

PROPOSED

ORDINANCE NO. 2014 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO CONTRACTORS; AMENDING VARIOUS SECTIONS OF CHAPTER 9 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), "CONTRACTORS"; CREATING A NEW DEFINITION AND CONTRACTOR CATEGORIES AND CLARIFYING EXISTING CATEGORIES; ESTABLISHING NEW VIOLATION; AMENDING ENFORCEMENT PROCESS AND PENALTIES FOR UNLICENSED CONTRACTING VIOLATIONS; MODIFYING DISTRIBUTION OF FINES FOR UNLICENSED CONTRACTOR ENFORCEMENT FUND AND CENTRAL EXAMINING BOARDS RESTITUTION TRUST FUND; MODIFYING THE PROCESS FOR MAKING CLAIMS FROM THE RESTITUTION TRUST FUND; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

Section 1. Chapter 9 of the Broward County Code of Ordinances, "Contractors," Article I, "Certificates of Competency," Division 1, "Scope and Application," Section 9-3, is hereby amended to read as follows:

Sec. 9-3. Definitions.

...

(28) Prime contractor shall mean the contractor who has a contract with the owner of a project or job and who has the full responsibility for its completion.

~~(28)~~ (29) Qualifying agent shall mean and refer to an individual who possesses the requisite skill, knowledge, and experience and has the responsibility to

1 supervise, direct, manage, and control the activities of a business entity or
2 contractor engaged in an occupation regulated by this chapter and who
3 has a current valid certificate of competency issued by the board for the
4 activities to be conducted or conducted by the business entity or
5 contractor. Such an individual may qualify a business entity, individually,
6 or as a sole proprietorship.

7 ~~(29)~~ (30) *Registered contractor* shall mean any contractor who has registered with
8 the ~~S~~state of Florida, Department of Business and Professional
9 Regulation, pursuant to fulfilling the competency requirements of the
10 board.

11 ~~(30)~~ (31) *Remodel or remodeling* shall mean to make over in configuration or style,
12 reconstruct, renew, renovate, recreate, repair, or partial construction work
13 performed within an existing structure.

14 ~~(31)~~ (32) *Repeat violation* shall mean a recurring violation of a provision of this
15 chapter by an uncertified contractor whom a hearing officer has previously
16 found to have violated the same provision, or an uncertified contractor
17 against whom penalties were assessed for the same provision, within five
18 (5) years prior to the violation. For Broward County certified contractors, a
19 repeat violation is any violation on which disciplinary action is being taken
20 where the board made findings of fact that a violation had occurred
21 against the same certificate holder within five (5) years prior to the
22 violation, or a repeat violation as defined by Chapter 162, Florida Statutes,
23 as amended.
24

1 ~~(32)~~ (33) *Respondent* shall mean the individual or the business organization against
2 which a complaint has been filed.

3 ~~(33)~~ (34) *Serve* shall mean to provide notice required by this chapter to the alleged
4 violator pursuant to the provisions contained in Section 9-16.

5 ~~(34)~~ (35) *Specialty contractor* shall mean and refer to any contractor whose scope
6 of work, experience, knowledge, and skill is limited to a particular craft or
7 trade associated with and included within an occupation or trade regulated
8 by this chapter.

9 ~~(35)~~ (36) *Subcontractor* shall mean any individual or business organization who,
10 contracts with a contractor to perform all or part of the contractor's work.

11 ~~(36)~~ (37) *Structure* shall mean that which is built or constructed, or any piece of
12 work artificially built up or composed of parts joined together in some
13 definite manner, the use of which requires more or less permanent
14 location on the ground, or which is attached to something having a
15 permanent location on the ground.

16 ~~(37)~~ (38) *Trade* shall mean and include, but not be limited to, the construction,
17 renovation, alteration, remodeling, repair, removal, extension, or
18 demolition of buildings and structures; plumbing, electrical, mechanical,
19 and liquefied petroleum gas systems; engineered construction; and any
20 similar work associated or connected with the construction industry.

21 ~~(38)~~ (39) *Trainee* shall mean and refer to any individual who performs work or labor
22 in any trade or occupation regulated by this chapter, and who has not
23 been certified to work in such trade or occupation by the board or the state
24 of Florida, Department of Business and Professional Regulation,

1 Construction Industry Licensing Board, or the Electrical Contractors'
2 Licensing Board.

3 Section 2. Section 9-12 of the Broward County Code of Ordinances is hereby
4 amended to read as follows:

5 **Sec. 9-12. Reciprocal certification; temporary certificates.**

6 ...

7 (c) Individuals certified by the state of Florida, pursuant to ~~Section~~ Chapter
8 527, Florida Statutes, ~~as amended~~, as a Liquefied Petroleum Gas Installer C, license
9 number 0408, may make application for the issuance of a Broward County Liquefied
10 Petroleum Gas Service and Installation Contractor certificate of competency. Persons
11 certified by the state of Florida, pursuant to ~~Section~~ Chapter 527, Florida Statutes, ~~as~~
12 ~~amended~~, as a Category I Liquefied Petroleum Gas Dealer, license number 0601, or as
13 an Installer A, license number 0803, may make application for the issuance of a
14 Broward County General Liquefied Petroleum Gas Contractor certificate of competency.
15 In order to be certified pursuant to this section, the applicant shall first affirmatively show
16 that:

17 ...

18 Section 3. Section 9-14 of the Broward County Code of Ordinances is hereby
19 amended to read as follows:

20 **Sec. 9-14. Complaints and disciplinary actions.**

21 ...

22 (b) No individual or business organization certified or pending certification
23 under this chapter or any financially responsible officer shall:

24 ...

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (7) Contract, advertise as capable of performing, or perform any work which is
2 not within the description or the category or class for which the contractor
3 or the business organization has been certified by the board. This part
4 does not prevent any registered contractor from acting as a prime
5 contractor where the majority of the work to be performed under the
6 contract is within the scope of the contractor's certificate or from
7 subcontracting to other certified contractors that remaining work which is
8 part of the project contracted;

9 ...

10 (32) Commit cheating on the examination for certification pursuant to this
11 chapter; or

12 (33) Be found by a jurisdiction outside of Broward County to have committed
13 unlicensed contracting; or

14 (34) Subcontract any work to a person, firm, or business organization which
15 does not hold an active certificate for the work involved in the subcontract.

16 ...

17 Section 4. Section 9-28 of the Broward County Code of Ordinances is hereby
18 amended to read as follows:

19 **Sec. 9-28. Penalties and disciplinary actions.**

20 ...

21 (e) ~~If the offense is a minor violation, as set forth below, the chief investigator~~
22 ~~for the board shall issue a Notice of Noncompliance. A Notice of Noncompliance may~~
23 ~~be utilized for an initial offense of a minor violation where it is reasonable to assume that~~

24
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1 the violator was unaware of the provisions of this chapter or if the violator was unclear
2 as to how to comply with the provisions of this chapter.

