

**ORDINANCE 2015- 06**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES TITLED "BUILDINGS AND CONSTRUCTION"; AMENDING ARTICLE I, TITLED "CONTRACTOR LICENSING CODE"; AMENDING SECTION 8-3 DEFINITIONS, BY DELETING JOURNEYMAN; AMENDING SECTION 8-5 TYPES OF AUTHORIZED CONTRACTORS, SUBSECTION 8-5(b) CLASS II LOCAL SPECIALTY CONTRACTORS, AMENDING SUBSECTION 8-5(b)(2) CARPENTRY CONTRACTOR; AMENDING SUBSECTION 8-5(b)(3) CONCRETE CONTRACTOR; AMENDING SUBSECTION 8-5(c) LOCAL SPECIALTY TRADE CONTRACTOR NONTESTED, BY ADDING SUBSECTION 8-5(c)(5) SHED INSTALLER (PRE-FAB); DELETING SECTION 8-6 JOURNEYMAN CLASS; AMENDING SECTION 8-7 CONTRACTOR REVIEW BOARD, SUBSECTION 8-7(a) MEMBERS; AMENDING SECTION 8-8 REQUIREMENTS FOR AUTHORIZED CONTRACTOR LICENSE, BY DELETING SUBSECTION 8-8(4) JOURNEYMAN CLASS; AMENDING SECTION 8-9 WRITTEN EXAMINATION, SUBSECTION 8-9(a) PREQUALIFICATION, BY DELETING SUBSECTIONS 8-9(a)(2)(f) AND (g) RELATED TO JOURNEYMAN; AMENDING SECTION 8-12 EXPIRATION OF AUTHORIZED CONTRACTOR LICENSE, BY DELETING SUBSECTION 8-12(b); AUTHORIZING INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Flagler County adopted Ordinance 2007-10, codified at Chapter 8, Article I, Flagler County Code of Ordinances, establishing the Contractor Licensing Code of Flagler County (Contractor Licensing Code); and

**WHEREAS**, Flagler County adopted Ordinance 2008-23, codified at Chapter 8, Article I, Flagler County Code of Ordinances, amending certain sections related to the Contractor Licensing Code; and

**WHEREAS**, it has been over eight years since the initial adoption of the Contractor Licensing Code and almost seven years since the Contractor Licensing Code was last amended, within which time changes have been made to the Florida Building Code and Florida Statutes related to contractor licensing; and

**WHEREAS**, the Flagler County Board of County Commissioners wishes to amend the Contractor Licensing Code to reflect current building industry standards and practices; and

**WHEREAS**, the Flagler County Board of County Commissioners desires to consistently seat a full Contractor Licensing Board, composed of certified or licensed professionals with specialized knowledge in their respective fields; and

**WHEREAS**, the Flagler County Contractor Review Board on May 20, 2015 reviewed the proposed amendment and unanimously recommended approval to the Board of County Commissioners; and

**WHEREAS**, public notice of this action has been provided in accordance with Chapter 125.66(2)(a), Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:**

**SECTION 1. FINDINGS**

The above recitals are incorporated herein as findings of fact.

**SECTION 2. CODE AMENDMENT**

The Flagler County Code of Ordinances, Chapter 8, Article I, Contractor Licensing Code, is hereby amended as follows (additions are shown in underline format and deletions are shown in ~~strike through~~ format):

- A. Chapter 8, Article I, Section 8-3, *Definitions*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-3. - Definitions.

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~~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.~~

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- B. Chapter 8, Article I, Section 8-5, *Types of authorized contractors*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-5. - Types of authorized contractors.

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- (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. An applicant

for an authorized contractor license in class II shall successfully complete an approved written examination and shall also satisfy the requirements of section 8-8 of this Code.

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(2) *Carpentry contractor* shall mean those qualified and certified to perform ~~light and heavy construction~~, rough framing, trusses, sheathing, metal framing, soffit, fascia, paneling, trim, cabinetry, doors, windows, stairs and incidental hardware.

(3) *Concrete contractor* shall mean those whose scope of work includes formwork, placement of steel reinforcement, batching, mixing, delivery, placing, finishing and curing of concrete work. Concrete contractor does not include masonry or block work.

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(c) *Local specialty trade contractor, nontested*: Specialty trade contractor nontested shall include those not in class I or class II. An applicant for an authorized specialty trade nontested contractor's license shall provide three (3) written letters of reference from individuals who can verify the applicant's workmanship in the trade being applied for. Specialty trades contractors shall also satisfy the requirements of section 8-8 of this Code.

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(5) *Shed Installer (Pre-Fab)* shall mean those authorized for delivery, anchorage and placement of prefabricated sheds.

C. Chapter 8, Article I, Section 8-6, *Journeyman class*, of the Flagler County Code of Ordinances is amended to read as follows:

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Sec. 8-6. – ~~Journeyman class~~: Reserved.

