



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

3/7/2023

Subject:

Public Hearing RE: Approval of Ordinance Amending Chapter 22, Article VI, "Contractors," Brevard County Code of Ordinances

Fiscal Impact:

Revenue reduction of approximately \$8,953

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board hold a public hearing and consider adoption of the attached ordinance amending Chapter 22, Article VI, "Contractors," Brevard County Code of Ordinances

Summary Explanation and Background:

On June 29, 2021, HB 735 was signed into law. This bill amended four sections of Florida Statute. The first, amending Fla. Stat. § 163.211, is a general preemption. It states that "the licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement," with 2 exemptions - existing regulations are grandfathered until July 1, 2023, and local governments may continue to regulate "any local government licensing of occupations authorized by general law." The second section HB 735 amended was to Fla. Stat. § 489.117, by effectively adding authorization for local governments to license certain trades. The third and fourth sections amended allow local governments to continue to license journeyman trades.

On May 18, 2022, prior to development of the proposed amendment, the Brevard County Contractor Licensing Board recommended that the Board of County Commissioners amend Chapter 22, Brevard County Code of Ordinances, to comply with statutory requirements, but to do so as narrowly as possible to limit the impact to local license-holders. Likewise, on October 25, 2022, the Board of County Commissioners approved legislative intent and permission to advertise, while directing staff to "draft such amendment in a manner to limit the impact to local license-holders." On February 8, 2023, the Building Construction Advisory Committee reviewed the proposed amendments and unanimously recommended approval. On February 15, 2023, the Contractor Licensing Board acknowledged receipt of the amendments.

While Brevard County already deregulated several trades that would have been impacted (see especially Board action on May 18, 2021, deregulating the trades of Floor Covering, Floor Covering With Tile, Framing, Masonry, and Painting), there remains some inconsistency with pending statutory requirements. Specifically, as is now required under Fla. Stat. § 489.117, staff has drafted the attached amendment to reclassify county trades and their associated definitions so that they "substantially correspond to the job scope of one of the contractor categories" listed as eligible to be regulated. "Attachment A" is a summary of this effort. In the

case of the Stucco Contractor trade, the County has been expressly preempted from continuing to regulate this job scope; as such, it is proposed that this license be discontinued.

Another significant impact would be to the Fencing Contractor trade. The only related job scope that staff identified that substantially corresponds to a trade which the County is allowed to continue to regulate is limited to Aluminum and Vinyl Fencing. As such, for fences constructed of other materials (such as wood), only a Business Tax Receipt ("BTR") would be required to obtain a permit going forward.

With regards to most trades, however, the impact on both the public and license-holders would be limited. Provisions have been made in the draft ordinance to allow for automatic reclassification into corresponding trades and to allow for business owners to continue advertising using their current trade and license number for two additional years.

Staff is requesting Board approval of the attached amendment to Chapter 22, Brevard County Code of Ordinances, in order to comply with the requirements, set forth in HB 735. Consistent with prior Board direction issued on October 25, 2022, this amendment has been drafted in a manner to limit the impact to local license-holders, to the extent permitted under law.

Clerk to the Board Instructions:

Once ordinance is filed with the State, please return two copies to Planning & Development



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

March 14, 2023

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Attention: Deborah Thomas

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2023-02, which was filed in this office on March 14, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh



March 8, 2023

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item H.1., Public Hearing for Approval of Ordinance Amending Chapter 22, Article VI, "Contractors," Brevard County Code of Ordinances

The Board of County Commissioners, in regular session on March 7, 2023, adopted Ordinance No. 23-02, amending Chapter 22, Article VI, "Contractors," Brevard County Code of Ordinances. Enclosed are two fully-executed copies of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

Encls. (2)

