(c) A seawall and small dock engineering contractor is an engineering contractor, having the experience and skill gained by not less than three (3) years as a general superintendent for an engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to construct seawalls and small docks. A seawall and small dock engineering contractor may drive piling for one story building construction, seawalls and small docks.

(d) A paving engineering contractor is an engineering contractor having the experience and skill gained by not less than three (3) years as a general superintendent for an engineering contractor or education equivalent thereto or a combination thereof, and qualified and certified to construct roads, airport runways and aprons, parking lots, sidewalks, curbs and gutters, property line walls, asphalt paving, concrete paving, and to perform the excavating, clearing and grading incidental thereto. A paving engineer contractor may not excavate for canals and lakes, or construct storm drainage facilities.

(e) A concrete-work engineering contractor is an engineering contractor, having the experience and skill gained by not less than three (3) years as general superintendent for a business or engineering contractor, or education equivalent thereto, or a combination thereof, and qualified and certified to construct concrete driveways, sidewalks, curbs and gutters and related non-structural concrete components.

(f) An excavating and grading engineering contractor is an engineering contractor, qualified by the experience and skill

gained by not less than three years as a general superintendent for an engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to make excavations, obtain or remove materials such as rock, gravel or sand, to construct or excavate canals, lakes, levees, roadways, including land clearing, filling and grading. An excavating and grading engineering contractor may do the work of a land clearing and grubbing contractor.

(g) A fuel transmission and distribution line engineering contractor is an engineering contractor, having the experience and skill gained by not less than three (3) years experience in this field or education equivalent thereto, or a combination thereof, qualified and certified to excavate for and construct, alter, repair and maintain transmission and distribution lines for liquid or gaseous fuels under pressure in welded pipes, including pumping and booster stations, valves, meters and similar components incidental thereto and restoration of pavement. The scope of work of a fuel transmission and distribution line engineering contractor shall be considered to stop at the metering device.

(h) A hydraulic dredging engineering contractor is an engineering contractor having the experience in this field or education equivalent thereto or a combination thereof, qualified and certified to make submarine excavations, to remove from underwater locations, materials such as rock, gravel, silt, mud, marl or clay, to excavate canals, channels, lakes, borrow areas, to construct fills, embankments or stockpiles, using floating hydraulic dredging equipment.

3. Class III - Sub-engineering Contractor.

(a) A land clearing and grubbing engineering contractor is an engineering contractor having the experience and skill gained by not less than one year as a general superintendent for an engineering contractor or education equivalent thereto, or a combination thereof, and qualified and certified to clear land of surface debris

and vegetation growth, including the grubbing of roots, the removal of the debris therefrom and the general leveling of the surface thereafter and work incidental thereto. A Class III engineering contractor may take out permits for work falling within his particular specialty or specialties except in those trades for which a master is specifically required; he shall subcontract with a qualified contractor holding a current certificate of competency in that field. All permits for soakage pits, dry wells, catch basins, and connection pipes or filled property shall be secured from the proper authority and installation made in accordance with the Southern Standard Building Code.

(L) "Plumbing Contractor" is a contractor who maintains, repairs, alters or extends part or all of a plumbing, septic tank, well, swimming pool or solar heating system under the direct supervision of a Master Plumber. This work may include installation of water and sewer lines on private and public property and for the mechanical installation within substation and plants, and a plumbing contractor may contract therefor and will be issued permits for such work by the administrative agency concerned.

(M) "Septic Tank Contractor" is a contractor who does any work involving the construction, clearing, repair, alteration or extension of a septic tank or laundry waste treatment system and all appurtenances, apparatus or equipment used in connection therewith.

(N) "Well Drilling Contractor" is a contractor who operates a well drilling machine, apparatus or appliance in the drilling of water or drainage wells or who is engaged in the installation, maintenance and repair of pumping and piping incidental to a private swimming pool, not under the regulation of the State Board of Health, and having a closed system not connected to a water supply used for human consumption.

(O) "Electrical Contractor" is a contractor doing work on any premises or in any building or structure requiring the installation, repair, alteration, addition or changes to any system of

electrical wiring, apparatus or equipment for light, heat or power under the direct supervision of a master electrician at all times. This work may include all electrical installations for which he holds a Certificate of Competency on private and public property and within sub-stations and plants, and an electrical contractor may contract therefor and will be issued permits for such work by the administrative agency concerned.