3 (1) Minor violations which do not result in economic or physical harm to a
4 person or adversely affect the public health, safety, and welfare, or create
5 a significant threat of such harm, are:

6 a. Failure to maintain a current certificate of insurance to the board.

7 b. Failure to include the licensee's certificate number on an
8 advertisement, offer of services, proposal, bid, or contract.

9 c. Failure to inform the board of a change of address.

10 d. Failure to register with the State of Florida, Department of Business
11 and Professional Regulation.

12 e. Failure to obtain a final inspection.

13 (2) The designation of violations as minor is limited to initial violations in which
14 corrective action is commenced within fifteen (15) days of the issuance of
15 a Notice of Noncompliance. The violation must be corrected within fifteen
16 (15) days. If it cannot be corrected within fifteen (15) days, then corrective
17 action must be commenced within fifteen (15) days and the certificate
18 holder must proceed with due diligence to complete the corrective action.
19 Nothing herein shall restrict the board from seeking full prosecution in
20 such instances where aggravating circumstances are present.

21 (f) (e) The board may take disciplinary action against a registered contractor.

22 The board shall issue a recommended penalty for State Construction Industry Licensing
23 Board or Electrical Contractors' Licensing Board action. The recommended penalty
24 may include a recommendation for no further action, suspension, revocation, or

1 restriction of the registration, a fine to be levied by the applicable State board, or a
2 combination thereof.

3 ~~(g)~~ (f) Circumstances which may be considered for the purposes of mitigation or
4 aggravation of penalties shall include, but are not limited to, the following:

5 ...

6 ~~(h)~~ (g) In cases where a civil penalty, restitution, or administrative costs have
7 been imposed, such amounts shall be paid within thirty (30) days of the rendition of the
8 order, unless a different time period is specified in the board's order. Failure to pay the
9 above amounts within the time specified shall be grounds for further disciplinary action,
10 including revocation or suspension of contractor's certificate of competency, civil
11 penalties, restitution, or the levying of administrative costs.

12 ~~(i)~~ (h) Penalties assessed shall be cumulative and consecutive unless otherwise
13 determined by the board.

14 Section 5. Article II, "Plumbing and Specialty Plumbing Contractors,"
15 Section 9-55, of the Broward County Code of Ordinances, is hereby amended to read
16 as follows:

17 **Sec. 9-55. Specialty plumbing categories.**

18 (a) ~~Lawn Sprinkler Plumber~~ Irrigation Specialty Contractor: A ~~lawn sprinkler~~
19 ~~plumber's scope of work shall include, and be limited to, the installation, maintenance,~~
20 ~~repair, alteration, and extension of lawn sprinkling systems and the equipment,~~
21 ~~appliances, and apparatus used in connection therewith.~~ An irrigation specialty
22 contractor is a contractor whose contracting business consists of the execution of
23 contracts requiring the experience, financial means, knowledge, and skill to install,
24 maintain, repair, alter, extend, manage, monitor, audit, or, if not prohibited by law,

1 design irrigation systems. An irrigation specialty contractor may install, maintain, repair,
2 alter, extend, manage, monitor, audit, or, if not prohibited by law, design irrigation
3 systems, including any excavation work incidental thereto. An irrigation system includes
4 all piping, fittings, sprinklers, drip irrigation products, valves, irrigation controllers, control
5 wiring, rain sensors, water pumps, water conservation devices, water harvesting
6 systems, irrigation main lines downstream of a utility potable water meter or utility
7 alternative water supply distribution line and dedicated backflow prevention device, and
8 associated components installed for the delivery and application of water for the
9 purpose of irrigation. ~~A lawn sprinkler plumber~~ An irrigation specialty contractor shall
10 not drill wells or connect any sprinkler irrigation systems to potable water sources.
11 Sprinkler and irrigation systems used for or in connection with agriculture are not
12 included within the scope of work of a ~~lawn sprinkler plumber~~ an irrigation specialty
13 contractor. In order to be eligible to be certified as a ~~lawn sprinkler plumber~~ an irrigation
14 specialty contractor, the applicant shall have at least ~~one (1)-year~~ four (4) years of
15 practical experience in the ~~lawn sprinkler~~ irrigation trade.

16 (b) *Other Specialty Categories:* All plumbing specialty certificates of
17 competency, except ~~lawn sprinkler plumber~~ irrigation specialty contractor and gasfitter
18 certificates of competency, shall not be effective after January 1, 1994. As of
19 July 23, 1993, Broward County will not issue any further certificates of competency for
20 gasfitters. All current certificates of competency for gasfitters shall remain in effect until
21 the certificate holder dies, does not renew the certificate of competency, or the
22 certificate of competency is revoked by the board in a disciplinary proceeding. All other
23 plumbing work shall require either a master plumber certificate of competency or a state
24 of Florida plumbing contractor certificate.

1 Section 6. Article III of the Broward County Code of Ordinances, "Electrical
2 and Specialty Electrical Contractors," Section 9-65, is hereby amended to read as
3 follows:

4 **Sec. 9-65. Specialty electrical categories.**

5 ...

6 (k) Solar Photovoltaic Systems Specialty Journeyman. A solar photovoltaic
7 systems specialty journeyman shall be a person whose scope of practice is limited to
8 the installation of new, or replacement of, existing power and control wiring in
9 photovoltaic (PV) source circuits, PV output circuits, battery storage systems circuits,
10 and power conditioning units, excluding any other type of solar system. In an interactive
11 system that operates parallel with a primary source of electrical energy, this work is
12 limited to the PV supply side of the power conditioning unit. In a standalone or nongrid
13 connected system, the work above-referenced shall be limited to the PV supply side of
14 the power conditioning unit and shall not include wiring integral to the building premises.
15 All work shall be done in accordance with the National Electrical Code edition in effect
16 at the date of application for an electrical permit. A solar photovoltaic systems specialty
17 journeyman shall work under the supervision and direction of a master electrician or
18 electrical contractor and shall not be eligible to act as a qualifying agent for business
19 organizations. In order for an applicant to be certified as a solar photovoltaic systems
20 specialty journeyman, the applicant shall have at least three (3) years of practical
21 experience in the solar photovoltaic industry and shall meet all state-required criteria.
22 The board may, in its sole discretion, consider a person's formal or vocational education
23 as practical experience in the trade.

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
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1 (l) *Additional Specialty Categories.* The board shall have the power and
2 authority to establish, create, and abolish, by resolution of the board, such additional
3 specialty electrical classes, categories, and levels of certification as it may deem
4 necessary.

5 Section 7. Article IV of the Broward County Code of Ordinances, "General and
6 Specialty Building Contractors," Section 9-75, is hereby amended to read as follows:

7 **Sec. 9-75. Limited specialty building contractor categories.**

8 ...

