

ORDINANCE 2007-10

AN ORDINANCE OF FLAGLER COUNTY, FLORIDA REPEALING CHAPTER 8, ARTICLE I, SECTIONS 8-1 THROUGH 8-30 TITLED "BUILDING AND CONSTRUCTION" OF THE CODE OF ORDINANCES OF FLAGLER COUNTY, FLORIDA AND CREATING A NEW CHAPTER 8, ARTICLE I, SECTIONS 8-1 THROUGH 8-30, TITLED "CONTRACTOR LICENSING CODE"; AN ORDINANCE REGULATING CONTRACTORS AND THE BUSINESS OF CONTRACTING; PROVIDING FOR SHORT TITLE; PROVIDING APPLICABILITY AND DEFINITIONS; ESTABLISHING A CONTRACTOR REVIEW BOARD AND DESIGNATING CONTRACTOR QUALIFICATIONS; PROVIDING FOR LICENSING REQUIREMENTS, ADVERTISING AND PROOF OF INSURANCE; PROVIDING FOR EXEMPTION TO LICENSING REQUIREMENTS; PROVIDING FOR EXAMINATION, REGISTRATION AND LICENSING OF CONTRACTORS AND THE RENEWAL THEREOF; PROVIDING CERTAIN EXCEPTIONS AND EXEMPTIONS; PROVIDING FOR PAYMENT AND COLLECTION OF FEES IN CONNECTION THEREWITH; MAKING CERTAIN CONTRACTING ACTS UNLAWFUL AND PROVIDING FOR DISCIPLINE, PENALTIES AND APPEALS; PROVIDING FOR REVOCATION OF LICENSES, ORDERS OF RESTITUTION AND OTHER REMEDIES; PROHIBITING UNLICENSED CONTRACTOR ACTIVITY; AMENDING TYPES OF AUTHORIZED CONTRACTORS; AMENDING REQUIREMENTS FOR AUTHORIZED CONTRACTORS; CREATING GRANDFATHER STATUS; PROVIDING FOR RECIPROCAL CERTIFICATION; AUTHORIZING INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the necessity of licensing contractors was first recognized in Flagler County Code Chapter 8, Articles I, as a means to insure public safety by setting experience and knowledge standards for the various Contractor categories; and

WHEREAS, trade changes in many contractor categories have resulted in a need to update Flagler County's regulation of contracting and of contractor licensing, to insure continuing public safety in the building industry; and

WHEREAS, the Flagler County Board of County Commissioners, in order to protect and promote the public health, safety, and general welfare of the residents of Flagler County, has established procedures to ensure that building trades contractors are licensed, and that construction industry activities are conducted according to law; and

WHEREAS, the Board desires to create this Ordinance which defines, clarifies and regulates contractors; establishes a contractor review board and designates its members; and provides for payment and collection of fees associated with licenses.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA:

SECTION I: Article I, Sections 8-1 through 8-30, Titled "In General," of the Code of Ordinances, Flagler County, Florida, is hereby **repealed** in its entirety and **replaced** with Article I, Sections 8-1 through 8-30, Titled "Contractor Licensing Code" as set forth herein.

Section 8-1. Short Title

This Ordinance may be known and cited as the "Contractor Licensing Code of Flagler County, Florida".

Section 8-2. Applicability

This Ordinance shall apply to and be enforced in all unincorporated areas of Flagler County; and in certain incorporated areas of Flagler County where the Building Official and his/her designees are authorized to provide regulation and control pursuant to an interlocal agreement.

Section 8-3. Definitions

For the purpose of this article, the following words, terms and phrases shall mean:

- A. Advertisement shall include, but is not limited to, newspaper advertisements, the yellow pages of the phone directory, business cards, business stationery, business proposals, contracts, construction site signs, on-premises building or ground signs, handbills, billboards, flyers, trade association publications, classified advertisements, manufacturer's authorized dealer listings, and any signs on the contractor's business vehicles; the term "advertisement" shall not include balloons, pencils, pens, hats, articles of clothing or other promotional novelties, or free phone directory listings of one (1) to three (3) lines which display only the contractor's name and telephone number in whole or in part, unbolded or unhighlighted, and without further textual or pictorial elaboration in the overall display.

- B. Authorized Contractor means a contractor approved and authorized by the Flagler County Contractor Review Board to conduct business within an indicated scope of work, after satisfying the requirements of this Code, and who has been issued a Flagler County authorized contractor license.

- C. **Authorized Contractor License** means a license issued by Flagler County, whereby the Flagler County Contractor Review Board has approved a person's right to do the indicated scope of work after satisfying the requirements of this Code as a Contractor.
- D. **Board** means the Flagler County Contractor Review Board.
- E. **Building Official** means the Building Officer of Flagler County, or his/her duly authorized representative.
- F. **Business Organization** means a business entity engaging in contracting as an individual sole proprietorship, partnership, company, corporation, limited liability company, business trust or other legal entity.
- G. **Certified Contractor** means any person who owns and possess a current valid certificate issued by the State of Florida and who may contract in any jurisdiction in the State of Florida without being required to fulfill licensing qualification requirements of that jurisdiction, except to provide proof of worker's compensation insurance or legal exemption thereto, liability insurance and a copy of state license to create a permitting qualification file and pay a file management fee for such.
- H. **Class I Contractor** means a contractor registered by the Department of Business and Professional Regulation in accordance with Florida Statute Chapter 489, Part I and Part II, who has obtained an authorized contractor license from Flagler County, pursuant to this Code, in order to provide contracting services and obtain permitting privileges within unincorporated Flagler County and participating jurisdictions as further defined in Section 8-5 of this Code.
- I. **Class II Local Specialty Contractor** means a Flagler County authorized contractor approved to perform trades listed in Section 8-5, paragraph B, of this Code in order to provide contracting services and obtain permitting privileges within unincorporated Flagler County and participating jurisdictions as further defined in Section 8-5, paragraph B, of this Code.
- J. **Commencement of Construction** shall have the meaning set forth in the requirements of Florida's Mechanic's Lien Law, Florida Statute Sections 713.001-713.37, as amended. The visible commencement of actual operations on the ground for the erection of the building, which everyone can readily recognize as commencement of a building, and which is done with the intention to continue the work until building is completed.
- K. **Contracting** means, except as exempted herein, engaging in any business as a contractor and includes, but is not limited to, performance of any of the