(P) "Mechanical Contractors" are those whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skills to perform the following: install, maintain, repair, fabricate, alter or extend, central air conditioning, refrigeration, heating and ventilation, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor necessary to make complete an air distribution system, boiler and unfired pressure vessel systems, lift 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 installation and piping for same, fire sprinkling systems and stand pipes, 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 his work shall also include any excavation incidental thereto, but shall not include any work such as liquified petroleum or natural gas fuel lines within buildings, portable water lines, or connections thereto, sanitary sewer lines, swimming pool piping and filters and electrical power wiring. All work shall be done under the direct supervision of a master mechanic.

Air Conditioning Contractor, Class B

"Class B Air Conditioning Contractor" means any person whose services are limited to twenty-five (25) tons cooling and five hundred thousand (500,000) 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, 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.

Air Conditioning Contractor, Class 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, refrigeration 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).

(Q) "Sign Master Contractors" are those who may erect, fabricate, repair or maintain for himself or others any Class "A" & "B" sign as defined in the Monroe County Zoning Ordinance. He may construct meter centers or services for individual or a series of signs, install transformers and any device for and pertaining to illumination of signs. He may not connect a circuit to a panel, except for a sign.

(R) "Master" shall mean any person who possesses the necessary qualifications, training and technical knowledge to do, plan, layout and supervise the work connected in his particular trade. He must be a qualified contractor or work for a qualified contractor, and hold a current certificate of competency indicating his qualification, in order to work in his trade.

(S) "Journeyman" shall mean any person who possesses the necessary qualifications, training and technical knowledge to do and supervise the work connected in his particular trade. He must work for a qualified contractor, and hold a current certificate of competency indicating his qualifications in order to work in his trade. A Journeyman shall not qualify as a contractor in his trade, and must have at least three (3) years as such before taking the master examination.

(T) "Maintenance Personnel" includes all maintenance personnel who are regularly employed to maintain and make minor repairs to systems, apparatus and equipment, such as plumbing, electrical, refrigeration, air conditioning, boiler, heating and ventilating, which is installed, contained in and used upon premises or in buildings owned, occupied or controlled by the person or firm by whom such personnel is employed. Such maintenance personnel must hold a current certificate of competency for maintenance work or as master or journeyman in the trade or trades in which they are to engage. A master or a journeyman will automatically qualify, without further examination as maintenance personnel in their particular trade. The work "maintenance" as used in this paragraph is not intended to include operators of appliances or equipment.

(U) "Sheet Metal Contractor" is one whose services are limited in the sheet metal trade and who has had 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.

(V) "Roofing Contractor" is one whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to install, maintain, repair, alter, extend, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing and waterproofing, all in such manner as to comply with all plans, specifications, codes, laws, and regulations applicable thereto.

(W) "Apprentice" shall mean a person learning a craft under a skilled worker; hence, a beginner, and as such must have at least three (3) years experience before taking a Journeyman exam.

Section 4. In any and all trades in which a Master or Journeyman Certificate of Competency is required said trades shall be limited to not more than two (2) apprentices per skilled craftsman.

Section 5. The provisions of this Act do not apply to the following:

(A) An owner of residential property altering, or repairing his own home if occupied by the owner and not intended for sale. An owner of residential property may construct one (1) single family residence for his own use and occupancy without qualifying for a certificate of competency, but the application for a building permit for construction of more than one (1) single family residence in three (3) years time shall be construed as engaging in the construction business and such owner must secure a certificate of competency before the permit will be issued, eligibility for subsequent permits will be considered upon issuance of certificate of occupancy.

**Section 6. (A) The following Examining Board is hereby created:**

- (1) One person holding an Engineering I Card.
- (2) One person holding a Contractors I Card.
- (3) One person holding a Master Plumbers Card.
- (4) One person holding a Master Electricians Card.
- (5) One person holding a Master Mechanical Card.

(B) The Board shall consist of five (5) voting members appointed by the Board of County Commissioners of Monroe County, Florida. The Building Official or his designated agent shall serve as secretary to the Board and shall have no vote. Legal counsel shall be furnished by the county attorney, or his designated representative. The members of the Board shall be proportionately representative, of the trade or trades related to the subject matter concerned in the examination and qualifications, and professions within and connected with the particular trades concerned shall be represented. No member of the Examining Board shall receive any compensation for duties involved.

(C) Terms of Office -- Removal, Vacancies.

(1) Each member appointed to the Board referred to in Section 6 hereof shall hold office at the pleasure of the majority of the County Commissioners. Each member shall hold office until his successor has been duly appointed and has qualified.