9 (h) *Elevator Installation and Maintenance Category—Class "E":* The scope of
10 work of a Class "E" specialty building contractor shall include and be limited to the
11 construction, installation, maintenance, repair, alteration, and extension of elevators,
12 dumbwaiters, escalators, ~~and conveyors~~ or any vertical conveyance. In order to be
13 eligible to be certified as a Class "E" specialty building contractor by the board, the
14 applicant shall have at least four (4) years of practical experience in the category.

15 ...

16 (k) *Glazing Category—Class "G":* The scope of work of a Class "G" specialty
17 building contractor shall include and be limited to the fabrication, installation, and
18 attachment of all types of windows, whether fixed or movable; the installation of
19 swinging or sliding glass doors to existing building walls or columns; the installation of
20 glass-holding or supporting mullions, or horizontal bars which are attached to existing
21 building walls or columns; and the cutting and installation of glass and mirrors. For
22 purposes of this category, swinging doors shall mean glass doors that are part of the
23 assembly of a storefront. A The scope of work of a Class "G" specialty building
24 contractor ~~may~~ shall also include the installation of metal accessories and prefabricated

1 glass, metal, or plastic curtain walls or panels; caulking incidental to all such work; and
2 fabrication and installation of shower and tub enclosure doors and metal fascias. In
3 order to be eligible to be certified as a Class "G" specialty building contractor by the
4 board, the applicant shall have at least three (3) years of practical experience in the
5 category.

6 ...
7 Section 8. Section 9-76 of the Broward County Code of Ordinances is hereby
8 amended to read as follows:

9 **Sec. 9-76. Specialty masonry categories.**

10 ...
11 (i) *Pavers—Class "PV"*: The scope of work of a Class "PV" specialty building
12 contractor shall include and be limited to preparing the base, providing for proper
13 drainage, and selecting, cutting, and laying pavers. A Class "PV" specialty building
14 contractor shall not pour or finish concrete, except for footings required for the placing of
15 the paver system. In order to be eligible to be certificated as a Class "PV" specialty
16 building contractor, the applicant shall have at least four (4) years of practical
17 experience in the category. ~~A Class "PV" specialty building contractor shall not do work~~
18 ~~in the right of way unless an approval to do work in the right of way is granted by the~~
19 ~~Central Examining Board of Engineered Construction Trades.~~

20 Section 9. Article V, "Engineered Construction Contractors," Section 9-94, of
21 the Broward County Code of Ordinances, is hereby amended and new sections are
22 created to read as follows:

23 **Sec. 9-94. Category 1A—Specialty engineered utility and drainage system**
24 **builders.**

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (a) ~~Primary Pipelines (Water, Sewer, Drainage)~~ Underground Utility &
2 Excavation Contractor—Class "1A-A." The scope of work of a Class "1A-A" engineered
3 utility and drainage system builder shall include and be limited to the construction,
4 installation, repair, maintenance, alteration, extension, and excavation for water and
5 waste water piping systems, storm and drainage systems, and the installation of force
6 mains, pumping stations, and pipeline ~~equipment, junction boxes, manholes, inlets,~~
7 appurtenances, including catch basins, manholes, valves, and similar equipment
8 incidental thereto, in compliance with the building code and other applicable codes and
9 regulations. The work of a Class "1A-A" engineered utility and drainage system builder
10 shall stop at a point five (5) feet from a building or structure not specifically constructed
11 or intended to be used for the purpose of pumping or processing water, waste water, or
12 drainage. In order to be eligible to be certified as a Class "1A-A" engineered utility and
13 drainage system builder by the board, the applicant shall have at least ~~four (4)~~ six (6)
14 years of practical experience in the class.

15 (b) ~~Secondary Pipelines Utility & Excavation Contractor (Water, Sewer,~~
16 ~~Drainage Incidental to Parking Lots Outside of Publicly-Maintained Right-Of-Way)—~~
17 Class "1A-B." The scope of work of a Class "1A-B" engineered ~~utility and drainage~~
18 system builder shall include and be limited to the construction, installation, repair,
19 maintenance, alteration, extension, and excavation for water and waste water piping
20 systems, storm and drainage systems ~~incidental to parking lots, being limited to~~
21 soakage pits and drywells and similar equipment appurtenances incidental thereto
22 (manholes, conflict structures, catch basins, etc.), outside an improved
23 publicly-maintained right-of-way or, if incidental and related to, within the publicly-
24 maintained right-of-way, in compliance with the building code and other applicable

1 codes and regulations. The work of a Class "1A-B" engineered utility and drainage
2 system builder shall stop at a point five (5) feet from a building or other structure ~~not~~
3 ~~specifically constructed or intended to be used for the purpose of pumping or~~
4 ~~processing water, waste water, or drainage.~~ In order to be eligible to be certified as a
5 Class "1A-B" engineered utility and drainage system builder by the board, the applicant
6 shall have at least four (4) years of practical experience in the class.

7 (c) Jack and Bore Installer—Class "1A-C." The scope of work of a
8 Class "1A-C" engineered utility system builder shall be limited to the construction,
9 installation, repair, maintenance, alteration, extension, and excavation for public and
10 private underground crossings, being limited to the jacking and boring of casing
11 sections, including the welding of sections, proper pit excavations, and dewatering, in
12 accordance with the plans and specifications thereof, and in compliance with applicable
13 codes and regulations. In order to be eligible to be certified as a Class "1A-C"
14 engineered utility system builder by the board, the applicant shall have at least four (4)
15 years of practical experience in the class.

16 (d) Pipeline Rehabilitation—Class "1A-D." The scope of work of a Class
17 "1A-D" engineered utility system builder shall be limited to the cleaning and video
18 inspection of potable water, sanitary sewer, and storm sewer pipelines and components
19 incidental thereto; chemical grouting of pipelines and associated structures;
20 manhole-to-manhole lining of potable water, sanitary sewer, and storm sewer pipelines;
21 in situ point repairs of pipelines; sanitary sewer and storm sewer structural
22 rehabilitation; and other rehabilitation and repair methods and technologies requiring
23 minor or no excavation to complete, in compliance with applicable codes and
24 regulations. In order to be eligible to be certified as a Class "1A-D" engineered utility

1 system builder by the board, the applicant shall have at least four (4) years of practical
2 experience in the class.

3 (e) Directional Drilling—Class "1A-E." The scope of work of a Class "1A-E"
4 engineered utility system builder shall include the installation of pipelines and conduits
5 through the use of directional drilling methods and technologies. In order to be eligible
6 to be certified as a Class "1A-E" engineered utility system builder by the board, the
7 applicant shall have at least four (4) years of practical experience in the class.

8 (f) Pipe Bursting—Class "1A-F." The scope of work of a Class "1A-F"
9 engineered utility system builder shall include the installation of pipelines and conduits
10 through the use of pipe bursting methods and technologies. In order to be eligible to be
11 certified as a Class "1A-F" engineered utility system builder by the board, the applicant
12 shall have at least four (4) years of practical experience in the class.