acts as set forth in this Code. The offering or attempted sale of any contracting services including the use of advertising and the negotiation or bid for a contract for these services shall also constitute contracting; and acting for another for compensation as a construction coordinator, negotiator, manager, inspector, or on-site supervisor shall also constitute contracting for the purpose of this definition.

- L. Contractor means any person not fitting the definition of "employee" who, except as exempted in this Code, for compensation, undertakes to, submits a bid to, advertises to, or either individually or by subcontracting or employment or supervision of others does construct, erect, install, maintain, repair, alter, remodel, add to, subtract from, demolish or improve any building or structure, including related improvements to real estate, for others or for resale to others.
- M. Employee means an person who receives compensation from and is under the supervision and control of an authorized contractor or certified contractor or owner/builder who is required to regularly deduct federal withholding tax from the individual's gross wages and provide worker's compensation coverage, as required by law. For the purpose of this definition, wages also include piecework compensation when employee production is measured in lieu of actual time worked.
- N. Grandfathered means a person with a valid state registered license issued by the Department of Business and Professional Regulation as listed in Section 8-10, who has fulfilled the requirements of Florida Statute Chapter 489 and has continually paid his/her business taxes for contracting in Flagler County from March 21, 1994, until the adopted date of this Code. Grandfathered also includes a specialty contractor listed in Section 8-5 who has paid his/her business taxes for contracting in Flagler County prior to the enactment of this Code.
- O. Journeyman means a person who possesses technical knowledge and manual skills to perform in the electrical, plumbing, heating, air conditioning, refrigeration, duct work or sheet metal trades while employed by a master contractor of that trade. Journeyman is further defined in Section 8-6.
- P. Licensed means a County authorization or State certified contractor.
- Q. Licensing Administrator means the Flagler County Building Official or his/her designee.
- R. Person means any person, agent, sole proprietorship, partnership, corporation or association.

- S. Qualifying Agent means a person who possesses an active state certified contractor license or Flagler County authorized contractor license and who has the skill, knowledge, experience, and responsibility to, direct, manage, and control construction activities on each job built under his/her license, who shall be financially responsible to any suppliers, subcontractors and/or material men.
- T. Registered Contractor means any contractor who is required by Florida Statutes to register with the Florida Department of Business and Professional Regulation and may include Class I and Class II authorized contractors.
- U. Repeat Violations are two or more adjudicated violations of a provision of this Code, Florida Department of Professional Regulation rules or Florida Statutes for the same violation within five (5) years, notwithstanding the violations occur at different locations.
- U. Supervision means direct on-site observation and direction.
- V. Supervisor means a person who provides supervision.
- W. Unlicensed means a person offering contracting services and/or performing work who is not certified by the Florida Department of Professional Regulation or not licensed as an authorized contractor by Flagler County. This may include property owners, employees or a supervisor.

Section 8-4. Exemptions

The following are exempt from obtaining an authorized contractor license:

- A. Owners of property when acting as their own contractor who provide direct, onsite supervision of all work which is not performed by licensed contractors in accordance with Florida Statute Section 489.103(7), as amended.
- (1) This subsection does not exempt any person who is employed by or has a contract with the owner and is acting in the capacity of a contractor.
- (2) The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is an authorized or certified contractor as required by this Code and the work being performed is within the scope of that person's trade.

- a. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application, and complete the state mandated disclosure statement.
 - b. It is a violation of this Code to obtain a permit as an owner/builder through fraud, misrepresentation or false statement, or to do work pursuant to the owner/builder exemption contrary to the requirements of this subsection. Proof of sale or lease, or offering for sale or lease, of any such structure by the owner-builder within one (1) year after completion of same, as determined by the date of "Certificate of Occupancy/Completion" issued by Flagler County Building Department, shall constitute prima facie evidence that the construction was undertaken for purpose of sale or lease, in violation of Florida Statute Section 489.103 (7) and Section 8-17of this Code.
- A. Any construction, alteration, improvement, or repair carried on within the limits of property titled to the United States.
 - B. The sale or installation of any finished products, materials, or articles or merchandise which are not fabricated into and do not become a permanent fixed part of the structure, except for spas, hot tubs and swimming pools with water capacity depth over twenty-four (24") inches.
 - C. If an employee performs any of the following, the employee is not exempt:
 - (1) Falsely holds himself or his/her employer out to be either an authorized or certified contractor or qualified by an authorized or certified contractor;
 - (2) Leads anyone to believe that the employee has an ownership or management interest in the contracting entity; or
 - (3) Performs any acts, which constitute contracting.
 - D. Contractors building and/or maintaining bridges, roads, streets, and sewage or water utilities incidental thereto, if such contractors possess a current and valid certificate of qualification issued by the Florida Department of Transportation.
 - E. An authorized employee of the United States, the State of Florida, or any municipality, county, or other political subdivision if acting in his/her official capacity.
 - F. An officer appointed by a court when acting within the scope of the office as defined by law or court order. When construction projects that were not already underway at the time of appointment of the officer are undertaken,

the officer shall employ or contract with an authorized contractor to accomplish any new work.