cc: County Manager
County Attorney
Finance
Budget

ORDINANCE NO. 2023- 02

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE VI, DIVISION 1, SECTION 22-477, "DEFINITIONS" TO REDEFINE CERTAIN TERMS, CREATE CERTAIN TERMS, AND DELETE CERTAIN TERMS; AMENDING CHAPTER 22, ARTICLE VI, DIVISION 1, SECTION 22-478, "EXEMPTIONS," TO CLARIFY THE DEFINITION OF "SPECIALTY CONTRACTORS"; AMENDING CHAPTER 22, ARTICLE VI, DIVISION 2, SECTION 22-501, "CREATION, COMPOSITION," TO ALIGN WITH NEW TRADE TERMS AND DEFINITIONS; AMENDING CHAPTER 22, ARTICLE VI, DIVISION 3, SECTION 22-529, "CLASSES OF CERTIFICATES OF COMPETENCY," TO ALIGN CLASSES WITH AMENDED DEFINITIONS CONTAINED IN SECTION 22-477, "DEFINITIONS"; AMENDING CHAPTER 22, ARTICLE VI, DIVISION 3, SECTION 22-533, "QUALIFICATIONS TO PRACTICE, RESTRICTIONS," TO REMOVE REFERENCES TO DEFUNCT TRADES AND ALIGN TERMS TO THE AMENDED SECTION 22-477, "DEFINITIONS"; REPEALING CHAPTER 22, ARTICLE VI, DIVISION 3, SECTION 22-567, "GRANDFATHERING," AND REPLACING IT WITH CHAPTER 22, ARTICLE VI, DIVISION 3, SECTION 22-567, "RECLASSIFICATION PROCEDURES," TO PROVIDE FOR CERTIFICATION OF CERTAIN RECLASSIFIED TRADES AND ALLOWING ADVERTISEMENTS FOR RECLASSIFIED TRADE NAMES AND CERTIFICATION NUMBERS FOR TWO (2) YEARS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, Chapter 22, Article VI, Divisions I through VI, Code of Ordinances of Brevard County, Florida, govern the regulation, licensing, and examination of all persons desiring to engage in the business of contracting in the unincorporated areas of Brevard County, Florida; and

WHEREAS, under the provisions of House Bill 735 (2021), Section 489.117(4)(a), Florida Statutes, was amended to state that ". . . A local government, as defined in s. 163.211, may not require a person to obtain a license for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a-o) and (q) or authorized in s. 489.1455(1). . ."; and

OFFICIALLY FILED WITH THE SECRETARY OF STATE ON MARCH 14, 2023

WHEREAS, Section 163.211, Florida Statutes, was amended to expressly preempt local licensing requirements not authorized by general law, and provided for this amendment to take full effect on July 1, 2023; and

WHEREAS, Brevard County has such licensing requirements in place with regards to certain classes of trades; and

WHEREAS, the Brevard County Board of County Commissioners find that it is in the best interests of County citizens to continue to license certain trades, to the extent permitted by law, particularly with regards to their safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strike-through indicates deletions.~~

SECTION 1. Chapter 22, Article VI, Division 1, Section 22-477, "Definitions," Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means any electrical/electronic device or combination of electrical/electronic devices used to detect a situation which causes an alarm in the event of a burglary, fire (except smoke detectors), robbery, medical emergency or equipment failure.

Alarm systems contractor I means any person or firm qualified and certified by the ~~b~~Board who perform any work involving the ability, experience, science, knowledge and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace or service all types of alarm systems.

Alarm systems contractor II means any person or firm qualified and certified by the ~~b~~Board who perform any work involving the ability, experience, science, knowledge and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace or service alarm systems other than fire alarms.

Aluminum and vinyl fencing specialty contractor means any person or firm qualified and certified by the Board whose scope of work is to manufacture, construct, install, repair, maintain, extend or alter fences consisting of aluminum and vinyl materials, as a subset of the scope of work of a Specialty Structure Contractor under 61G4-15.015, F.A.C., as may be amended from time to time.

Board means the Brevard County Contractors Licensing Board.

Building contractor means ~~any person or firm qualified and certified by the board whose services are limited to construction of commercial and single dwelling or multiple dwelling residential buildings, which commercial or residential buildings do not exceed three 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.~~ means any person or firm qualified and certified by the Board whose scope of work shall be the same as that mandated under F.S. § 489.105(b) (2022), as may be amended from time to time.

Certificate of competency means that instrument which when duly issued by the county ~~C~~ontractors' ~~L~~icensing ~~B~~oard to a person or firm authorizes such person or firm to perform the work of the contractor, master or journeyman for which the certificate is issued as the scope of the work is defined in this article.

Class A air conditioning contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(f) (2022), as may be amended from time to time.

Class B air conditioning contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(g) (2022), as may be amended from time to time.

Commercial pool/spa contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(j) (2022), as may be amended from time to time.

Commission means the ~~B~~oard of ~~e~~County ~~e~~Commissioners of Brevard County, Florida.

Contractor means the person who is qualified for, and authorized to obtain building permits, and shall only be responsible for the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, advertises to, or does himself or by others construct, repair, alter, remodel, add to, demolish, subtract from or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this section.

County means all of the unincorporated areas of Brevard County, Florida.

Demolition specialty contractor (non-explosive) ~~means any person or firm qualified and certified by the board whose scope of work shall include and be limited to the demolition, wrecking, and disassembling of buildings and other structures or parts thereof, and the removal of debris therefrom in such a manner that adjoining structures, properties, and parts thereof, workers, and other persons are not injured. Nothing in this definition shall be construed to limit the scope of work by any contractor certified or registered pursuant to Brevard County Ordinance and F.S. ch. 489 which may be necessary and incidental to his work in compliance with building code and other applicable codes and regulations.~~ means any person or firm qualified and certified by

the Board whose scope of work shall be the same as that described in 61G4-15.038, F.A.C., as may be amended from time to time.