(2) Any member of the Examining Board may be removed from office by a majority vote of the complete Board of County Commissioners.

(3) Any vacancy occurring during the unexpired term of office of any member of the Examining Board shall be filled by the Board of County Commissioners for the unexpired term within thirty (30) days after such vacancy occurs.

(D) Organization of Boards.

(1) The Building Official or his designated agent shall serve as Secretary to the Examining Board.

(2) The Board shall elect a Chairman and such other officers as may be necessary from among their members. Terms of all officers shall be one (1) year beginning with their election, with elections to be held the first meeting in July of each year.

(E) Meetings

(1) The Board shall hold not less than four (4) regular meetings each fiscal year, the 4th Friday in October, January, April, and in July.

(2) Meetings shall be called by the Chairman of the Board, and in his absence by the Vice Chairman of the Board.

(3) All minutes of the Board Meetings shall be public records, except those portions of which are of a confidential nature. All minutes shall be kept in the office of the Building Official, except the records of the Engineering Contractors' Board which shall be kept in the County Engineer's Office.

(4) Three (3) members of the Board shall constitute a quorum at any meeting, and a majority vote of those present shall be required to make any decision.

(F) For the purpose of administering this Ordinance the Examining Board may call on the County Commission to furnish such employees as may be necessary to carry on or assist the Board in performing its duties.

(G) The Board may make such rules and regulations as are consistent with the general policies of this Ordinance as it may deem necessary to carry out the provisions of this Ordinance, including the power to administer oaths and subpoena witnesses in the manner provided for subpoenaing witnesses in the County Court of Monroe County, Florida.

(H) Powers and Duties of the Examining Board. The Examining Board shall have the power to determine if a license or certificate of competency of any contractor should be suspended for any violation of this Ordinance and to fix the length of time for such suspension or to revoke the license or certificate under the provisions of this Ordinance, or to appoint an employee from the County Commission to investigate any complaints made against the licensed contractor and determine whether it shall take administrative action against the contractor or direct the investigator to file a complaint for prosecution for the violation against the contractor; to call upon members of the industry to advise and assist them.

Section 7. Mediation Board. The Examiners Mediation Board is hereby created, the membership of which shall be made up of the members of the Examining Board. The Building Official or his designated agent shall serve as Secretary and shall have no vote.

(A) The Examiners Mediation Board shall meet at the call of the Chairman and shall make such rules and regulations, and keep such records as are consistent with the requirements and policies of this Ordinance. Three (3) members shall constitute a quorum, and decisions shall be made by majority vote. Members shall not receive any compensation.

(B) The Examiners Mediation Board shall be empowered to decide questions arising which pertain to or are applicable to this Ordinance.

(C) Matters to be considered by the Examiners Mediation Board may be referred to it by the Secretary of the Board, or the matter may be initiated by the Examiners Mediation Board.

(I) Disciplinary Proceedings

(1) The Secretary of the Examining Board may, upon his own motion, or shall upon a sworn complaint in writing of any person investigate or cause to be investigated by a special investigator appointed by the Board, the charges against any contractor qualified hereunder and submit a written report to the Examining Board. Upon the filing of Petition of Bankruptcy by or against a qualified contractor under this Act, or if a qualified contractor fails to keep in force the insurance policy required in Section 15 of this Ordinance, the Secretary of the Board shall immediately suspend the Certificate of Competency and report the matter to the Examining Board for revocation action.

(2) The Examining Board, upon receipt of such report, shall decide if the report makes a prima facie showing of a violation of this Act, and if so, shall take one or both of the following actions:

(A) Instruct the Secretary to send, by Registered Mail, a letter to the qualified contractor to his last known address, as shown by the Board's records, setting out the name of the complainant, the time of commission of the alleged offense, and the section of this Ordinance alleged to be violated, and notifying the qualified contractor to appear before the Board at a time and place fixed, not sooner than twenty (20) days from the mailing of the registered letter, to show cause why his Certificate of Competency should not be suspended or revoked.

(B) Instruct the investigator or complainant to file a sworn affidavit for the arrest of the qualified contractor if he has violated any of the provisions of this Ordinance.

(3) The Administrative hearing provided for above shall be open to the public.

(A) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.

(B) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if the Board finds it competent and reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded.

(C) Each party shall have these rights: To call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness, regardless of which party first called him to testify; and to rebut the evidence against him.