~~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 F.S. ch. 489, parts I and II. A local registration card shall be issued upon payment of the registration fee.~~

~~—An applicant for an authorized journeyman license shall successfully complete an approved written examination and shall also satisfy the requirements of section 8-8 of this Code.~~

- ~~(1) *Journeyman electrician* shall mean those qualified and tested to perform work in the electrical trades while employed and supervised by a master electrician.~~
- ~~(2) *Journeyman plumber* shall be those qualified and tested to perform work in the plumbing trades while employed and supervised by a master plumber.~~
- ~~(3) *Journeyman heating, air conditioning, refrigeration* shall mean those who are qualified and tested to install, maintain, repair, fabricate, alter, extend or design (when not prohibited by the building code) central air conditioning, refrigeration, heating and ventilating, including duct work, pneumatic control piping, and installation of a condensate drain from an approved disposal other than a direct connection to a sanitary system when employed and supervised by a master heating, air conditioning, refrigeration contractor.~~
- ~~(4) *Journeyman sheetmetal* shall mean those who are qualified and tested to fabricate, install, repair, alter or extend sheet metal work while employed and supervised by a master sheet metal contractor.~~

D. Chapter 8, Article I, Section 8-7, *Contractor review board*, of the Flagler County Code of Ordinances is amended to read as follows:

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Sec. 8-7. - Contractor review board.

(a) *Members.*

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- (3) Appointment of a member to the Flagler County Contractor Review Board shall be for a term of four (4) years. Members shall be appointed in accordance with established Board of County Commission policies and procedures related to the establishment of boards and committees.
- (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~~ the November Board meeting, with new officers commencing the position in ~~October~~January.
- (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 and in good standing with the Florida Department of Business and Professional Regulation 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.

E. Chapter 8, Article I, Section 8-8, *Requirements for authorized contractor license*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-8. - Requirements for authorized contractor license.

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~~(4) Journeyman class:~~

- ~~a. Applicants shall 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.~~
- ~~b. Applicants shall establish eligibility to receive a journeyman license by:
  - ~~1. Passing an approved examination for a trade as set forth in section 8-9; or~~
  - ~~2. Meeting the reciprocity provisions set forth in section 8-11.~~~~

F. Chapter 8, Article I, Section 8-9, *Written examination*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-9. - Written examination.

(a) *Prequalification:*

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(2) Prequalification to sit for the examination may be denied for any one (1) of the following reasons:

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- ~~f. All master applicants shall also have two (2) years' work experience as a licensed journeyman with successful completion of the journeyman examination required before the master license application is acceptable.~~

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~~g. Except in the electrical trade, applicants for journeyman class license shall submit notarized or verifiable written evidence from a master that they have had a minimum of two (2) years' experience or education in their field. Two (2) years' experience shall be experience gained through working as an apprentice or helper in the appropriate trade for two (2) years; or one (1) year specialized education in the trade at a recognized accredited college or acceptable trade skills development program plus one (1) year of work experience in trade. The electrical applicants for journeyman shall have a minimum of four (4) years' experience gained through working as an apprentice or helper in the appropriate trade or acceptable trade skills development program plus three (3) years of work experience in the trade.~~

G. Chapter 8, Article I, Section 8-12, *Expiration of authorized contractor license*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-12. - Expiration of authorized contractor license.

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~~(b) When an authorized contractor license expires, or has been suspended or revoked by the board, the licensing administrator shall notify in writing the county tax collector and the tax collector shall take action to revoke or suspend the contractor's business tax receipt.~~

### **SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS**

A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions or amendments thereto, and shall be appropriately renumbered or relettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.

B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

### **SECTION 4. SEVERABILITY**

It is the intent of the Board of County Commissioners of Flagler County, Florida, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

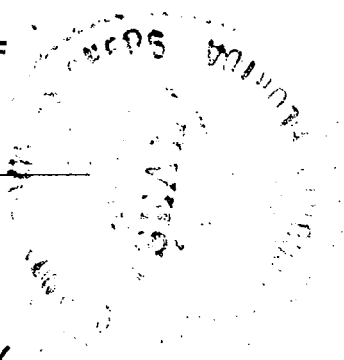
**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect upon filing with the Department of State, as provided by Section 125.66, Florida Statutes.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF FLAGLER COUNTY, FLORIDA THIS 1ST DAY OF JUNE, 2015.**

**FLAGLER COUNTY BOARD OF  
COUNTY COMMISSIONERS**

By: Frank J. Meeker  
Frank J. Meeker, Chairman



**ATTEST:**

**Approved as to Form:**

By: Gail Wadsworth  
Gail Wadsworth, Clerk of the  
Circuit Court and Comptroller

Albert J. Hadeed  
Albert J. Hadeed, County Attorney