- G. Work performed by or on behalf of public utility companies, including telecommunication companies as defined in Florida Statute Section 364.02 (12), including construction, maintenance, and development work on bridges, roads, streets, highways, or railroads, which is incidental to the primary business of the utility company.
- H. Any construction or operation incidental to the construction or repair of irrigation and drainage ditches performed by regularly constituted irrigation districts or reclamation districts, or work on the land in rural districts for fire prevention purposes.
- I. Work performed by a registered architect or professional engineer acting within the scope of his/her practice or any person exempted by the laws regulating architects and engineers, including persons doing design work as specified in Florida Statute Section 481.229(1)(b), provided, however, an architect or engineer shall not act as a contractor or as a construction manager, unless properly and currently licensed as an authorized or certified contractor. Exception: An architect or landscape architect licensed pursuant to Florida Statute Chapter 481, or a professional engineer licensed pursuant to Florida Statute Chapter 471, who offers or renders design-build services must also be licensed as an authorized or certified contractor.
- J. Any person who furnishes materials or supplies without labor.
- K. Any person who sells, services, or installs heating or air conditioning units which have a capacity not greater 3 tons or 36,000 BTU, with no ducts, and with a factory-installed electrical cord and plug.
- L. Activity licensed by Florida Statute Chapter 527 (Sale of Liquefied Petroleum Gas).
- M. The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services companies.
- N. Any certified contractor, when such person is performing work authorized pursuant to a State contractor certification in complete compliance with all Florida Statute Chapter 489 requirements; provided the certified contractor submits a copy of the state certification accompanied by the required fees and documentation.

These exemptions do not relieve any contractor from complying with disciplinary or permitting requirements, or any requirements of the Florida Building Code and the Land Development Code or any other construction or development regulations.

Section 8-5. Types of Authorized Contractors

A. Class I Contractors:

Class I contractors are state registered contractors, as set forth in Florida Statute Chapter 489, Part I and Part II, who have obtained an authorized contractor license from Flagler County pursuant to this Code in order to contract with the public and obtain permitting privileges within unincorporated Flagler County and participating jurisdictions.

- (1) **General Contractor** means any person whose services are unlimited to the type of building that may be constructed.
- (2) **Building Contractor** shall mean any person whose scope of work is limited to construction of commercial buildings and single family or multiple-family dwelling residential buildings which do not exceed three (3) stories in height, and accessory use structures in connection therewith, or a contractor whose services are limited to remodeling, repair or improvement of any size building if the services do not affect the structural members of the building.
- (3) **Residential Contractor** shall mean any person whose scope of work is limited to construction, remodeling, repair or improvement of one-family, two-family or three-family residences not exceeding two (2) habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.
- (4) **Swimming Pool/Spa Contractor, Commercial** shall mean any person whose scope of work includes the construction, repair, water treatment, and servicing of any swimming pool or hot tub or spa, whether public or private or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of filter equipment and chemical feeders of any type, plastering of the interior, construction of decks (slabs incidental to the pool), construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. (However the scope of work of this contractor shall not include direct connections to a sanitary sewer or to potable water lines.) Such contractors may contract for screen enclosures if such work is performed by a licensed specialist simultaneously with pool work.

- (5) Swimming Pool/Spa Contractor, Residential shall mean any person whose scope of work includes, but is not limited to, the construction, repair, water treatment and servicing of any residential swimming pool or hot tub or spa, regardless of use. Such work includes layout, excavation, operation of construction light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior construction of decks (slabs incidental to the pool), installation of housing for pool equipment and installation of package pool heaters. (However, the scope does not include direct connections to a sanitary sewer system or to potable water lines.) Such contractors may contract for screen enclosures if such work is performed by a licensed specialist simultaneously with the pool work.
- (6) Swimming Pool/Spa Servicing Contractor shall mean any person qualified to service, repair and perform water treatment, including, but not limited to, the direct infusion of chlorine gas accomplished through the use of machinery attached to the pool and maintenance of any swimming pool or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment or installation of new additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment and chemical feeders of any type, replastering reconstruction of decks and reinstallation or addition of pool heaters.
- (7) Electrical Contractor Unlimited shall mean any person who has the knowledge and skill to install, repair, alter, add to, design or change any electrical wiring, fixtures, appliances, apparatus, raceways, conduit or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations for light, heat, power or communications, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws and regulations.
- (8) Electrical Specialty Contractor shall mean any person whose scope of practice is limited to a specific segment of electrical or alarm system contracting including, but not limited to, residential electrical contracting, maintenance of electrical fixtures and fabrication, erection, installation, and maintenance of electrical advertising signs together with the interrelated parts and supports thereof.
- (8) Plumbing Contractor shall mean any person who has the knowledge and skill to install, maintain, repair, alter or extend plumbing, sanitary drainage or storm drainage facilities, venting systems, public and private water supply systems, septic tanks, drainage and supply wells, swimming pool piping; irrigation systems; or solar heating water systems and all appurtenances.

apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, storm and sewer line, water and sewer plants, and substations.