13 **Sec. 9-94.1 Category 1B—Specialty engineered facility builders.**

14 ~~(e)~~ *Plant Construction (Water Treatment, Sewage Treatment, Industrial*
15 *Complexes, Pump and Lift Stations, Incinerators)—Class "C." "1B."* The scope of work
16 of a Class "C" "1B" engineered utility and drainage facility builder shall ~~include and be~~
17 limited to the construction of facilities, buildings, and structures which are designed or
18 intended to be used as water and waste water treatment plants, pumping and lift
19 stations, ~~incinerators~~, or industrial complexes; and the installation of all piping,
20 equipment, appurtenances, and apparatus used in connection therewith, ~~in accordance~~
21 ~~with the plans and specifications therefor~~ and in compliance with the building code and
22 other applicable codes and regulations. The work of a Class "1B" engineered facility
23 builder shall stop at a point five (5) feet outside the facility, building, or structure. A
24 Class "C" "1B" engineered utility and drainage facility builder shall not perform any

1 electrical work required to be performed by a master electrician. ~~A Class "C"~~
2 ~~engineered utility and drainage builder may perform such work of a Class "E"~~
3 ~~engineered structural builder as may be necessary and incidental to the work of a Class~~
4 ~~"C" engineered structural builder.~~ In order to be eligible to receive certification as a
5 Class "C" "1B" engineered utility and drainage facility builder, the applicant shall have at
6 least four (4) six (6) years of practical experience in the class.

7 **Sec. 9-94.2 Category 1C—Engineered specialty transmission & distribution**
8 **builders.**

9 (d) (a) *Fuel Transmission and Distribution Lines—Class "D." "1C-A."* The scope
10 of work of a Class "D" "1C-A" engineered utility and drainage specialty transmission &
11 distribution builder shall ~~include and~~ be limited to the construction, installation,
12 maintenance, repair, alteration, extension, and excavation for transmission and
13 distribution lines for liquid or gaseous fuels under pressure, including pumping and
14 booster stations, valves, meters, and similar equipment and components incidental
15 thereto, in compliance with ~~the building code and other~~ applicable codes and
16 regulations. ~~A Class "D" engineered utility and drainage builder may restore pavement,~~
17 ~~roadway, and walkway surfaces excavated or removed in the course of the work of a~~
18 ~~Class "D" engineered utility and drainage builder.~~ In order to be eligible to be certified
19 as a Class "D" "1C-A" engineered utility and drainage specialty transmission &
20 distribution builder by the board, the applicant shall have at least four (4) six (6) years of
21 practical experience in the class.

22 (e) (b) *Underground and Aerial Utility Transmission and Distribution Lines—Class*
23 *"E." "1C-B."* The scope of work of a Class "E" "1C-B" engineered utility and drainage
24 specialty transmission & distribution builder shall ~~include and~~ be limited to the

1 construction, installation, repair, alteration, extension, and excavation for underground
2 and aerial electrical and communication transmission lines, manholes, splice pits, and
3 laying of rigid conduit incidental thereto; ~~concrete block, concrete work, and backfill~~
4 ~~necessary or incidental thereto; and the restoration of pavement and roadway and~~
5 ~~walkway surfaces excavated or removed in the course of this work,~~ in compliance with
6 ~~the building code and other~~ applicable codes and regulations. In order to be eligible to
7 be certified as a Class "E" "1C-B" engineered utility and drainage specialty transmission
8 & distribution builder by the board, the applicant shall have at least four (4) years of
9 practical experience in the class.

10 (f) (c) *Feeder Distribution Interface (FDI Telephone Boxes) Installer—Class "F."*
11 "1C-C." The scope of work of a Class "F" "1C-C" engineered utility and drainage
12 specialty transmission & distribution builder shall ~~include and~~ be limited to the
13 installation of feeder distribution interface cabinets to provide telephone company
14 employees an access point as the interface between the feeder and distribution cable to
15 interconnect feeder and distribution pairs. In order to be eligible to be certified as a
16 Class "F" ~~feeder distribution interface (FDI) installer~~ "1C-C" engineered specialty
17 transmission & distribution builder by the board, the applicant shall have at least ~~four (4)~~
18 three (3) years of practical experience in the class.

19 (g) (d) *Cable Television—Class "G." "1C-D."* The scope of a Class "G" "1C-D"
20 engineered utility and drainage specialty transmission & distribution builder shall ~~include~~
21 ~~and~~ be limited to the construction, installation, repair, alteration, extension, and
22 excavation for public and private cable television and similar communications systems,
23 being limited to transmission and distribution lines, ~~including valves, meters, and similar~~
24 ~~equipment and components incidental thereto,~~ in compliance with ~~the building code and~~

1 other applicable codes and regulations. A Class "G" engineered utility and drainage
2 builder may restore pavement, roadway, and walkway surfaces excavated or removed
3 in the course of the work of a Class "G" engineered utility and drainage builder. In order
4 to be eligible to be certified as a Class "G" "1C-D" engineered utility and drainage
5 specialty transmission & distribution builder by the board, the applicant shall have at
6 least four (4) three (3) years of practical experience in the class.

7 (h) ~~Jack and Bore Installer Class "H."~~ The scope of work of a Class "H"
8 engineered utility and drainage builder shall include and be limited to the construction,
9 installation, repair, maintenance, alteration, extension, and excavation for public and
10 private underground crossings, being limited to the jacking and boring of casing
11 sections, including the welding of sections, proper pit excavations, and dewatering, in
12 accordance with the plans and specifications thereof, and in compliance with the
13 building code and other applicable codes and regulations. In order to be eligible to be
14 certified as a Class "H" engineered utility and drainage builder by the board, the
15 applicant shall have at least four (4) years of practical experience in the class.

16 (i) ~~Limited to Irrigational Systems in the Public Right of Way Class "I."~~ The
17 scope of work of a Class "I" engineered utility and drainage builder shall include and be
18 limited to the construction, installation, repair, maintenance, alteration, extension, and
19 excavation for irrigational piping systems. A Class "I" engineered utility and drainage
20 builder shall not drill wells or connect any sprinkler systems to potable water sources.
21 In order to be eligible to be certified as a Class "I" engineered utility and drainage
22 builder by the board, the applicant shall have at least four (4) years of practical
23 experience in the class.

1 Section 10. Section 9-95 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 9-95. Category 2—Specialty engineered structural builders.**

4 (a) *Heavy Marine (Harbor Facilities, Docks, Shipyards, Bulkheads, Retaining*
5 *Walls, Seawalls, Dams, Locks)—Class "A."* The scope of work of a Class "A"
6 engineered structural builder shall include the construction, alteration, and repair of
7 bridges, tunnels, overpasses, harbor facilities, docks, shipyards, bulkheads, retaining
8 walls, seawalls, dams, locks, and similar structures, ~~in accordance with the plans and~~
9 ~~specifications therefor and~~ in compliance with the building code and other applicable
10 codes and regulations. A Class "A" engineered structural builder may perform all work
11 and activities of all other engineered structural ~~building~~ builder classes. A Class "A"
12 engineered structural builder may excavate, pave, and do concrete work which is
13 necessary and incidental to the work of a Class "A" engineered structural builder. In
14 order to be eligible to be certified as a Class "A" engineered structural builder by the
15 board, the applicant shall have at least ~~four (4)~~ six (6) years of practical experience in
16 the engineered structural builder category.