(D) A decision shall be made by the Examining Board by a majority of the entire Board within five (5) days after the close of the hearing. The decision shall be one of the following:

- (1) Not Guilty.
- (2) Suspension of Certificate of Competency, stating time.
- (3) Revocation of Certificate of Competency, naming effective date.

(E) An appeal from the decision of the Board may be made by the contractor involved, to the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County, Florida, within twenty (20) days, but not thereafter.

Section 8. The Certificate of Competency issued by the County to a contractor may be suspended for a fixed term or revoked by the Contractors Examining Board's determination only by a majority vote of the entire Board after hearing if the contractor as an individual or the firm by its officers, directors, or qualified representatives has violated any of the provisions of this Ordinance. The suspension or revocation of a Certificate of Competency shall automatically suspend or revoke as the case may be any occupational license issued by the County. It shall be unlawful for any contractor, as defined by this Ordinance operating anywhere within the County, licensed individually or as a firm contractor, officers, directors or qualified representative of a firm contractor, to commit any one or more of the following acts or omissions.

(A) To contract or do any work outside the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified; or to perform or offer to purport to perform any architectural or engineering or surveying services in violation of Florida Statutes.

(B) Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.

(C) Divert funds or property received for the execution or completion of a specific construction project or operation, or for a specified purpose to any other use whatsoever.

(D) To depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.

(E) To disregard or violate, in the performance of this contracting business, any of the building, safety, health insurance or Workmen's Compensation Laws of the State of Florida, or Resolutions of the Board of County Commissioners of Monroe County, Florida, concerning same.

(F) Misrepresent any material fact in his application and supporting papers in obtaining a license under this Ordinance.

(G) To fail to fulfill his contractual obligation through inability to pay all creditors for material furnished or work or services performed in the operation of his business for which he is licensed hereunder.

(H) To aid or abet an unlicensed person to evade the provisions of this Ordinance or allow his license to be used by any unlicensed person or to act as an agent of an unlicensed person with the intent to evade the provisions of this Ordinance.

(I) To do any fraudulent act as a contractor by which another is substantially injured.

(1) The Examining Board shall suspend or revoke a contractor's Certificate of Competency if after hearing it is found that the contractor:

(A) Has been adjudicated bankrupt.

(B) Fails to maintain at all times with an insurance company, authorized to do business in the State of Florida, the limits of insurance required by any other applicable law or authority having jurisdiction but not less than bodily injury liability insurance with the minimum limits of fifty thousand dollars (\$50,000.00) for one (1) person and one hundred thousand dollars (\$100,000.00) for more than one person in any one (1) accident, and property damage insurance with a minimum limit of not less than five thousand dollars (\$5,000.00) for any one (1) accident, including any damage to public rights-of-way or shrubbery and to file certificates, signed by the qualified

agent of the insured, with the Secretary of the Contractors Examining Board showing the type of policy number, the name of the insurer, the effective date of the policy, an agreement by the insurer to give a thirty (30) days written notice by registered mail to the Secretary of the Examining Board, of the intent to cancel the policy for any reason. The Examining Board may reinstate such revoked Certificate of Competency at such time as the contractor again supplies full insurance coverage as required by this Ordinance.

(C) Violated any of the provisions of this Ordinance.

Section 9. Where a certificate has been revoked or has expired or lapsed for any reason, the Board may require complete re-examination before a Certificate of Competency is renewed or reinstated.

Section 10. Any person or firm not possessing a current Certificate of Competency and holding themselves out as plaintiff or defendant in any court of this State or advertising in a newspaper or otherwise to be a contractor shall be subject to the provisions and penalties of this Ordinance and a certified copy of such court records or a copy of the newspaper or other advertising making such an assertion shall be prima facie evidence in Court or in any other proceeding authorized by this Ordinance that the person or firm purported to have the capacity to act as a contractor.

Section 11. A contractor's Certificate of Competency shall be obtained in the following manner.

(A) Any person or firm required or desiring to be qualified as a contractor shall make application on a form prescribed by the Building Department at the office of the Building Official of the Building Department.

(B) Should the applicant be a firm, the application shall be executed by the President or one legally qualified to act for the firm shall show his authority to so act on the application, and shall name an authorized agent on behalf of the firm showing his authority: (1) To act for the firm in all matters in any manner connected with the contracting business; (2) To supervise the con-

struction under the occupational license issued to the firm; and  
(3) To take the qualifying examination for the firm, unless holding a current Certificate of Competency of the class and type necessary. The firm shall be qualified only through the qualifications of such agent taking the examination, or through an agent currently qualified, and if the agent (qualifier) shall sever his affiliation with such firm, the Certificate of Competency held by such firm shall be automatically cancelled. An agent (qualifier) shall be registered to the work of the firm he is currently qualifying.

