

ORDINANCE NO. 14-08

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, ESTABLISHING RULES AND REGULATIONS FOR LICENSING LOCAL CONTRACTORS AND JOURNEYMEN, TO INCLUDE MASONRY AND CONCRETE CONTRACTORS, MASONRY CONTRACTORS, CONCRETE CONTRACTORS, JOURNEYMEN PLUMBERS, JOURNEYMEN ELECTRICIANS, AND GARAGE DOOR SPECIALTY CONTRACTORS; ESTABLISHING RULES AND REGULATIONS FOR GRANTING A CERTIFICATE OF COMPETENCY THROUGH RECIPROCITY; PROVIDING FOR NECESSARY MINIMUM QUALIFICATIONS; REPEALING PRIOR RELATED RESOLUTIONS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida is authorized, under Chapters 125, 489, and 553, Florida Statutes, as amended, and Chapter 94-432, Laws of Florida, as amended, to adopt regulations for the issuance of licenses for contractors and journeymen operating within Manatee County, Florida; and

WHEREAS, the Board of County Commissioners deems it desirable and in the best interest of the public health, safety, and welfare to adopt minimum competency requirements for licensing local contractors; and

WHEREAS, in addition to those contractors which the State licenses, the Board of County Commissioners deems it necessary in the best interest of the public to regulate certain other contracting work to require a licensed contractor due to the technical nature of the work performed, and the degree of competency which is needed to perform the job safely and properly; and

WHEREAS, said laws permit the Manatee County Construction Trades Board to issue Certificates of Competency to applicants who qualify; and

WHEREAS, the Board of County Commissioners accordingly held a public hearing following due public notice as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Types of Contractors:

1. Masonry and Concrete Contractor is a specialty contractor whose services shall be limited to the constructing or repairing of concrete footings, slabs, floors, and masonry walls which do not exceed one (1) story in height and pool shells, either by pneumatically placed shotcrete gunite or handpacked. However, a masonry and concrete contractor may be a subcontractor for work that does not exceed two (2) stories in height, as long as there is a licensed general, building or residential contractor in responsible charge of the job.

2. Masonry Contractor is a specialty contractor whose services shall be limited to the constructing or repairing of masonry walls which do not exceed one (1) story in height. However, a masonry contractor may be a subcontractor for work that does not exceed two (2) stories in height, as long as there is a licensed general, building or residential contractor in responsible charge of the job.

3. Concrete Contractor is a specialty contractor whose services shall be limited to the constructing or repairing of concrete footings, slabs and pool shells, either by pneumatically placed shotcrete gunite or handpacked.

4. Journeymen Plumbers shall not be considered contractors and are those who perform work in the plumbing trades while employed by and under the supervision of a licensed Plumbing Contractor.

5. Journeymen Electricians shall not be considered contractors and are those who perform work in the electrical trade while employed by and under the supervision of a licensed Electrical Contractor.

6. Garage Door Specialty Contractor is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers' specifications, of garage doors and allied construction materials. The scope of work shall include and be limited to garage doors and garage door assemblies, including hardware and operating devices. The scope of such work shall include wood work incidental to the garage doors and allied construction materials. It shall be limited to the repair and/or replacement of wood incidental to the installation of garage doors. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable. The garage door specialty contractor shall not perform any work that alters the structural integrity of the building, including but not limited to, roof trusses, lintels, load bearing walls and foundations. The garage door specialty contractor shall be allowed to install low voltage electrical wiring for safety features and cord and cap connected to the garage door assemblies, devices, motors and equipment. Any other electrical work incidental to the installation, replacement, dismantling, repair or servicing of the garage doors, including but not limited to, installation, replacement, removal, repair or servicing of receptacles, lights and switches, shall be contracted to a licensed electrical contractor. The garage door specialty contractor shall subcontract, with a licensed qualified contractor in the field concerned, all other work incidental to that which is defined herein, but which is the work of a trade other than that of a garage door specialty contractor.

Section 2. Other Definitions:

1. “Advertising medium” shall mean business cards, business stationery, business proposals, contracts, construction site signs, all newspapers, air wave transmissions, phone directories, or other media to include handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufactures “authorized dealer” listings, including signs on vehicles. It shall not mean balloons, pencils, pens, hats, shirts, or other similar promotional novelties. Neither shall the term mean free phone directory listings (regardless of page or color) of one, two, or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole and in part in an unbolded or unhighlighted print without further textual or pictorial elaboration or touting in its overall display.