17 (b) *Bridges, Overpasses, Underpasses—Class "B."* The scope of work of a
18 Class "B" engineered structural builder shall ~~include and~~ be limited to the construction,
19 repair, and excavation for bridges, overpasses, and underpasses, ~~in accordance with~~
20 ~~the plans and specifications therefor~~ not crossing water, and in compliance with the
21 ~~building code and other~~ applicable codes and regulations. A Class "B" engineered
22 structural builder may do such excavation, paving, concrete work, and work of a Class
23 "E" engineered structural builder as may be necessary and incidental to the work of a
24 Class "B" engineered structural builder. In order to be eligible to be certified as a Class

1 "B" engineered structural builder by the board, the applicant shall have at least four (4)
2 years of practical experience in the class.

3 (c) ~~Tunnels—Class "C."~~ The scope of work of a Class "C" engineered
4 structural builder shall include and be limited to the construction, repair, and excavation
5 for tunnels and all paving and concrete work incidental thereto, in accordance with the
6 plans and specifications therefor and in compliance with the building code and other
7 applicable codes and regulations. In order to be eligible to be certified as a Class "C"
8 engineered structural builder by the board, the applicant shall have at least four (4)
9 years of practical experience in the class.

10 (d) *Light Marine (Seawalls, Retaining Walls, Davits, Boat Lifts, Small*
11 *Docks)*—~~Class "D."~~ "C." The scope of work of a Class "D" "C" engineered structural
12 builder shall include and be limited to the construction, repair, alteration, extension, and
13 excavation for seawalls, retaining walls, davits, boat lifts, and small docks serving less
14 than six (6) recreational vessels and less than fifty feet (50') in length. A Class "D" "C"
15 engineered structural builder may do such concrete work as may be necessary and
16 incidental to the work of ~~Class "D"~~ engineered structural builder, in compliance with the
17 building code and other applicable codes and regulations. In order to be eligible to be
18 certified as a Class "D" "C" engineered structural builder by the board, the applicant
19 shall have at least four (4) years of practical experience in the class.

20 (e) (d) *Pile Driving*—~~Class "E."~~ "D." The scope of work of a Class "E" "D"
21 engineered structural builder shall include and be limited to the driving construction of
22 piling systems, including sheet piling and the construction, formation, and excavation for
23 foundations, the placing of reinforcing steel therein, and all concrete work necessary
24 and incidental thereto, in accordance with the plans and specifications therefor and in

1 compliance with the building code and other applicable codes and regulations. In order
2 to be eligible to be certified as a Class "E" "D" engineered structural builder by the
3 board, the applicant shall have at least four (4) years of practical experience in the
4 class.

5 Section 11. Section 9-96 of the Broward County Code of Ordinances is hereby
6 amended to read as follows:

7 **Sec. 9-96. Category 3—Specialty engineered paving road and surfacing builders.**

8 (a) *Major Roads (Asphalt and Concrete Paving for Interstate, Primary,*
9 *Secondary, and Arterial Roadways Within the Public Right-Of-Way, Bridges, and*
10 *Airports and Work Incidental Thereto)—Class "A."* The scope of work of a Class "A"
11 engineered paving road builder shall include the construction of major roads,
12 specifically, interstate, primary, secondary, and arterial roadways; repair, extension,
13 surfacing, striping, pavement markings, and signage of roads, bridges, airport runways
14 and aprons, parking lots, sidewalks, curbs, and gutters; and storm drainage facilities
15 and any excavating, clearing, grading, milling, and concrete work necessary and
16 incidental thereto, ~~in accordance with the plans and specifications therefor and in~~
17 ~~compliance with the building code and other applicable codes and regulations.~~ A Class
18 "A" engineered paving road builder may perform all work and activities of all other
19 engineered paving road and surfacing builders. In order to be eligible to be certified as
20 a Class "A" engineered paving road builder by the board, the applicant shall have at
21 least ~~four (4)~~ six (6) years of practical experience in the ~~category~~ class.

22 (b) *Minor Roads (Asphalt and Concrete Paving for Subdivision Facilities*
23 *Roads Not Within a Public Right-of-Way and Privately-Owned Commercial and*
24 *Residential Facilities and Work Incidental Thereto)—Class "B."* The scope of work of a

1 Class "B" engineered paving road builder shall ~~include~~ be limited to the construction of
2 ~~minor privately owned or, if incidental and related thereto within publicly owned roads,~~
3 ~~not included in Class "A," but to include~~ bike paths, parking lots, and driveways,
4 including the repair, extension, surfacing, striping, pavement markings, and signage of
5 roads, ~~airport runways and aprons,~~ parking lots, sidewalks, curbs, and gutters; and
6 ~~storm drainage facilities~~ and any excavating, clearing, grading, and concrete work
7 necessary and incidental thereto, ~~in accordance with the plans and specifications~~
8 ~~therefor and~~ in compliance with the building code and other applicable codes and
9 regulations. A Class "B" engineered road builder shall be permitted to perform
10 associated incidental work within the public right-of-way, including the construction of
11 driveways, entrances, turn lanes, curbing, and sidewalk. In order to be eligible to be
12 certified as a Class "B" engineered paving road builder by the board, the applicant shall
13 have at least four (4) years of practical experience in the category class.

14 (c) *Concrete Driveways, Curbs, Gutters, Driveway Entrances, and*
15 *Sidewalks—Class "C."* The scope of work of a Class "C" engineered paving road
16 builder shall ~~include and~~ be limited to the construction, repair, grading, and excavation,
17 ~~striping, pavement markings, and signage~~ for concrete driveways, curbs, gutters,
18 driveway entrances, sidewalks, and other necessary, incidental, and related
19 nonstructural concrete appurtenances, in compliance with ~~the building code and other~~
20 applicable codes and regulations. In order to be eligible to be certified as a Class "C"
21 engineered paving road builder by the board, the applicant shall have at least four (4)
22 years of practical experience in the class. ~~A Class "C" engineered paving builder shall~~
23 ~~not be allowed to do work on patios unless such builder also has been issued a~~
24 ~~Concrete Placing and Finishing Category—Class "CP" certificate of competency.~~

1 (d) *Sealcoating—Class "D."* The scope of work of a Class "D" engineered
2 paving surfacing builder shall ~~include and~~ be limited to the application of prepared
3 sealants to asphalt roadways, driveways, sidewalks, ~~curbs, gutters,~~ and other similar
4 surfaces, including incidental striping, pavement markings, and signage. In order to be
5 eligible to be certified as a Class "D" engineered paving surfacing builder by the board,
6 the applicant shall have at least one (1) year of practical experience in the class.