Drywall contractor means any person or firm qualified and certified by the board whose scope of work is limited to the installation of drywall and all necessary and incidental metal accessories, including nonload bearing studs, runners, hangers, channels, drywall metal suspension accessories and prefabricated ceiling materials; and the preparation of the surface over which drywall product is to be applied. This includes the application of base and finish coats specifically designed for the drywall products of their own erection. This category shall not include plastering block or wood partitions. Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

Electrical contractor means any person or firm qualified and certified by the Board who conducts business in the electrical trade field and who has the experience, knowledge and skill to install, repair, alter, add to or design, in compliance with law, 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 and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws and regulations. The term means any person, firm or corporation that engages in the business of electrical contracting under an expressed or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.

Electrical sign contractor means any person or firm qualified and certified by the Board to perform the structural fabrication including concrete foundation, erection, installation, alteration, repair, service and wiring of electrical signs and outline lighting. The scope shall not include the provision of, or any electrical work beyond the last disconnect mean or terminal points. However, a contractor certified under this section may provide the electrical entrance requirements for metering and main disconnect of remote billboards or signs which are independent of any structure or building and which require no more than 25 kilowatts at 250 volts maximum.

Excavating contractor means a contractor whose limited services are accomplished through open excavations upon public or private property. An excavation contractor may not install piping that is an integral part of a fire protection system as defined in F.S. § 633.102 beginning at the point where the piping is used exclusively for such system. The scope of work of this class is intended to be a subset of the scope of work of the "underground utility and excavation contractor" as defined in this section. means any person or firm qualified and certified by the board whose scope of work is to excavate or remove materials such as rock, gravel, and sand to construct or excavate canals, lakes, levees, including the clearing of land of surface debris and vegetation, the grubbing of roots, the removal of debris, and leveling of the surface lands incidental thereto.

Fencing contractor means any person or firm qualified and certified by the board whose scope of work is to manufacture, construct, install, repair, maintain, extend or alter fences consisting of metal, and wooden materials, pvc, or plastic components.

Firm means any sole proprietorship, partnership, association, company, corporation, agency or any other type of business organization.

Garage door specialty contractor means any person or firm qualified and certified by the Board whose scope of work is to construct, install, repair, extend or alter garage doors. This is intended to be a subset of the scope of work of a "specialty structure contractor" as defined in this section.

General contractor means any person or firm qualified and certified by the board whose services are unlimited as to the type of work which he or she may contract for. ~~General contractors may perform all activities or work requiring licensure under this article, except as provided in this article.~~ means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(a) (2022), as may be amended from time to time.

H.A.R.V. is an abbreviation for the general term heating, air conditioning, refrigeration and ventilating.

~~*Glass A: H.A.R.V. contractor* means any person or firm qualified and certified by the board 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, and all appurtenances, apparatus or equipment use in connection therewith; 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 and 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 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, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters or electrical power wiring.~~

~~*Glass B: H.A.R.V. contractor* means any person or firm qualified and certified by the board 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, expand 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; 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, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters or electrical power wiring.

Class A: H.A.R.V. service contractor means any person or firm qualified and certified by the board to service and repair those systems permitted to be installed or fabricated by a H.A.R.V. mechanical contractor and whose certification was issued pursuant to this article, prior to August 30, 1989. Any person holding a H.A.R.V. unlimited service contractor certificate of competency prior to this time may continue to renew their certificate and registration.

Class B: H.A.R.V. service contractor means any person or firm qualified and certified by the board to service and repair those systems permitted to be installed or fabricated by a H.A.R.V. limited contractor and whose certification was issued pursuant to the provisions of this article, prior to August 30, 1989. Any person holding a H.A.R.V. limited service contractor certificate of competency prior to this time may continue to renew their certificate and registration.

Glass and glazing specialty contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.018(2), F.A.C., as may be amended from time to time.

Gypsum drywall specialty contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.017(2), F.A.C., as may be amended from time to time.

Irrigation specialty contractor means any person or firm qualified and certified by the board who conducts business in the irrigation trade whose scope of work is limited to the installation, maintaining, repair, alter or extend all piping and sprinkler heads for the irrigation of lawns, including the connection to a water pump. Irrigation contractor may install a water pump and all required wiring in conjunction, but may not connect/extend any electrical service beyond a disconnect. Wiring/electrical from the disconnect to the breaker box must be performed by a licensed registered or certified electrician. means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.035(2), F.A.C., as may be amended from time to time.