(9) **Master Heating, Air Conditioning and Refrigeration Contractor, Class A and/or Class A Air Conditioning Contractor** shall mean any person whose services are unlimited in the execution of contracts requiring the experience, knowledge and skill to perform the following: install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system (only to the extent such duct work is performed by the contractor necessary to complete an air distribution system), boiler and unfired pressure vessel systems and all appurtenances, apparatus or equipment used in connection therewith; also piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating and air conditioning control wiring; and to install 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. The scope of work shall include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water line or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

(10) **Master Heating, Air Conditioning and Refrigeration Contractor, Class B** shall mean any person whose services are limited to 25 tons of cooling and 500,000 BTU of heating in any one system in the execution of contracts requiring the experience, knowledge and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air distribution system being installed under this classification, and any duct cleaning and equipment sanitizing which requires at least partial dissembling of the system; to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and to install 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. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for

disconnecting or reconnecting changeouts of liquefied petroleum or natural gas fuel lines within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

(11) **Master Heating, Air Conditioning and Refrigeration Contractor, Class C** shall mean any person whose services are limited to the servicing of air conditioning, heating or refrigeration systems, including any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. No person not previously registered or certified as a Class C air conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However the board shall continue to license and regulate those Class C air conditioning contractors who held Class C licenses prior to October 1, 1988.

(12) **Mechanical Contractor** shall mean any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is 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, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings and natural gas fuel lines within buildings; to replace disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, or reconnect low voltage heating, ventilating and air conditioning units to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(13) **Master Sheet Metal Contractor** shall mean any person whose services are unlimited in the sheet metal trade and who has the experience, knowledge and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing and design when not prohibited by law, of ferrous

or nonferrous metal work materials, including, but not limited to fiberglass, used in reinforcement of same, the balancing of air handling systems and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system.

- (14) **Roofing Contractor** shall mean any person whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof.
- (15) **Underground Utility and Excavation Contractor** shall mean any person whose services are limited to the construction, installation and repair, on public or private property, whether accomplished through open excavations or through other means including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting and slip lining, of main sanitary sewer collection systems, main water distribution systems, sewer collection systems and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in the rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than two (2) inches in diameter, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor shall not install any piping that is an integral part of a fire protection system as defined in Florida Statute Chapter 633 beginning at the point where the piping is used exclusively for such system.
- (16) **Solar Contractor** shall mean any person whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor certified or registered pursuant to these provisions is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide any services enumerated in this paragraph that are within the services such contractors may render under this part.
- (17) **Specialty Contractor** shall mean any person whose scope of work and responsibility is limited to a particular phase of construction and whose scope

is limited to a subset of the activities described in the categories established in one of the paragraphs of this section.

B. Class II Local Specialty Contractors:

Class II contractors shall include those not in Class I where work directly affects public health and safety through structural components or operating systems within a building. A new authorized contractor license in Class II requires successful completion of an approved written examination and shall also satisfy the requirements of Section 8-8 of this Code.

- (1) **Aluminum Erection Contractor** shall mean those whose scope of work shall include and be limited to screened porches, screened enclosures, preformed panel-post and beam roofs, mobile home panel roof-overs, residential glass window and door enclosures, vinyl panel window enclosures, single story self-contained aluminum utility storage structures, raised wood decks for enclosures and the repair and/or replacement of wood incidental to the installation of glass windows and doors; installation of siding, soffit, fascia, gutters and preformed panel-post and beam roofs. The scope of such work may also include masonry concrete work but limited to foundations, slabs and block knee walls incidental to the aluminum construction work. The aluminum erection contractor shall not perform any work that alters the structural integrity of the primary building including, but not limited to, roof trusses, lintels, load bearing walls and foundations.
- (2) **Carpentry Contractor** shall mean those qualified and certified to perform light and heavy construction, rough framing, trusses, sheathing, metal framing, paneling, trim, cabinetry, doors, windows, stairs and incidental hardware.
- (3) **Garage Door Installer** shall mean those qualified and certified to install, maintain, repair, alter or extend residential or commercial garage doors, including all hardware and operating devices. Installation of 120 volt electrical service required for the door operating devices may be included in the contract for work but must be subcontracted to a certified or registered electrical contractor.
- (4) **Glass and Glazing** shall mean those qualified to select, cut, assemble and install all makes and kinds of glass and glasswork and execute the glazing of frames, panels, sash, door and holding metal frames, ornamental decoration, mirrors, tub and shower enclosures.
- (5) **Hurricane Protection Installer** shall mean those qualified and certified to perform fabrication, repair, maintenance, installation and attachment of exterior opening protection assemblies, including hurricane shutter assemblies and similar products to protect residential and commercial dwellings. A hurricane protection installer may brace existing garage doors to

comply with the Florida Building Code but shall not install new garage doors. Any electrical work performed in connection with the installation of protection devices may be included in the contract but must be subcontracted to a certified or registered electrical contractor.

- (6) **Irrigation Sprinkler** shall mean those who have the knowledge and skill to install, repair, maintain and replace lawn sprinkler irrigation systems.
- (7) **Marine Contractor** shall mean those qualified and certified to construct, install, maintain, repair or alter seawalls, bulkheads, docks, piers, wharfs, piles, boatlifts, davits, boat houses and other marine structures. Any electrical, plumbing, mechanical, or roofing work including [except as set forth in Florida Statute Section 489.113(3) (b)] in the scope of work may be included in the contract but must be subcontracted to the appropriate certified or registered contractor.
- (8) **Masonry Contractor** shall mean those qualified and certified to select, cut, install and lay brick, stone and masonry products, including structural glass, brick or block and insulated concrete units, placement of reinforcing steel and any concrete forming and placing incorporated into the masonry work.
- (9) **Siding, Window and Door Installer** shall mean those qualified and certified to perform siding, window and door installation, including vinyl, wood or aluminum siding, soffit, fascia, gutters and all types of windows and doors, as well as any work necessary to prepare or repair substrate to accomplish proper installation, but not including any structural alterations.
- (10) **Sign Contractor (non-electrical)** – shall mean those qualified and certified to perform installation, repair, maintenance and modification of non-electrical signs in accordance with the Florida Building Code. Electrical work may be included in the contract but must be subcontracted to a certified or registered electrical contractor.
- (11) **Structural Steel/Structural Framing** - shall mean those qualified to erect structural steel shapes and plates, including such minor field fabrication, as may be necessary, of any profile, perimeter or cross section that are or may be used as structural members for buildings and structures, including metal decking, siding, joists, riveting, welding and rigging, only in connection therewith.