7 (e) ~~*Surfacing (Tennis Courts, Bike Paths, Driveways, Parking Lots with*~~
8 ~~*Drainage Incidental Thereto Being Limited to Soakage Pits and Drywells)—Class "E."*~~
9 ~~The scope of work of a Class "E" engineered paving builder shall include the~~
10 ~~construction, repair, extension, surfacing, striping, pavement markings, and signage of~~
11 ~~tennis courts, bike paths, driveways, and parking lots with drainage incident thereto,~~
12 ~~being limited to soakage pits and drywells, and any excavating, clearing, and grading~~
13 ~~work necessary and incidental thereto, in accordance with the plans and specifications~~
14 ~~therefor and in compliance with the building code and other applicable codes and~~
15 ~~regulations. In order to be eligible to be certified as a Class "E" engineered paving~~
16 ~~builder by the board, the applicant shall have at least four (4) years of practical~~
17 ~~experience in the category.~~

18 (f) *Striping, Marking, and Signage of Major and Minor Roadways To Include*
19 ~~*Pavements—Class "F."*~~ *"E."* The scope of work of a Class "F" "E" engineered paving
20 surfacing builder shall include the striping, marking, and signage of ~~major and minor~~
21 ~~roadways, to include pavements, and parking lots.~~ In order to be eligible to be certified
22 as a Class "F" "E" engineered paving surfacing builder by the board, the applicant shall
23 have at least ~~four (4)~~ three (3) years of practical experience in the class.

1 ~~(g)~~ (f) ~~Interlocking Brick Pavers—Class "G"; "F."~~ The scope of work of a Class
2 "G" "F" engineered ~~paving~~ surfacing builder shall include and be limited to preparing the
3 base, providing for proper drainage, and to selecting, cutting, and laying interlocking
4 brick. A Class "G" "F" engineered ~~paving~~ surfacing builder shall not pour or finish
5 concrete, except that which is required for the placing of the interlocking brick system. In
6 order for an applicant to be eligible to be certified as a Class "G" "F" engineered ~~paving~~
7 surfacing builder, the person shall have at least four (4) years of practical experience in
8 the class. A Class "G" "F" engineered ~~paving~~ surfacing builder shall not be allowed to
9 do work on patios unless such builder also has been issued an ~~Interlocking Brick~~
10 ~~Pavers—Class "IBP"~~ Pavers—Class "PV" certificate of competency.

11 Section 12. Section 9-97 of the Broward County Code of Ordinances is hereby
12 amended to read as follows:

13 **Sec. 9-97. Category 4—Specialty engineered earthwork builders.**

14 (a) ~~Excavating (Canals, Lakes, Levees)—Class "A."~~ The scope of work of a
15 Class "A" engineered earthwork builder shall include the ~~excavation to obtain or remove~~
16 ~~materials such as~~ clearing of land of surface debris and vegetation, grubbing of roots,
17 removal of debris, and leveling of the surface lands, and the removal of muck, rock,
18 gravel, and sand to construct or excavate canals, lakes, and levees, including the
19 ~~clearing of land of surface debris and vegetation; grubbing of roots; removal of debris;~~
20 ~~and leveling of the surface lands incidental and necessary thereto,~~ in compliance with
21 all environmental laws, ~~the building code,~~ and other applicable codes and regulations.
22 In order to be eligible to be certified as a Class "A" engineered earthwork builder by the
23 board, the applicant shall have at least four (4) years of practical experience in the
24 category class.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscored type are additions.

1 (b) *Clearing and Grading—Class "B."* The scope of work of a Class "B"
2 engineered earthwork builder shall ~~include and~~ be limited to the clearing of surface
3 debris and vegetation, including the grubbing of roots, the removal thereof, and the
4 general leveling and grading of surface lands incidental thereto, in compliance with all
5 environmental laws, ~~the building code~~, and other applicable codes and regulations. In
6 order to be eligible to be certified as a Class "B" engineered earthwork builder by the
7 board, the applicant shall have at least ~~four (4)~~ three (3) years of practical experience in
8 the class.

9 (c) *Dredging (Canals, Lakes, Waterways)—Class "C."* The scope of work of a
10 Class "C" engineered earthwork builder shall ~~include and~~ be limited to the dredging of
11 canals, lakes, waterways, and other bodies of water and the removal ~~therefrom~~
12 therefrom of debris and vegetation to reinstate the design cross section, in compliance
13 with all environmental laws, ~~the building code~~, and other applicable codes and
14 regulations. In order to be eligible to be certified as a Class "C" engineered earthwork
15 builder by the board, the applicant shall have at least ~~four (4)~~ three (3) years of
16 experience in the class.

17 Section 13. Section 9-99 of the Broward County Code of Ordinances is hereby
18 amended to read as follows:

19 **Sec. 9-99. Trainees and job site personnel requirements.**

20 ...

21 (b) The board shall have the power and authority to establish job site
22 personnel and supervision requirements for engineered construction builders and
23 trainees. A job site may not necessarily be limited to a single building permit ~~issued for~~
24 a single family residence or location.

1 . . .

2 Section 14. Article VI, "Mechanical and Specialty Mechanical Contractors,"
3 Section 9-102, of the Broward County Code of Ordinances, is hereby amended to read
4 as follows:

5 **Sec. 9-102. Qualifications for contractors.**

6 (a) *Qualifications for Sheet Metal Contractor.*

7 (1) *Sheet metal contractor* means a contractor whose services are unlimited
8 in the sheet metal trade and who has the experience, knowledge, and skill
9 necessary for the manufacture, fabrication, assembling, handling,
10 erection, installation, dismantling, conditioning, adjustment, insulation,
11 alteration, repair, servicing, or design, when not prohibited by law, of
12 ferrous or nonferrous metal work of U.S. No. 10 gauge, or lighter gauge,
13 or its equivalent ~~or lighter gauge,~~ and of other materials, including but not
14 limited to fiberglass, used in lieu thereof, and of air-handling systems,
15 including the setting of air-handling equipment and reinforcement of same,
16 and including the balancing of air-handling systems and any duct cleaning
17 and equipment sanitizing which requires at least a partial disassembling of
18 the system.

19 . . .