Journeyman means any person performing any work authorized to be performed by any journeyman classification defined and regulated by this article.

Journeyman electrician means any person qualified and certified by the bBoard to supervise or perform the skilled work of installing electrical fixtures of systems or any part thereof.

Journeyman H.A.R.V. mechanic means any person qualified and certified by the ~~B~~Board to supervise or perform the skilled work of installing H.A.R.V. fixtures or systems or any part thereof.

Journeyman plumber means any person qualified and certified by the ~~B~~Board to supervise or perform the skilled work of installing plumbing fixtures or systems or any part thereof.

Journeyman roofer means any person qualified and certified by the ~~B~~Board to supervise or perform the skilled work of installing all types of roofing and waterproofing.

~~Limited contractor~~ means any person or firm who is qualified and certified by the board to perform any work involving the alteration, remodeling or repair of any existing single-family residential building or any building classification, except all educational, hazardous, assembly and institutional buildings subject to the following conditions:

- ~~(1) Remodeling or repair work on a single-family residence is confined to the limits of space under an existing roof.~~
- ~~(2) Remodeling or repair work on commercial buildings is confined to the limits of space under an existing roof.~~
- ~~(3) Construction is confined to single-occupancy buildings or structures or to only the part occupied by a single-occupant in a multi-occupant building or structure.~~
- ~~(4) The value of work and materials involved does not exceed \$15,000.00.~~
- ~~(5) The work does not entail any alterations to the existing structural system of the building.~~
- ~~(6) The installation of aluminum railings, awnings, screen enclosures, prefabricated cabanas or carports or other prefabricated aluminum structures or buildings not under an existing roof shall be permitted subject to the conditions that such classifications shall be permitted under the conditions set forth in subsections (3), (4) and (5) of this definition and shall not encompass the construction or erection of any building or structure covered by the Metal Builder's Manufacturers Association Code. The certification for this trade was discontinued by approval of the board on September 13, 1994. Any person holding a limited contractor certificate of competency prior to the above date may continue to renew their certificate of competency.~~

Limited energy systems contractor means any person or firm qualified and certified by the ~~B~~Board to perform any work to install, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television or radio distribution system), central vacuum, or electric locks.

Marine specialty contractor ~~I~~ means any person or firm qualified and certified by the board to perform any work involving the construction, repair, alteration, extension and excavation for docks, seawalls, bulkheads, piers, wharfs, boatlifts and other marine

structures, including pile driving, wood framing, and roofing in conjunction with the erection of wood structures being constructed consistent with the marine work that is being done. This wood structure is not to be used for habitation or office space. He may do such concrete work as may be necessary and incidental to his work in compliance with the building code and other applicable codes and regulations. means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.03(2), F.A.C., as may be amended from time to time.

Marine contractor II means any person or firm qualified and certified by the board to perform any work involving the construction, repair, alteration, extension and excavation for docks, seawalls, bulkheads, piers, wharfs, boat lifts and other marine structures, including pile driving. He may do such concrete work as may be necessary and incidental to his work in compliance with the building code and other applicable codes and regulations.

Master means any person performing any work authorized to be performed by any master classification defined and regulated by this article.

Master electrician means any person qualified and certified by the bBoard to supervise, design, plan or install any electrical fixtures or systems or any part thereof.

Master plumber means any person qualified and certified by the bBoard to supervise, design, plan or install any plumbing fixtures or systems or any part thereof.

Mechanical contractor means any person or firm qualified and certified by the board 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 and air distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus or equipment used in connection therewith; 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 and natural gas fuel lines within buildings; to replace, disconnect or reconnect power wiring on the load of the dedicated existing electrical disconnect switch; to install, disconnect, 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 gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(i) (2022), as may be amended from time to time.

Owner means any person who owns property either individually, jointly or by an estate by the entirety with any other person. For the purpose of this article, ownership of the subject property shall be deemed to consist of fee simple ownership and nothing contained herein shall be interpreted or construed to require a mortgagee or other lienholder to join in any application required by the terms of this article.

Plumbing contractor means a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge and skill to install, maintain, repair, alter, extend or when not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend or when not prohibited by law, design the following without obtaining any additional local regulatory license, certificate or registration: Sanitary drainage or storm drainage facilities; venting systems; public or 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, natural gas (excluding liquid petroleum gases) and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, when not prohibited by law, and installation, maintenance, repair, alteration or extension of air piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers to the extent authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation; except bulk storage plants; and pneumatic control piping systems, all in such a manner as to comply with all plans, specifications, codes, laws and applicable regulations. The scope of work of the plumbing contractor shall apply to private property and public property, shall include any excavation work incidental thereto and shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified herein as being the work of a trade other than that of a plumbing contractor. Nothing in this definition shall be construed to limit the scope of work of any specialty contractor certified pursuant to F.S. § 489.113(6). Nothing in this definition shall be construed to require certification or registration under this part of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the public service commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(m) (2022), as may be amended from time to time.