2. “Constructing” shall mean building, altering, maintaining, repairing, fabricating, handling, erecting, installing, dismantling, and servicing of structures or buildings or any parts thereof.

3. “Construction Trades Board” shall mean Manatee County Construction Trades Board, as established by Ordinance 96-20.

4. “Contractor” shall mean the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in Chapter 489, Florida Statutes, the person who, for compensation, undertakes to, submit a bid to, or does himself or by others construct, repair, alter, remodel, add to, demolish, dismantle, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale.

5. "Employee" is defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the FICA and withholding tax and provides worker's compensation, all as prescribed by law.

Section 3. Requirements to Become a Contractor:

1. Before any person, firm, or corporation shall engage in the act of constructing or engage in or advertise such services within Manatee County, they shall be qualified as set forth herein, having either a Certificate of Competency from Manatee County or a certified license from the State of Florida. Whosoever desires to enter into the construction business or offers construction services without being certified by the Florida Construction Industry Licensing Board shall, before advertising, appear before the Construction Trades Board for the purpose of receiving such a Certificate of Competency.

2. Prior to the issuance of a Certificate of Competency in accordance with this Ordinance, an applicant shall provide the following by competent evidence to the Manatee County Building and Development Services Department and the Construction Trades Board:

- a. Evidence that the applicant is at least 18 years of age.
- b. Evidence that the applicant is of good moral character. A personal criminal background check from a recognized reporting bureau shall be provided. No criminal background check is required for a journeyman.
- c. A completed and notarized application for a Certificate of Competency. Forms shall be furnished by the Manatee County Building and Development Services Department.
- d. A personal credit report from a nationally recognized retail credit bureau demonstrating proof of financial responsibility. The amount and type of information necessary to establish financial responsibility shall be those established by the Construction Trades Board. No credit report is required for journeyman.

(1) For purposes of this ordinance, the phrase "financial responsibility" is defined as the ability to safeguard that the public will not sustain

economic loss resulting from the contractor's inability to pay any lawful obligations under the contract.

(2) The financial responsibility grounds on which the Board may refuse to qualify an applicant shall include:

(a) Failure to submit any of the items required by this Ordinance.

(b) The existence, within the past five years preceding the application, of an unsatisfied court judgment rendered against the applicant based upon the failure of the applicant to pay its just obligations to parties with whom the applicant conducted business as a contractor.

(c) An unfavorable credit report or history as indicated by any of the documents submitted.

(d) A determination by the Board that the applicant lacks the financial stability necessary to assure compliance with the standard set forth in this section. As guidelines for the determination of financial stability, the Board shall consider the applicant's responses to the questions set forth in the application and financial statement submitted by the applicant.

e. Written verification of experience in the construction trade as follows:

- | | | |
|-----|------------------------|---------|
| (1) | Masonry/Concrete | 2 years |
| (2) | Masonry | 2 years |
| (3) | Concrete | 2 years |
| (4) | Journeyman mechanical | 3 years |
| (5) | Journeyman plumber | 3 years |
| (6) | Journeyman electrician | 4 years |
| (7) | Garage door | 2 years |

Except as otherwise provided herein, experience may only be verified by an affidavit from a licensed contractor in which the applicant was a subordinate employee or other qualified persons, as determined by the Construction Trades Board. Self-employed contractors from another state may provide copies of Internal Revenue Service tax forms as verification of work experience or affidavits from other qualified persons, as determined by the Construction Trades Board.

f. A financial affidavit, which contains information indicating the current assets, total liabilities and total net worth. The applicant must submit evidence acceptable to the applicable Building Trades Board demonstrating a minimum net worth as follows:

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- (1) All other contractors \$2,500
- (2) Journeyman N/A
- (3) Garage door \$2,500

g. (1) Evidence that:

(a) the applicant has obtained a minimum score of 75% on a Block and Associates examination prior to June 15, 1968, proctored by a Building Department; or obtained a minimum score of 75% on a prometric or equivalent as determined by the Building Official examination taken on or after June 15, 1968, prepared, proctored and graded by Block and Associates; and

(b) the applicant has obtained a score of 75% or higher on a two-hour Business and Law examination that was prepared, proctored and graded by Block and Associates, for applicants who took the Block and Associates examination after January 31, 1993.