20 (b) *Qualifications for Class A Air Conditioning Contractor.*

21 (1) *Class A air conditioning contractor* means a contractor whose services are
22 unlimited in the execution of contracts requiring the experience,
23 knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or
24 design, when not prohibited by law, central air conditioning, refrigeration,

1 heating, and ventilating systems, including duct work in connection with a
2 complete system only to the extent such duct work is performed by the
3 contractor as is necessary to make complete an air-distribution system,
4 boiler and unfired pressure vessel systems, and all appurtenances,
5 apparatus, or equipment used in connection therewith; and any duct
6 cleaning and equipment sanitizing which requires at least a partial
7 disassembling of the system; to install, maintain, repair, fabricate, alter,
8 extend, or design, when not prohibited by law, piping, insulation of pipes,
9 vessels, and ducts, pressure and process piping, and pneumatic control
10 piping; to disconnect ~~to~~ or reconnect power wiring on the load side of the
11 disconnect switch and low-voltage heating, ventilating, and air conditioning
12 control wiring; and to install a condensate drain from an air conditioning
13 unit to an existing safe waste or other approved disposal other than a
14 direct connection to a sanitary system. The scope of work for such
15 contractor shall also include any excavation work incidental thereto, but
16 shall not include any work such as liquefied petroleum or natural gas fuel
17 lines within buildings, except for disconnecting or reconnecting
18 changeouts of liquefied petroleum or natural gas appliances within
19 buildings; potable water lines or connections thereto; sanitary sewer lines;
20 swimming pool piping and filters; or electrical power wiring on the line side
21 of the disconnect switch.

22 ...
23 (c) *Qualifications for Class B Air Conditioning Contractor.*
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (1) *Class B air conditioning contractor* means a contractor whose services are
2 limited to twenty-five (25) tons of cooling and five hundred thousand
3 (500,000) Btu of heating in any one (1) system in the execution of
4 contracts requiring the experience, knowledge, and skill to install,
5 maintain, repair, fabricate, alter, extend, or design, when not prohibited by
6 law, central air conditioning, refrigeration, heating, and ventilating
7 systems, including duct work in connection with a complete system only to
8 the extent such duct work is performed by the contractor as is necessary
9 to make complete an air-distribution system being installed under this
10 classification; and any duct cleaning and equipment sanitizing which
11 requires at least a partial disassembling of the system; to install, maintain,
12 repair, fabricate, alter, extend, or design, when not prohibited by law,
13 piping and insulation of pipes, vessels, and ducts; to disconnect or
14 reconnect power wiring on the load side of the disconnect switch and
15 low-voltage heating, ventilating, and air conditioning control wiring; and to
16 install a condensate drain from an air conditioning unit to an existing safe
17 waste or other approved disposal other than a direct connection to a
18 sanitary system. The scope of work for such contractor shall also include
19 any excavation work incidental thereto, but shall not include any work
20 such as liquefied petroleum or natural gas fuel lines within buildings,
21 except for disconnecting or reconnecting changeouts of liquefied
22 petroleum or natural gas appliance within buildings; potable water lines or
23 connections thereto; sanitary sewer lines; swimming pool piping and
24 filters; or electrical power wiring on the line side of the disconnect switch.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 ...

2 (e) *Qualifications for Transport Assembly Contractor.*

3 (1) *Transport assembly contractor* means a contractor whose services are
4 limited to the execution of contracts requiring the experience, knowledge,
5 and skill to install, maintain, repair, alter, and extend any system of
6 horizontal ~~car wash~~ conveyor assembly, including any vertical conveyors
7 attached to horizontal conveyor assemblies, and all appurtenances and
8 equipment necessary and incidental thereto. The scope of work for such
9 contractor shall not include any external plumbing or electrical systems.

10 ...

11 Section 15. Article VIII of the Broward County Code of Ordinances, "Uncertified
12 Contractors," Section 9-120, is hereby amended to read as follows:

13 **Sec. 9-120. Uncertified contractors.**

14 ...

15 (c) No uncertified or unregistered person associated with a contracting firm
16 qualified by a qualifying agent shall:

17 ...

18 (5) Fail to comply with the descriptive lettering requirements of Section 9-23
19 and Section 20-5.

20 ...

21 Section 16. Section 9-127 of the Broward County Code of Ordinances is hereby
22 amended to read as follows:

23 **Sec. 9-127. Schedule of Civil Penalties.**

24

The following table sets forth the code violations for which civil penalties may be cited under this chapter. The descriptions of violations are provided for purposes of general identification only. Where specific code provisions apply, the same are indicated following the respective violation description.

SCHEDULE OF CIVIL PENALTIES

<i>Violation</i>	<i>Civil Penalty</i>	
	<i>First Violation</i>	<i>Repeat Violation</i>
(1) Falsely hold unlicensed person or a business organization out as a licensee, certificate holder, or registrant. Subsection 9-120(b)(1)	\$500.00 <u>1,000</u>	\$500.00 <u>2,000</u>
(2) Impersonate a certificate holder or registrant. Subsection 9-120(b)(2)	500.00 <u>1,000</u>	500.00 <u>2,000</u>
(3) Falsely present unlicensed person as a certified or registered contractor under another person's certificate or registration. Subsection 9-120(b)(3)	500.00 <u>1,000</u>	500.00 <u>2,000</u>
(4) Give false or forged evidence to the Broward County Central Examining Boards or a member thereof for the purpose of obtaining a certificate or registration. Subsection 9-120(b)(4)	500.00 <u>1,000</u>	500.00 <u>2,000</u>

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1	(5)	Use or attempt to use a certificate or			
2		registration which has been suspended			
3		or revoked. Subsection 9-120(b)(5)	500.00	<u>1,000</u>	500.00 <u>2,000</u>
4	(6)	Engage in the business or act in the			
5		capacity of a contractor without being			
6		duly registered or certified. Subsection			
7		9-120(b)(6)	500.00	<u>1,000</u>	500.00 <u>2,000</u>
8	(7)	Advertise as available to engage in the			
9		business or act in the capacity of a			
10		contractor without being duly registered			
11		or certified. Subsection 9-120(b)(7)	500.00		500.00 <u>1,000</u>
12	(8)	Operate a business organization			
13		engaged in contracting after sixty (60)			
14		days following the termination of its only			
15		qualifying agent without designating			
16		another primary qualifying agent.			
17		Subsection 9-120(b)(8)	500.00	<u>1,000</u>	500.00 <u>2,000</u>
18	(9)	Proceeding on any job without first			
19		obtaining applicable local building			
20		permits and inspections. Subsection			
21		9-120(b)(9)	250.00	<u>500</u>	500.00 <u>1,000</u>
22	(10)	Act as a subcontractor without being			
23		certified or registered. Subsection			
24		9-120(b)(10)	500.00	<u>1,000</u>	500.00 <u>2,000</u>

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1	(11)	Engage in the business or act in the		
2		capacity of a contractor or advertise as		
3		available to engage in the business or		
4		act in the capacity of a contractor		
5		without having paid all required		
6		business taxes. Subsection		
7		9-120(b)(11)	500.00 <u>1,000</u>	500.00 <u>2,000</u>
8	(12)	Conceal or cause to be concealed, or		
9		assist in concealing from the primary		
10		qualifying agent, any material activities		
11		or information about the contracting firm.		
12		Subsection 9-120(c)(1)	500.00 <u>1,000</u>	500.00 <u>2,000</u>
13	(13)	Exclude or facilitate the exclusion of any		
14		aspect of the contracting firm's financial		
15		or other business activities from the		
16		primary qualifying agent. Subsection		
17		9-120(c)(2)	500.00 <u>1,000</u>	500.00 <u>2,000</u>
18	(14)	Knowingly cause any part of the		
19		contracting firm's activities, financial or		
20		otherwise, to be conducted without the		
21		primary qualifying agent's supervision.		
22		Subsection 9-120(c)(3)	500.00 <u>1,000</u>	500.00 <u>2,000</u>
23				
24				