Residential contractor means any person or firm qualified and certified by the board whose services are limited to construction, remodeling, repair or improvement of one-family, two-family or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith. means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(c) (2022), as may be amended from time to time.

Residential pool/spa contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(k) (2022), as may be amended from time to time.

Roofing contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(e) (2022), as may be amended from time to time.~~means any person or firm qualified and certified by the board 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 utilize 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.~~

Sheet metal contractor means any person or firm qualified and certified by the board whose services are unlimited in the sheet metal trade and who has the experience, knowledge and skill necessary for the manufacture, handling, installation, erection, maintenance, dismantling, conditioning, repair, fabrication, alteration, adjustment, insulation, assembling, expansion or design, when not otherwise prohibited by law, of ferrous and nonferrous materials of U.S. No. 10 gauge or its equivalent or lighter gauge, and other similar materials including, but not limited to, fiberglass, used in lieu thereof, including air distribution, turning vanes, splitter or volume dampers, fire dampers, internal and exterior insulation, access doors and other work incidental thereto, for the purpose of moving, directing and controlling air in the operation of heating, air conditioning and ventilation equipment, and all designed architectural sheet metal, excluding, however, the setting of equipment or installation of any air handling equipment or electrical resistance heaters.~~means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(d) (2022), as may be amended from time to time.~~

Sheet metal journeyman means any person qualified and certified by the bBoard to supervise or perform the skilled work of installing those fixtures or systems or any part thereof permitted to be installed or fabricated by a sheet metal contractor.

Solar water heating contractor means a contractor qualified and certified by the board 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 all appurtenances, apparatus or equipment to be used in connection therewith whether public, private or otherwise, regardless of use. A contractor, certified or registered pursuant to the provisions of this chapter, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide any service enumerated in this paragraph that are within the scope of the services such contractors may render under this part.~~means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(o) (2022), as may be amended from time to time.~~

Specialty contractor means any person or firm not subject to the terms of this article whose operations consist of the performance of construction work requiring special

skills and whose principal contracting business involves the use of specialized building trades and crafts. Specialty contractors are exempt from testing, but will require a current county business tax receipt. The scope of work, however, is limited as some specific activities as identified below may require a general building or residential contractor. Specialty contractors shall include, but not be limited to, the following:

- (1) Bridge construction.
- (2) Cabinet and millwork.
- (3) Cement and concrete.
- (4) Elevators.
- (5) Non-aluminum and vinyl fence erectors. This shall include, but not be limited to, fence erectors of wood fencing.
- (6) Filling and grading.
- (7) Floor covering.
- (8) Floor covering with tile.
- (9) Framing.
- (10) Gasoline tanks, pumps and piping.
- (11) Glazing.
- (12) Guniting and sandblasting.
- (13) House moving.
- (14) Hydraulic lifts and airline systems.
- (15) Insulating.
- (16) Levee construction.
- (17) Masonry.
- (18) Painting.
- (19) Paving and sidewalks.
- (20) Plastering.
- (21) Sign erection.
- (22) Steel reinforcing and iron.
- (23) Structural steel erection.
- (24) Stucco.
- (25) Termite treating.
- (26) Well drilling.

~~Specialty structure contractor means any person or firm qualified and certified by the board to perform any work involving the erection, assembling, handling, installing, dismantling, adjustment, alteration, repair, servicing and design work when not~~

~~prohibited by law in accordance with accepted engineering data and/or according to manufacturer's specifications in the aluminum metal, vinyl and fiberglass screening, and allied materials associated with the construction trade.~~ means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.015(2), F.A.C., as may be amended from time to time.

~~The scope of such work shall include and be limited to aluminum railings, awnings, screen enclosures, prefabricated cabanas, carports, pool 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 (not to exceed 500 square feet). The scope of such work shall include wood work incidental to the aluminum and allied materials construction work. It shall be limited to the construction of wood framing for the walls of uninhabitable 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, and installation of preformed panel-post and beam roofs. The scope of such work shall comply with all plans, specifications, codes, laws and applicable regulations. The scope of the work shall include masonry concrete work and be limited to foundations, slabs and block kneewalls incidental to the aluminum and allied materials associated with the construction trade. The aluminum specialty contractor, whose services are limited, shall not perform any work that alters the structural integrity of the building including, but not limited to, roof trusses, load bearing walls and foundations, provided however, that such classifications shall not encompass the construction or erection of any building or structure covered by the Metal Builder's Manufacturers Association Code.~~

Storm shutter specialty contractor means any person or firm qualified and certified by the Board to perform any work to install county-approved storm shutters in both residential and commercial facilities, including both manually and mechanically operated shutters. No electrical work may be performed under this scope. Only nonstructural adjustments to existing openings may be performed as a part of the work. The scope of work under this section is intended to be a subset of the scope of work of a Specialty Structure Contractor, as defined under 61G4-15.015, F.A.C., as may be amended from time to time.