(The Construction Trades Board may accept the results of an equivalent or more thorough examination performed with equivalent or better safeguards as those examinations referenced above. Where the County has not signed a Reciprocity Agreement with another jurisdiction, the applicant shall provide any additional evidence necessary to establish compliance with the examination requirements herein. No examination required under this Ordinance shall be given by Manatee County until the applicant has complied with all other qualifications set forth herein.) State required reciprocity § 489.1455, § 489.5335.

h. Evidence that the applicant has obtained public liability and property damage insurance, in the minimum aggregate amounts as defined below:

	Required amounts of insurance for Public Liability Property Damage
Local license contractors except Journeyman	\$100,000/\$25,000 N/A

The minimum amount shall be maintained for all active licenses; and the licensee shall be responsible for notifying the Building Official of any changes in the policy. Insurance certificates shall include, at a minimum, the following:

- (1) date that the certificate was issued;
- (2) name of insurance agent;
- (3) name of insured must reflect the exact name of the entity qualified by the applicant;

- (4) name of insurance company;
- (5) policy numbers;
- (6) effective date of policy;
- (7) expiration date of policy;
- (8) at least the minimum amount of liability and property damage insurance required;
- (9) list Manatee County Building and Development Services Department, Attention: Licensing, P. O. Box 1000, Bradenton, FL 34206-1000, as the certificate holder;
- (10) the policy shall stipulate that should the required insurance or worker's compensation coverage be cancelled before the expiration date, the issuing company will mail a 30 day written notice by certified mail to the certificate holder prior to the cancellation becoming effective;
- (11) agent's signature;
- (12) licensee's correct license number;
- (13) the insurance shall, at all times, be carried in the name of the licensee or the business name appearing on the license;
- (14) failure to comply with Manatee County's request to submit proof of insurance as requested shall be a violation of this Ordinance.

i. Applicants shall have two (2) years from the date of application, or the date of any CTB action on the application, whichever occurred later, in which to complete all requirements for obtaining a Certificate of Competency, including passing any required examinations and paying any applicable fees. Failure to complete all requirements for a Certificate of Competency within the aforesaid two (2) year period shall result in the application and any approvals relating to that application becoming void.

Section 4. Exemptions from Examinations and Reciprocity:

1. Certificate holders, who are operating under licenses which were exempt from the requirements of Section 3.2.g(1) under Ordinance 14-08, may continue to renew that license under the provisions of Section 6.2 herein. This section does not apply to Non-Renewable Temporary Certificates of Competency.

Section 5. Disciplinary Action:

1. All contractors shall comply with all local licensing ordinances, as well as any requirements established by Chapter 489, Florida Statutes, and the Florida Construction Industry Licensing Board.

2. Any person engaged in contracting shall be required to perform all work in conformity with all applicable laws, regulations, and codes.

3. Contractors issued Certificates of Competency by Manatee County may be disciplined in accordance with applicable state and local law.

4. Persons applying for permits under the property owner's exemption shall assume full responsibility for compliance with the Manatee County Building Codes relating to construction.

Section 6. Miscellaneous:

1. Fees for examination and licensing will be the same as those set forth in the Manatee County resolution establishing such fees.

2. All Certificates of Competency granted under this Ordinance shall expire on September 30th annually, and valid Certificate may be renewed through September 30th of each year. For any license renewed after the September 30th expiration date, the license holder shall pay the license fee for that category of license as established by Manatee County Resolution R-13-184 and any successor resolution. In addition, to the license fee, an administrative late fee of 25% of the renewal fee (not to exceed a maximum of \$50) shall be paid if the license is renewed from October 1st through November 30th. All persons who fail to renew a Certificate of Competency prior to December 1st must apply for a new Certificate of Competency, meeting current licensing requirements, and no exemption provided in Section 4 herein shall be available.

3. Persons sixty-five (65) years old or older may place their Certificate of Competency on an inactive status at no charge if the Manatee County Building Department is notified prior to the expiration of their Certificate. Persons with Certificates of Competency on an inactive status shall not engage in the act of constructing structures or buildings. Procedures

for placing a license on an inactive status shall be established by the Manatee County Building Department.