(C) No application shall be considered unless the applicant gives all information required on the form, which shall include:

- (1) A statement of applicant's proposed contracting business.
- (2) The type of certificate being applied for.
- (3) Name, residence, business address of applicant.
- (4) If applicant is a firm, the name and business address of the firm and the name, residence of all directors and officers of the firm and their interest therein, and the name, residence of the applicant's qualified representative and information contained above; if applicant is a corporation, a Certificate of Incorporation.

(D) The Building Official shall notify the applicant of the next regular examination and shall notify the Board of the application prior to its next regular meeting and make such additional investigation as may be directed by the Board.

(E) Examinations shall be a type as furnished by Block & Associates of Gainesville, Florida, except examinations pertaining to any and all Engineering or Sub-Engineering. These examinations will be made up and given by the County Engineer or his authorized representative.

(F) The Building Official of the Building Department shall not issue a Certificate of Competency unless he finds:

(1) That the applicant, or if applicant is a firm then the qualified representative, has made a passing grade of 70% or higher on the written examination and has the necessary experience for the type of certificate applied for.

Section 12. (A) Every person, who, under the terms of this Ordinance, is required to hold a Certificate of Competency, and who, upon the effective date of this Ordinance, holds a current Certificate of Competency issued by Monroe County, shall be entitled to a Certificate of Competency without examination, but such certificate shall be subject to any restrictions and limitations carried by the current County certificate and shall entitle the holder of such certificate to do business only in the unincorporated areas of Monroe County. Evidence to be considered to warrant such entitlement shall include, but shall not necessarily be limited to:

(1) Proof that written examination given by Monroe County was successfully passed by the applicant.

(2) Letters from the City of Key West, Florida, Building Department, stating that applicant has successfully passed the Block and Associates Examination proctored by said City, Reciprocity is agreeable with the City of Key West.

Section 13. A Certificate of Competency for Masters, Journeymen, Maintenance Personnel and Apprentice shall be obtained in the following manner:

(A) Any person required or desiring to be qualified as a Master, Journeyman, Maintenance Personnel or Apprentice shall make an application on a form prescribed by the Building Department at the office of the Building Official. The application shall be retained by the Department together with all supporting papers.

(B) The Building Official of the Building Department shall notify the applicant of the next examination.

(C) Temporary certificates: Any person who has in his possession a current license or certificate as a master or journeyman issued by any State, County, or Municipality in the United States certifying that the holder has been examined and found competent to perform the work of a master or journeyman, shall, after making application for the next examination, be issued a temporary certificate by the Building Official of the Building Department, authorizing such

master or journeyman to work in the capacity of a journeyman. Such certificate shall be issued only upon written request of the employing contractor. Failure to take or pass the examination shall automatically terminate such certificate and the employing contractor shall return the certificate to the Building Official of the Building Department. No further certificate shall be issued to the applicant unless he shall take and pass an examination.

Section 14. Whenever a County Occupational License is required of any contractor, or sub-contractor, no such Occupational License shall be issued unless the applicant shall first procure from the Building Department a current Certificate of Competency and shall present a copy to the license division.

Section 15. Persons seeking Certificates of Competency as engineering contractors shall first make application for the certificate desired to the office of the Monroe County Building Department. The Building Official of the Building Department will advise the application regarding fees, the written administrative and technical examination, financial statement, credit report, and references required unless the applicant has demonstrated sufficient ability, knowledge, integrity and experience to prove his competency.

Section 16. Fees: Renewals are due on November 1st of each year, a 10% delinquent charge will be added for all renewals after December 15th. Examination and renewal fees are as follows:

General Contractor Class I	\$100.00
Engineering Contractor Class I	100.00
General Contractor Class II	75.00
Engineering Contractor Class II	75.00
General Contractor Class III	75.00
Engineering Contractor Class III	75.00
Plumbing Contractor	75.00
Electrical Contractor	75.00
Mechanical Contractor	75.00
Septic Tank Contractor	75.00
Electrical Sign Contractor	75.00
Specialty Contractors	75.00
Masters	50.00
Journeyman	25.00
Maintenance	25.00
Apprentice	5.00

Section 17. This Ordinance shall not apply to any municipality located in Monroe County, Florida.