~~*Stucco contractor* means any person or firm qualified and certified by the board to perform any work to coat surfaces with a mixture of sand or other aggregate gypsum plaster, portland cement or quicklime and water, or any combination of such material as to create a permanent surface coating. Such contractors may apply and affix gypsum or metal lath or any other product prepared or manufactured, including the placing of metal studs and runners to which lath is to be applied, to provide key or suction bases for the support of the stucco coating.~~

Subcontractor means any person or firm who contracts with a contractor to perform part or all of the latter's work.

~~*Swimming pool/spa contractor* means a contractor whose scope of work involves, but is not limited to, the construction, repair and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair or replacement of existing equipment, any cleaning or~~

equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to a potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

Swimming pool/spa servicing contractor means a contractor whose scope of work involves, but is not limited to, the repair and servicing of any swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of any repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment. means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(l) (2022), as may be amended from time to time.

Swimming pool finishinges specialty contractor means any person or firm qualified and certified by the board who perform any work limited to the coating or finishing of the interior surfaces of a commercial or residential swimming pool, spa or hot tub with materials such as marcite, water type plaster, fiberglass or other similar use products designed to create a permanent surface coating and which is usually applied with a plasterer's trowel or by pneumatic pressure to a surface which offers an existing mechanical key for the support of such coatings or to which such coating will adhere by suction. Such sub-contractor may also re-finish existing swimming pools, spas or hot tubs, perform minor surface coating repairs, and prepare the surface to be coated for

~~such material as listed above. The swimming pool finishing sub-contractor shall contract with a certified or registered swimming pool/spa contractor or swimming pool/spa service contractor only. means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.032(2)(g), F.A.C., as may be amended from time to time.~~

~~*Underground utility and excavationies contractor* means any person or firm qualified and certified by the board, who perform any work involving the excavation, construction, installation, repair, replacement, removal, alteration or continuation of utility lines. Such work shall not include installation of piping that constitutes the exclusive part of any fire protection/suppression system from the detector check valve, detector service valve, or engineer's designated point of connection. Such work shall not preclude, limit or interfere with the specified duties of general contractors, mechanical contractors, plumbing contractors or paving specialty contractors who utilize their own employees while engaged in underground utility activities for stormwater collection systems, including drainage piping under double wide driveways, in accordance with applicable federal, state and county laws, rules and regulations; provided, however, that such contractors must subcontract any portion of such work to duly licensed utilities contractors. means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(n) (2022), as may be amended from time to time.~~

Utility line means any pipeline such as a water transmission or distribution line, fire hydrant or fire line, sanitary sewer or storm sewer collection system, empty conduit no smaller than two inches in diameter, force main, lateral or lift station in a dedicated right-of-way or public easement, or the last engineered invert elevation on private property, including piping being installed for drainage purposes, whether on public or private property.

Utility lines, continuation of means providing such utility line from the main system to a point of termination as follows:

(1) Main water distribution system:

- a. Each individual trailer site within a mobile home park.
- b. The meter location for an individual occupancy.
- c. The secondary meter in the case of a master site meter.

(2) Sanitary sewer collection system:

- a. Each individual trailer site within a mobile home park.
- b. The property line for a residential or single occupancy property.
- c. A manhole or wye lateral extended to an invert elevation as engineered for a multi-occupancy property.

~~*Window and door contractor* means any person or firm qualified and certified by the board to perform any work to install wood or metal windows and doors. This work includes the work necessary to repair the substrate to accomplish proper installation~~

~~including removal and repair of individual structural components but does not include removal of structural assemblies.~~

Cross reference(s)—Definitions generally, § 1-2.