Section 8-6. Journeyman Class:

Journeyman must hold a valid active journeyman license in electrical, plumbing/pipe fitting, mechanical or HVAC trades issued by any county or municipality in the state and may work as journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an

additional examination as set forth in Florida Statute Chapter 489, Part I and Part II. A local registration card shall be issued upon payment of the registration fee.

Section 8-7. Contractor Review Board

A. Members

- (1) The Board shall consist of ten (10) members who can establish residency in Flagler County prior to the date of appointment by the County Commission. The members shall not be elected officials or employees of Flagler County or its municipalities. Members shall serve without compensation. The members of the Board shall include:
 - a. A licensed general, building, or residential contractor;
 - b. A licensed roofing contractor;
 - c. A licensed electrical contractor;
 - d. A licensed plumbing contractor;
 - e. A licensed mechanical or air conditioning contractor;
 - f. A licensed swimming pool/spa contractor;
 - g. Three (3) consumer members;
 - h. A licensed engineer or architect;
- (2) In the event it is not possible to obtain a member in one of the licensed categories specified herein, any other state licensed contractor may serve as a substitute, provided there are no duplicate trade holders on the Board.
- (3) Appointment of a member to the Flagler County Contractor Review Board shall be for a term of four (4) years, except that the initial term for a licensed mechanical or air conditioning contractor; a licensed swimming pool/spa contractor; and two of the consumer members shall be for two years to provide staggered terms. Upon expiration of initial terms, any member may be reappointed to serve one additional four (4) year term.
- (4) The Board shall elect a chairman and a vice-chairman as necessary from among its members. Election of the officers shall be conducted annually in September, with new officers commencing the position in October.
- (5) The Board of County Commissioners may remove any member at any time at its sole discretion. Any member who has been absent for three (3) consecutive meetings without excuse shall automatically be removed. Contractor members must remain actively licensed throughout their term.

Members appointed to fill vacancies caused by death, resignation or removal shall serve the remainder of the unexpired term of their predecessors.

- (6) In the event of a vacancy, removal or resignation of a member, the Board of County Commissioners will appoint a replacement at its sole discretion.
- (7) Six (6) members of the Board shall constitute a quorum at any meeting and a majority vote of those present shall be required to make a decision.
- (8) The Board shall hold monthly meetings or as established by the Board's bylaws. Each meeting shall be called to order by the chairman or, in his/her absence, by the vice-chairman or senior member.

B. Powers and Duties of the Board

The Board shall have the authority to:

- (1) Propose bylaws, rules and regulations for adoption by the Board of County Commissioners.
- (2) Review and approve or deny applications for Flagler County authorized contractor licenses and address all other meeting agenda items prepared by the Licensing Administrator.
- (3) Enforce the provisions of this Code in the regulation of Class I and Class II contractors and unlicensed contracting as provided in Florida Statute Chapter 489.
- (4) Hear appeals of decisions and interpretations of the Building Official.
- (5) Hear appeals of decisions and interpretations of the Licensing Administrator.
- (6) Hear appeals of the Building Official on determinations of unsafe buildings as set forth in the Code.
- (7) Issue subpoenas. Subpoenas may be served by the sheriff of the county or by a private process server.
- (8) Take testimony under oath.
- (9) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
- (10) Adopt rules for the conduct of its hearings.

Section 8-8. Requirements for Authorized Contractor License.

Authorized Contractor License. Except as provided in Section 8-4 of this Code, it shall be a violation of this Code for any person to engage in the occupation of a contractor or the business of contracting within Flagler County or participating jurisdictions without a valid state certification or a Flagler County authorized contractor license issued by the Flagler County Licensing Administrator.

A. Class I Authorized Contractor License:

- (1) Submit an approved completed application accompanied by the required supporting documents and the applicable fees. The work authorized shall be limited to the scope of work described in the classification for which the license is issued by the Board.
- (2) Establish eligibility for authorized contractor license pursuant to:
 - a. grandfathering provisions set forth in Section 8-10; or
 - b. the reciprocity provisions set forth in Section 8-11.

B. Class II Authorized Contractor License:

- (1) Submit an approved completed application accompanied by the required supporting documents and the applicable fees. The work authorized shall be limited to the scope of work described in the classification for which the license is issued by the Board.
- (2) Establish eligibility to receive an authorized contractor license pursuant to:
 - a. passing an approved examination for a trade as set forth in Section 8-9.
 - b. the Grandfathering provisions set forth in Section 8-10; or
 - c. the reciprocity provisions set forth in Section 8-11.

Section 8-9. Written Examination

A. Pre-qualification:

- (1) The Licensing Administrator shall verify completeness of an application and render a determination of pre-qualification for the applicant to sit for an examination.

- (2) Pre-qualification to sit for the examination may be denied for any one of the following reasons:
- a. An incomplete application.
 - b. False statements on the application or supporting documentation.
 - c. Inability to verify the submittals provided in the application process or a finding that such submittals are incomplete, inaccurate or false.
 - d. The applicant does not possess the necessary experience, knowledge and ability required for the type of license for which the application is made.
 - e. Failure to discharge a debt judgment as court ordered when the judgment is entered as a result of engaging in the business of contracting.
- (3) The Licensing Administrator shall provide written notification to the applicant if he/she has been denied the opportunity for examination. The applicant shall then have the opportunity to appeal the pre-qualification denial to the Board.