4. Government Construction Inspectors/Plans Examiners shall place their Certificate of Competency and/or Construction License issued by the Division of Business and Professional Regulations on an inactive status for as long as they are so employed. Proof of certification as required by Chapter 468, Florida Statutes, must be provided.

5. All Certificates of Competency must be kept in an active or inactive status.

6. Certification by the Florida Construction Industry Licensing Board shall be recognized as a valid license, within its respective category, within Manatee County, upon showing proof of workers compensation and general liability insurance as required herein.

7. State certified contractors who desire to maintain a qualification file in Manatee County may do so upon receipt, by Manatee County, of an administrative fee as defined in the fee schedule and proof of certification and the proof of insurance required in subsection 6 above. State certified contractors who do not have a qualification file must submit a certificate of insurance, which references the job address and lists the property owner as the certificate holder, and a copy of their state license each time they apply for a permit. This information will then become a permanent part of that permit file.

8. Where any plumbing or electrical work is being installed, a Journeyman Plumber or Journeyman Electrician or Master, within their respective trade, shall at all time be present on the job and in actual control and responsible charge of the work being done. A Master, within the master's respective trade, shall verify the completeness and thoroughness of all work in conformance with the Florida Building Code prior to requesting any inspections or approvals.

9. The registration, certification or Manatee County license number of each contractor shall appear in any advertising medium used by a contractor.

10. The firm name shall be applied to service and construction vehicles engaged in the trade; lettering shall not be less than three (3) inches in height, and state certification, registration or Manatee County license number shall be displayed in letters not less than one and one-half (1 ½) inches in height.

11. A contractor who subcontracts any work for which a Certificate of Competency is required in Manatee County shall hire licensed subcontractors. Contractors holding a Certificate of Competency which includes such work within its scope may carry out the work with employees who are subordinate to the license holder.

Any contractor who contracts or subcontracts work, for which a permit is required, shall verify that a permit has been obtained prior to the start of work.

12. Existing Manatee County Certificates of Competency, issued pursuant to Manatee County Ordinance 96-05, as amended, shall remain in full force and effect as if granted hereunder.

13. Ordinance 96-05 is hereby repealed, but to the extent that any of the provisions of this Ordinance 14-08 are the same as those of Ordinance 96-05, as amended, such provisions shall be construed as restatements and continuations thereof and not as new enactments.

Section 7. Severability:

If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 8. Codification:

The publisher of the County's Code of Laws, the Municipal Code Corporation, is directed to incorporate this article into the Code of Ordinances where indicated and to replace Article V of Chapter 2-6 with this Ordinance.

Section 9. Effective Date:

This Ordinance shall take effect immediately upon filing with the Department of State.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting,
the 2nd day of October, 2014.



BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: Larry Justice
Chairperson

ATTEST: R. B. SHORE
CLERK OF THE CIRCUIT COURT

By: R. B. Shore
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 3, 2014

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 14-08, which was filed in this office on October 3, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

From: [Ords Admin](#)
To: [Quantana Acevedo](#)
Subject: RE: Manatee County, FL Code of Ordinances - 1981(10428)
Date: Thursday, October 02, 2014 4:58:25 PM

We have received your files. Thank you for your submission.

Respectfully,
Ords Administrator
ords@municode.com
1-800-262-2633
(850) 576-3172
Fax No. 850-575-8852
P.O. Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32317-2235
When available, please send all documents in WORD format to Ords@municode.com.
However, if WORD format is not available, we welcome any document format including PDF.

sha

Ask me about **OrdBank**



From: Quantana Acevedo [mailto:quantana.acevedo@ManateeClerk.com]
Sent: Thursday, October 02, 2014 4:42 PM
To: 'County Ordinances'; Ords Admin
Subject: Ordinance 14-08 - Construction Trades Board

The attached zoning ordinance was adopted by the Board of County Commissioners on October 2, 2014.

Thank you,
Quantana Acevedo, Deputy Clerk
for R.B. "Chips" Shore
Manatee County Clerk of the Circuit Court and Comptroller
www.manateeclerk.com
quantana.acevedo@manateeclerk.com
941-741-4018

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