SECTION 2. Chapter 22, Article VI, Division 1, Section 22-478, "Exemptions," Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

The provisions of this article insofar as they relate to licensing and regulation on contractors shall not apply to the following:

- (1) ~~"Specialty contractors," as defined in Sec. 22-477.~~ This shall not include regulated specialty trades as defined by state law.
- (2) Any person certified by the state construction industry licensing board or the state electrical contractors' licensing board.
- (3) Contractors who work on bridges, roads, streets, highways or railroads and services incidental thereto. The board, in agreement with the department of transportation, shall by rule, define "services incidental thereto" for the purposes of this subsection only.
- (4) Any employee of a state or county certified contractor who is acting within the scope of the license held by that certified contractor and with the knowledge and permission of the license holder. However:
 - a. If the employer is not in that type contracting, and the employee performs any of the following, the employee is not exempt:
 1. Holds himself or his employer out to be licensed or qualified by a license.
 2. Leads the consumer to believe that the employees have an ownership or management interest in the company; or
 3. Performs any of the acts which constitute contracting.
 - b. The legislative intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions. For the purpose of this section, *employee* is defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.
- (5) An authorized employee of the United States, this state or any municipality, county, irrigation district, reclamation district or any other municipal or political subdivision, except school boards, the board of regents and community colleges, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000.00 to existing installations, if the employee does not hold himself out for hire or otherwise engage in contracting, except in accordance with his employment. If the construction, remodeling or improvement exceeds \$200,000.00, school boards, the board of regents, and

community colleges, shall not divide the project into separate components for the purpose of evading this section.

- (6) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not underway at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee.
- (7) Public utilities, including special gas districts as defined in F.S. ch. 189, telecommunications companies as defined in F.S. § 364.02(7), and natural gas transmission companies as defined in F.S. § 368.103(4) on construction, maintenance and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.
- (8) The sale or installation of any finished products, materials or articles of merchandise that are not fabricated into and do not become a permanent fixed part of the structure, such as awnings. However, this subsection does not exempt inground spas and swimming pools that involve excavation, plumbing, chemicals or wiring of any appliance without a factory-installed electrical cord and plug. This subsection does not limit the exemptions provided in subsection (7) above.
- (9) Owners of property when acting as their own contractor and providing direct, on-site supervision themselves, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings at a cost of under \$75,000.00 on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner/builder within one year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. For the purposes of this subsection, the term *owner of property* includes the owner of a mobile home situated on a leased lot. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, the owner of your property, to act as your own contractor even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building at a cost of \$75,000.00 or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you sell or lease a building you have

built yourself within one year after the construction is complete, the law will presume that you built it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. Any person working on your building who is not licensed must work under your supervision and must be employed by you, which you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes and zoning regulations.

- (10) Any construction, alteration, improvement or repair carried on within the limits of any site, the title to which is in the United States or with respect to which federal law supersedes this part.
- (11) Any work or operation of a causal, minor or inconsequential nature in which the aggregate contract price for labor, materials and all other items is less than \$1,000.00, but this exemption does not apply:
 - a. If the construction, repair, remodeling or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor or in which a division of the operation is made in contracts of amounts less than \$1,000.00 for the purpose of evading this part or otherwise.
 - b. To a person who advertises that he is a contractor or otherwise represents that he is qualified to engage in contracting.
- (12) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches:
 - a. Regularly constituted irrigation districts or reclamation districts; or
 - b. Clearing or other work on the land in rural districts for fire prevention purposes or otherwise, except when performed by a licensee.
- (13) A registered architect or engineer acting within the scope of his practice or any person exempted by the law regulating architects and engineers, including persons doing design work as specified in F.S. § 481.229(1)(b); provided, however, that an architect or engineer shall not act as a contractor unless properly licensed under this section.
- (14) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of the work of the contractor.
- (15) Any person who is licensed in liquefied petroleum gas pursuant to F.S. ch. 527 when such person is performing the work authorized by such license.
- (16) Any person who sells, services or installs heating or air conditioning units which have a capacity no greater than three tons or 36,000 BTU, which have no ducts, and which have a factory-installed electrical cord and plug.
- (17) The installation and maintenance of water conditioning units for domestic, commercial or industrial purposes by operators of water conditioning services.

No ordinance, rule or regulation shall be adopted which requires such an operator to become licensed, certified or registered as a plumber or which otherwise prevents the installation and maintenance of such water conditioning units by an operator.

- (18) An architect or landscape architect licensed pursuant to F.S. ch. 481 or an engineer licensed pursuant to F.S. ch. 471 who offers or renders design-build services which may require the services of a contractor certified or registered pursuant to the provisions of this section, as long as the contractor services to be performed under the terms of the design-build contract are offered and rendered by a certified or registered general contractor in accordance with this article.
- (19) For so long as the Florida Legislature provides an exemption to local licensure in F.S. § 489.117(4)(e), any person who is not required to obtain registration or certification pursuant to F.S. § 489.105(3)(d)-(o), may perform specialty contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local professional license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building or residential contractor and the person performing the specialty contracting services.