B. Testing Requirements:

- (1) A pre-qualified applicant shall obtain a passing score of seventy-five (75) percent or higher on the technical examination in order to qualify for an authorized contractor license.
- (2) A pre-qualified applicant, as a prerequisite to qualify for an authorized contractor license, must show evidence of understanding lien laws, notice of commencement procedures, insurance standards and other business and legal subjects necessary to protect the public by either:
- a. passing a written examination on business and law subjects acceptable to the Board, with a score of seventy-five (75) percent or higher, or
 - b. completing a course of instruction on business and law subjects from an educational institution acceptable to the County Review Board.
- (3) Written verification of the examination score from the testing agency shall be submitted to the County.

- (4) Any person who fails to pass examinations or takes the examinations more than one year from the date of pre-qualification is required to reapply pursuant to the provisions herein.

Section 8-10. Grandfathered Authorized Contractor License

- A. A resident of Flagler County working within Class I and Class II may be eligible for grandfather status.

- (1) To be eligible to receive an authorized contractor license pursuant to this section, an applicant must submit a completed application and establish compliance within one hundred and eighty (180) days of the effective date of this Code. Applications postmarked after midnight on the 180th day will not be processed.

- (2) Applicants for grandfather status shall establish the following:

- a. A minimum of three (3) notarized letters of reference from a licensed contractor, architect or engineer (competent in the applicable contractor category) that attests to the years of experience in the trade, acceptable workmanship and work ethic of the applicant in carrying out the work in the trade; and
- b. Documented proof the applicant has been engaging in contractual services in Flagler County within the category applied for a minimum of two consecutive years immediately prior to the date of adoption of this Code. Proof shall include evidence or copies of the applicant's Flagler County Business Tax Receipt (or occupational license fee receipt , as applicable); and
- c. When applicable, a current state registration issue by the Department of Business and Professional Regulation; and
- d. Proof of worker's compensation Insurance or a valid State exemption, and proof of general liability insurance as required by Section 8-16 of this Code.

Section 8-11. Reciprocal Certification.

- A. Any person who has been issued a current license or certificate of licensure by any county within the State of Florida certifying that the holder has been examined and is authorized to perform the work specified thereon may, after making application for licensure as provided in this Code, be authorized to work in the same category or class without further examination.

- B. In order for a person who has been issued an authorized license by any county within the State of Florida to be licensed pursuant to subsection (A) of this section, the individual must first affirmatively show that the county upon whose license the person is basing the request for certification extends the same certification privileges to individuals authorized by the Flagler County Licensing Administrator.
- C. The Licensing Administrator shall for a fee provide Flagler County authorized licensees with a letter of reciprocity to outside licensing jurisdictions.

Section 8-12. Expiration of Authorized Contractor License

- A. An authorized contractor license shall be renewed each biennial year by payment of the applicable fee. All authorized contractor licenses expire on September 30 of each odd numbered year. Authorized contractor licenses not renewed by September 30 may be restored upon payment of a late fee through December 31 of that odd year. Any license not renewed by December 31 of its expiration year shall expire. Re-application pursuant to this Code will be required.
- B. When an authorized contractor license expires, or has been suspended or revoked by the Board, the Licensing Administrator shall notify in writing the Flagler County Tax Collector and the Tax Collector shall take action to revoke or suspend the contractor's Business Tax receipt.

Section 8-13. Voluntary Inactive Status

- A. Inactive status may be requested in writing by an authorized contractor. The License Administrator shall place the license on inactive status. The authorized contractor license may be renewed while in inactive status.
- B. The holder of an inactive contractor's license shall not be permitted to engage in the business of contracting. No advertising use shall be made of any inactive contractor license for any purpose.
- C. A license holder seeking to reactivate an inactive license shall submit the following to the Licensing Administrator:
 - (1) Payment of the current active license fee.
 - (2) A valid and current certificate of insurance for the required liability and worker's compensation coverage or exemption.
 - (3) When applicable, a copy of the required current state registration.

Section 8-14. Death of an Authorized Contractor

- A. If permitted work remains to be completed at time of death of an authorized contractor, the permitted work may be completed by another qualified contractor. The new contractor seeking to complete the work under contract shall provide written notice to the Licensing Administrator within thirty (30) days of the death of the authorized contractor.
- B. If the deceased authorized contractor is the only qualifying agent for the business organization, the business organization shall have sixty (60) days from the date of the qualifier's death to employ another licensed qualifying agent. The business organization may not commence any new construction, but may continue old work and shall provide warranty until another licensed qualifier has been retained.

Section 8-15. Restrictions on Authorized Contractors

- A. An authorized contractor's license is not transferable.
- B. An authorized contractor may only engage in the scope of work covered by the license issued during which all required documents and insurances must be in full force or effect.
- C. An authorized contractor shall comply with all applicable state and local laws regulating the construction industry.

Section 8-16. Regulatory Requirements

A. Display of Contractor's license number

- (1) All construction advertising shall be in compliance with Florida Statute Section 489.119 (6) and 489.521 (7), as amended. Any contractor regulated pursuant to this Code shall display a State of Florida license or registration number, or an authorized contractor's license, as applicable, in any advertisement aired, circulated, displayed, distributed or marketed within Flagler County that offers services of the contractor regulated by this Code.
- (2) When advertising on a vehicle, the minimum height of each number or letter of the license numbers shall be one (1) inch high. Any vehicle being utilized for construction related activities shall be marked in a manner which clearly exhibits a valid Flagler County authorized contractor's license number or State of Florida certification or registration number in a minimum of one (1) inch letters, together with the name of the authorized contractor, the name of the entity in which the license holder is conducting business (if not conducting business as an individual) and the type of license held. Employee-owned vehicles used only for transportation to and from construction sites are exempt from this requirement.