Section 18. Violations of this Ordinance shall be prosecuted in a county court by the prosecuting attorney thereof, and upon conviction shall be punished by a fine not less than \$15.00 nor to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

Section 19. If any section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The County Commission hereby declares that it would have passed this Ordinance irrespective of the fact that any one or more sub-sections, sentences, clauses or phrases be declared invalid.

Section 20. Chapter 63-1654, Laws of Florida, 1963 and 67-1727, Laws of Florida, 1967 and all laws or parts of laws, special or local, or ordinances, resolutions, rules and regulations in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

Section 21. This Ordinance shall take effect upon receipt of the official acknowledgment from the Department of State acknowledging receipt of certified copy of this Ordinance and that said Ordinance has been filed in said Office.

NOTICE OF INTENTION TO CONSIDER ADOPTION  
OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Tuesday, December 2, 1975, at 2:00 P.M. at the Sub-Courthouse in Marathon, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County Ordinance:

ORDINANCE NO.       -1975

AN ORDINANCE REQUIRING CONTRACTORS, SUB-CONTRACTORS, MASTERS, JOURNEYMEN AND MAINTENANCE PERSONNEL TO OBTAIN A CERTIFICATE OF COMPETENCY PRIOR TO ENGAGING IN BUSINESS IN MONROE COUNTY, FLORIDA; DEFINING THE OCCUPATIONS AND TRADES COVERED BY THIS ACT; SETTING FORTH THE METHOD OF OBTAINING A CERTIFICATE OF COMPETENCY; CREATING AN EXAMINING BOARD; PROVIDING FOR EXAMINATION FEES AND RENEWAL FEES; REQUIRING SAID APPLICANTS TO PASS SAID EXAMINATIONS BEFORE THE ISSUANCE OF SAID CERTIFICATES OF COMPETENCY; PROVIDING FOR THE METHOD OF APPOINTMENT OF SAID EXAMINING BOARD BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA; SETTING FORTH THEIR TERMS OF OFFICE, ORGANIZATION, FUNCTIONS, POWERS AND DUTIES; EXEMPTING CERTAIN PERSONS FROM THE PROVISIONS OF THIS ORDINANCE; CREATING AN EXAMINERS MEDIATION BOARD AND DEFINING ITS FUNCTIONS, POWERS AND DUTIES; AUTHORIZING DISCIPLINARY PROCEEDINGS FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR THE SUSPENSION OR REVOCATION OF CERTIFICATES OF COMPETENCY ISSUED HEREUNDER; MAKING CERTAIN ACTS UNLAWFUL; GIVING JURISDICTION OF VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE TO THE COUNTY COURT IN AND FOR MONROE COUNTY, FLORIDA; REPEALING ALL LAWS OR PARTS OF LAWS, WHETHER SPECIAL OR LOCAL, IN CONFLICT WITH THIS ORDINANCE TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING AND EFFECTIVE DATE.

DATED at Key West, Florida, this 10th day of November, A.D.  
1975.

RALPH W. WHITE  
Clerk of the Circuit Court of  
Monroe County, Florida, and  
ex officio Clerk of the Board of  
County Commissioners of Monroe  
County, Florida

(SEAL)

Publish: Wednesday, November 12, 1975.



## Secretary of State

STATE OF FLORIDA  
THE CAPITOL  
TALLAHASSEE 32304

BRUCE A. SMATHERS  
SECRETARY OF STATE

December 8, 1975

Honorable Ralph W. White  
Clerk of Circuit Court  
Monroe County  
Post Office Box 1680  
Key West, Florida 33040

Attention: Virginia Pinder, Deputy Clerk

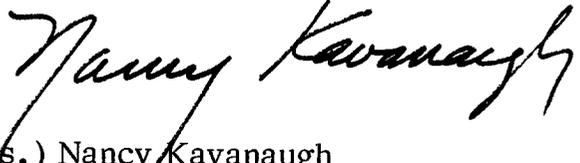
Dear Mr. White:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of December 5, and certified copies of Monroe County Ordinances Nos. 75-13, 75-14, 75-15 and 75-16, which were received and **filed in this office on December 8, 1975.**

Kindest regards.

Cordially,

BRUCE A. SMATHERS  
Secretary of State

By   
(Mrs.) Nancy Kavanaugh  
Chief, Bureau of Laws

NK/mb

Received 12-10-75  
Virginia Pinder  
Deputy Clerk