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1	(15)	Assist or participate with any qualifying				
2		agent in the violation of any provision of				
3		this chapter. Subsection 9-120(c)(4)	500.00	<u>1,000</u>	500.00	<u>2,000</u>
4	(16)	Failure to comply with the descriptive				
5		lettering requirements. Subsection				
6		9-120(c)(5)	450.00	<u>250</u>	300.00	<u>500</u>
7	(17)	Commencement and/or performance of				
8		any work for which a building permit is				
9		required without such building permit				
10		being current. Subsection 9-120(d)(1)	250.00	<u>500</u>	500.00	<u>1,000</u>
11	(18)	Hiring or contracting by a property				
12		owner of an uncertified or unregistered				
13		contractor or subcontractor. Subsection				
14		9-120(d)(2)	250.00	<u>500</u>	500.00	<u>1,000</u>
15	(19)	Hiring or contracting with a sole				
16		proprietor, business organization, or				
17		governmental agency, which does not				
18		possess a Class A or Class B Tree				
19		Trimmer License. Subsection 9-				
20		120(d)(3)		250.00	500.00	
21	(20)	Failure to provide a notarized affidavit or				
22		failure to provide an updated affidavit.				
23		Subsection 9-26(3)(2)	250.00	<u>500</u>	500.00	<u>1,000</u>
24						

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1 (21) ~~Failing~~ Failure to discontinue work on a
2 project after having been ordered to do
3 so by a building official, building code
4 inspector, or code compliance officer
5 pursuant to the provisions of the building
6 code or Chapter 489, Florida Statutes.

7 Subsection 9-120(b)(12) 500.00 1,000 500.00 2,000

8 Section 17. Section 9-128 of the Broward County Code of Ordinances is hereby
9 amended to read as follows:

10 **Sec. 9-128. Unlicensed contractor enforcement fund.**

11 The Unlicensed Contractor Enforcement Fund is hereby created. Pursuant to
12 Sections 489.127 and 489.531, Florida Statutes, ~~as amended, thirty (30)~~ forty-five
13 percent (45%) of any civil penalty or fine recovered by the County in an action against
14 an uncertified contractor shall be deposited in this Unlicensed Contractor Enforcement
15 Fund to support future enforcement activities against unlicensed contractors and public
16 education regarding unlicensed contracting. The County shall retain the interest earned
17 on monies within the Unlicensed Contractor Enforcement Fund as discretionary revenue
18 to defray the cost of administration, collection, and disbursement.

19 Section 18. Article IX of the Broward County Code of Ordinances, "Broward
20 County Central Examining Boards Restitution Trust Fund," Section 9-141, is hereby
21 amended to read as follows:

22 **Sec. 9-141. Creation of Broward County Central Examining Boards Restitution**
23 **Trust Fund.**

1 (a) The Broward County Central Examining Boards Restitution Trust Fund
2 (the Fund) is hereby created. Any civil penalty recovered by the County in an action
3 against any certified contractor, business organization, or financially responsible officer,
4 and ~~seventy (70)~~ fifty-five percent (55%) of ~~ay~~ any civil penalty recovered in an action
5 against any uncertified contractor pursuant to this chapter, shall be deposited in the
6 Fund. Persons who receive an order of restitution from a Central Examining Board or
7 hearing officer shall be advised of the existence of the Fund and the process to make a
8 claim against the Fund. The County Administrator, or designee, shall provide the Board
9 of County Commissioners with a report on no less than an annual basis of the monies
10 deposited into the Fund, claims paid, and balance. In the sole discretion of the County
11 Commission, monies in the Fund exceeding Five Hundred Thousand and 00/100
12 Dollars (\$500,000.00) may be utilized to fund other public purposes and programs.
13 The County shall retain the interest earned on monies within the Fund as discretionary
14 revenue to defray the cost of administration, collection, and disbursement.

15 ...

16 Section 19. Section 9-143 of the Broward County Code of Ordinances is hereby
17 amended to read as follows:

18 **Sec. 9-143. Payment from the Fund.**

19 ...

20 (b) The applicable board shall give notice to the claimant and the contactor of
21 the time and place when the board will review and take action on the claim. Notice to
22 the contractor shall be provided pursuant to Section 9-16. Notice to the claimant shall
23 be provided by regular U.S. mail at the address set forth on the claim. Claims will not
24 be set for review by the board unless the request includes a completed and signed

1 claim form, a final order of restitution, evidence of a diligent effort at collection, and an
2 asset search, where appropriate. "Diligent effort" shall mean that efforts have been
3 made to determine whether the contractor, business organization, or financially
4 responsible officer possesses any property or assets with which to satisfy the underlying
5 order of restitution, in whole or in part, and that no such or insufficient property or assets
6 have been identified or located. The claimant must provide documentation showing that
7 efforts have been taken to:

8 (1) Locate the contractor;

9 (2) If located, demand reimbursement from the contractor; and

10 (3) Determine whether or not the contractor is insured and, if insured, that the
11 claimant has filed a claim with the contractor's insurance carrier.

12 (c) The claimant and contractor shall have an opportunity to present evidence
13 and argument related to the claim, to conduct cross-examination and submit rebuttal
14 evidence, and to be represented by counsel or other qualified representative. The
15 board shall either authorize payment of the claim in full or in part, or deny the claim in
16 full or in part, by entry of a Final Order.

17 ...

18 Section 20. SEVERABILITY.

19 If any portion of this Ordinance is determined by any Court to be invalid, the
20 invalid portion shall be stricken, and such striking shall not affect the validity of the
21 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
22 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
23 or circumstance(s), such determination shall not affect the applicability hereof to any
24 other individual, group, entity, property, or circumstance.

1 Section 21. INCLUSION IN CODE.

2 It is the intention of the Board of County Commissioners that the provisions of
3 this Ordinance shall become and be made a part of the Broward County Code; and that
4 the sections of this Ordinance may be renumbered or relettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase in order to accomplish such intentions.

7 Section 22. EFFECTIVE DATE.

8 This Ordinance shall become effective as provided by law.

9
10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13
14 Approved as to form and legal sufficiency:
15 Joni Armstrong Coffey, County Attorney

16
17 By: /s/ Maite Azcoitia 04/15/14
18 Maite Azcoitia (date)
19 Deputy County Attorney

20
21
22
23 MA/gmb
04/15/14
Chapter9Contractors-o02
24 #13-433

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underscoring type are additions.

PROPOSED