- (3) If a vehicle bears the name of a contractor or business organization, or any text or artwork which would lead a reasonable person to believe that the vehicle is used for construction related activities, the registration, certification or authorized contractor's license number must be conspicuously and legibly displayed along with the name, text, or artwork, as set forth in Florida Statute Section 489.119(6)(c), as amended.

B. Proof of Insurance Required – Authorized Contractors

- (1) Each authorized contractor shall furnish the County Licensing Administrator evidence of valid worker's compensation Insurance or provide proof of a legal exemption thereto.
- (2) Each authorized contractor shall furnish proof of contractor's liability insurance provided by an insurance company authorized to do business in the State of Florida. Insurance coverage shall be as follows: for General and Building Contractors, \$300,000.00 bodily injury per accident and not less than \$50,000.00 for one person and \$50,000.00 for property damage; for all other license categories, \$100,000.00 bodily injury per accident and not less than \$50,000.00 for one person and \$25,000.00 for property damage.
- (3) In the event that the insurance requirements of this section expire or are cancelled, the authorized contractor's license issued and permitting rights given to the insured shall be immediately and automatically suspended and it shall be unlawful thereafter for the contractor to engage in any business until insurance coverage and the license is reinstated.

C. Certified Contractor's Proof of License and Insurance. In order to offer or advertise contracting services within Flagler County, certified contractors shall furnish the County Licensing Administrator with a current copy of his/her license, proof of worker's compensation insurance, or any legal exemption thereto, and proof of liability insurance as required by state law.

- (1) Certified contractors shall thereafter maintain current information on file in order to continue contracting in Flagler County.
- (2) Certified contractors shall also pay a biennial file management fee in accordance with the Flagler County adopted fee schedule. Said fee shall be due and payable from each certified contractor at the time first filing with the County and upon the biennial date of renewal of the state license.

Section 8-17. Prohibited Activities

The following activities may result in Board disciplinary action:

- A. Engaging in unlicensed contracting in violation of Florida Statute Section 489.127, 489.13, 489.132 or 489.531.
- B. Impersonate or hold oneself out as a licensed contractor of any type without holding an authorized or certified contractor's license of that type.
- C. Provide any inactive or fraudulent license number to another person for any purpose, without disclosing in writing that the number is inactive or fraudulent;
- D. Present the contractor's license of another as his or her own;
- E. Submit any false information in an application for an authorized contractor's license, or in qualifying a business.
- F. Use or attempt to use an authorized contractor's license, which has been revoked, suspended or placed on inactive status in any manner including advertising use, which is prohibited for any inactive authorized contractor's license.
- G. Engage in the business or act in the capacity of a contractor or advertise as available to in engage in the business or act in the capacity of a contractor or construction supervisor/coordinator or inspector without being presently licensed or having a qualifying agent, except as otherwise herein provided.
- H. Operate a business organization engaged in contracting without a licensed qualifying agent, except as otherwise herein provided.
- I. Knowingly depart from or disregard plans, specifications or permits regarding state or local building codes, structural elements, fire/life safety, or health codes, without consent of the owner and proper County approved revision of all permit documents.
- J. Commit any willful, careless, reckless or fraudulent act as a contractor or subcontractor causing financial injury, or safety or health threat to another.
- K. Failure to satisfy a judgment as court ordered when such judgment is entered because of engaging in the business of contracting.
- L. Fail to prominently display the authorized contractor license number and/or state registered contractor license number in any medium without including the contractor's license number, including on any business signs displayed on motor vehicles used by the license holder or the qualified business in the business of contracting, and in transporting employees, equipment and/or materials to a construction site, in letters at least (1") one inch high. Failure to have his/her authorized contractor's license number or state registered contractor's number appear in any newspaper, airwave transmission, phone directory, or other

advertising medium, which offers services of the contractor which are regulated by Florida Statute Chapter 489 or this Code is also prohibited.

- M. Commence or perform work for which a County building permit is required without obtaining the appropriate permits in advance or registering work as an emergency and thereafter requesting all required inspections and proceeding only after approvals;
- N. Willfully or deliberately disregarding or violating any County regulation or Board order relating to contractors or contracting, including any contractor or owner/builder using any unlicensed person as a subcontractor without providing full time on-site supervision and the required insurance coverage.
- O. Operate a business organization engaged in contracting sixty (60) days following the loss of its designated qualifying agent without formally replacing the qualifying agent in County licensing records.
- P. Aid or abet unlicensed contracting activities or assist any business organization in evading any provision of this Code, or any other contracting or building code regulation.
- Q. Aid, abet or participate in a scope of work without a permit when a permit is required.
- R. Exceed the scope of work for which the contractor has been certified to perform; or exceed or change the work permitted without first obtaining the County Building Department correction for all permit documents, including plans, and paying any additional fees due.
- S. Failure to correct any violation of Florida Building, Health, Land Development, Fire or Life Safety Codes as adopted by the Flagler County Code upon notification of such violation in writing by the County Building Official or his/her designee.
- T. Failure to maintain current mailing address information in his/her file by written notice to the License Administrator within thirty (30) days after any change.
- U. Abandon a construction project in which the contractor is engaged or under contract. A project shall be considered abandoned ninety (90) days after the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination; or fails to perform work on-site under the contract for ninety (90) consecutive days.
- V. Sign a statement with respect to a project or contract which falsely indicates that payment has been made for subcontracted work, labor, and/or materials which results in a financial loss to the owner, purchaser, supplier, or another contractor; or which falsely indicates the worker's compensation and/or public liability insurance are maintained.

- W. Commit fraud or deceit or other misconduct in the practice of contracting; including failure or refusal to correct serious construction defects after written notice is given by the County Building Official.
- X. Proceed on any construction job without satisfying state statutory requirements on the required owner's Notice of Commencement, or before obtaining the County building permits and thereafter obtaining all code required inspection approvals before proceeding or covering unapproved work; occupy or allow occupancy prior to a Certificate of Occupancy.
- Y. Intimidate, threaten, coerce or otherwise discourage the use of a Notice to Owner or a Notice to Contractor required under Florida Statutes, or prevent an Affidavit of Filing on a Notice of Commencement that has not actually been received for recording in the Clerk's office.
- Z. Failure to comply with or violation of any provisions of this Code.

Section 8-18. Discipline

- A. A violation or failure to comply with any provision of this Code may be referred to the Contractor Review Board for enforcement proceedings or for enforcement in accordance with the provisions of Florida Statute Chapter 162.
- B. **State Certified Contractors:** The Board may suspend, deny, or limit with specific conditions, the privileges of a State certified contractor to obtain a building permit if evidence is submitted to the Board during the hearing process, which establishes that the contractor is found guilty or has been adjudicated guilty of fraud or willful building code violations in any jurisdiction within the past twelve (12) months. Notice of permit denial shall be submitted to the Florida Department of Business and Professional Regulation accompanied by a recommendation of license revocation, suspension, restitution and the imposition of fines.
- C. **Authorized Contractors:** The Board may, in its discretion, revoke approval of a candidate for examination prior to licensing, deny issuance of a new authorized contractor's license after examination, or revoke or suspend an authorized contractor's license, in addition to the imposition of fines and civil penalties, if the Board determines after hearing that a person has violated a provision of this Code.
- D. **Unlicensed Contracting:** The Board is designated to enforce the provisions of Florida Statute Chapter 489 against persons who engage in unlicensed contracting.
- E. Failure to appear at a duly noticed hearing will result in action by the Board *in absentia*. A hearing is properly noticed if adequate and reasonable notice to

the person cited is given in writing by certified mail or hand delivery, or by public notice published twice a week apart in a newspaper of general circulation in Flagler County which indicates the time and place for such hearing.

- F. The Board may impose a fine in an amount not to exceed Five Hundred Dollars (\$500.00) per violation. Each day a violation continues shall constitute a separate offense. Additionally the Board may order a person to pay restitution up to Five Thousand Dollars (\$5,000.00), unless prohibited by law. A fine or restitution order imposed hereby shall not prohibit the imposition of any other remedy or penalty provided law or equity.
- G. All provisions of Florida Statute Chapter 489 including, but not limited to, the conduct of hearings, determination of penalties, the recording of certified copies of orders imposing civil penalties as liens against the real and personal property owned by violators, foreclosure of liens, and appeals, are incorporated herein by reference as fully as if set forth verbatim.
- H. Fines collected for violations of this Code shall be set aside in a specific fund to support the County's license regulatory programs and enforcement activities against unlicensed contractors in accordance with Florida Statute Chapter 489.
- I. The compliance methods and remedies provided under this Section are supplemental to any other penalties and remedies elsewhere provided in the Flagler County Land Development Code or State law, including criminal penalties provided in Florida Statute Chapter 489. The provisions of this Section are deemed to be remedial in nature for licensed contractors, and shall apply to any action or inaction taken after the effective date of this Code even though the work or permits may have commenced prior to the effective date of this Code.

Section 8-19. Appeals

- A. Appeals of a decision rendered by the Building Official shall be filed with the County in writing within thirty (30) days of the written decision.
- B. The Building Official may, by written decision, reduce the time period for appeal of decisions related to unsafe structures in the interest of public safety and welfare.
- C. Appeals relating to provisions of the Florida Building Code, other than local amendments, shall be appealed to the Florida Building Commission, pursuant to Florida Statute Section 120.569.
- D. Board Orders reflecting final disposition of an issue shall constitute final agency action. An aggrieved person, including the local governing body, may appeal a

final order of the Board, within thirty (30) days of the date the chair executes the Board's final order. Appeal of a final order of the Board shall be to the circuit court by writ of certiorari. Said appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Board. Petitioner and/or alleged violator shall not have the remedy of other extraordinary writs or other judicial remedy or process until all administrative remedies, including review by writ of certiorari, have been exhausted.

Section 8-20. Fees

Fees shall be adopted by Resolution of the Flagler County Board of County Commissioners.

SECTION II. AUTHORIZING INCLUSION IN CODE - The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the County of Flagler, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code. Scrivener errors may be corrected as deemed necessary.

SECTION III. SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

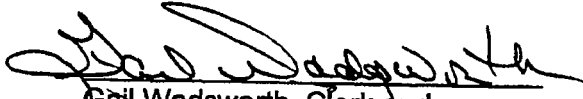
SECTION IV. CONFLICTS All Ordinances, or part of Ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

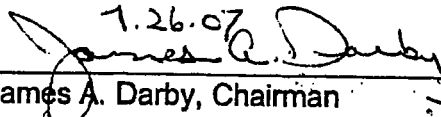
SECTION V. EFFECTIVE DATE - A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after the enactment by the Board of County Commissioners and this Ordinance shall take effect upon filing with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, this 23~~RD~~ day of July, 2007.

FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS

ATTEST:


Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

7.26.07

James A. Darby, Chairman

APPROVED AS TO FORM:


Albert J. Hadeed, County Attorney