In the absence of a definition of supervision in the state statute or in current case law, *supervision* shall be defined as follows: A certified or registered general, building or residential contractor who is the project contractor is supervising an unlicensed person performing specialty contracting services if the contractor or his or her supervisor can arrive at the job site within two hours of being contacted by county staff. Only the project contractor, who is a certified or registered general, residential, or building contractor, qualifies as the supervisor of such unlicensed persons for the purposes of this exemption.

SECTION 3. Chapter 22, Article VI, Division 2, Section 22-501, "Creation, composition," Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

- (a) There is hereby created a county contractors' licensing board which shall consist of 13 regular members and two alternate members, all of whom shall have been residents of the county for a period of not less than one year immediately prior to their appointment. The membership of the board shall include at least one member who is primarily engaged in business as a building contractor, at least one member who is primarily engaged in business as an electrical contractor, at least one member who is primarily engaged in business as an H.A.R.V.-air conditioning or mechanical contractor, at least one member who is primarily engaged in business as plumbing contractor, at least one member who is primarily engaged in business

as a roofing contractor, at least one member who is primarily engaged in business as a commercial or residential swimming pool/spa contractor, at least one member who is, or has been, primarily engaged in the business or a profession that requires expertise in fire safety standards, and three members who are not engaged in the construction business. The two members with expertise in fire safety standards shall be expected to attend only when issues related to fire safety, fire codes or interpretations of the fire marshal are on the agenda. The members shall be appointed by the board of county commissioners for a term of two years beginning January 1 of the year of the appointment, and each member shall serve until such time as the member is removed by the commission or the member's successor is appointed. Any vacancy occurring during the term of any member of the board shall be filled by the commission, which appointment shall be for the remainder of the unexpired term only. Members of the board shall serve at the pleasure of the commission and may be removed from office at any time by majority vote of the commission.

- (b) No member of the board shall receive any compensation for the duties involved, except that each member shall be paid the sum of \$30.00 for each general or special meeting he attends, including administrative hearings, which sum is to cover all necessary expenses incurred in the performance of his official duties.
- (c) At the first meeting held by the board each year, the members of the board shall elect by majority vote from its members a chairman, vice-chairman and such other officers as deemed necessary to the performance of its duties. The officers shall serve for a term of one year. The chairman, or in the chairman's absence the vice-chairman, shall serve as the presiding officer at all meetings of the board.
- (d) The board shall have the power to adopt from time to time its own rules of procedure. The rules of procedure and any amendment thereto shall be effective only upon approval of the board of county commissioners. Following such approval, a copy of the rules of procedure and any amendment thereto shall be filed with the clerk of the board of county commissioners.

SECTION 4. Chapter 22, Article VI, Division 3, Section 22-529, "Classes of certificates of competency," Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

- (a) Upon ascertaining that the applicant has satisfied the requirements set out in this division, the board shall issue one of the following classes of certificates of competency, depending on which class was applied for and the applicant's qualifications as determined by the board:
 - (1) Alarm system contractor I.
 - (2) Alarm system contractor II.
 - (3) Aluminum and vinyl fencing specialty contractor

~~(34)~~ Building contractor.
(5) Class A air conditioning contractor.
(6) Class B air conditioning contractor.
(7) Commercial pool/spa Contractor.
(84) Demolition specialty contractor.
~~(5) Drywall contractor.~~
(96) Electrical contractor.
(107) Electrical sign contractor.
(118) Excavating contractor.
~~(9) Fencing contractor.~~
(102) Garage door specialty contractor.
(134) General contractor.
(14) Glass and glazing specialty contractor
(15) Gypsum Drywall Specialty Contractor.
~~(12) (Class A) H.A.R.V. contractor.~~
~~(13) (Class B) H.A.R.V. contractor.~~
(164) Irrigation specialty contractor.
~~(15) Limited contractor.~~
(176) Limited energy systems contractor.
(187) Marine specialty contractor-I.
~~(18) Marine contractor II.~~
(19) Mechanical contractor.
(20) Plumbing contractor.
(21) Residential contractor.
(22) Residential pool/spa contractor.
(232) Roofing contractor.
(243) Sheet metal contractor.
(254) Solar water heating contractor.
(265) Specialty structure contractor.
(276) Storm shutter specialty contractor.
~~(27) Stucco contractor.~~
(28) Swimming pool contractor.
(29) Swimming pool service contractor.

- (30) Swimming pool finishing subcontractor.
 - (31) Underground utilities contractor.
 - (32) Underground utility and excavation contractor
 - ~~(32) Window and door contractor.~~
 - (b) Upon ascertaining that the applicant for certification as a master or journeyman has satisfied the requirements set out in this division of this article, the board shall issue one of the following classes of certificate of competency:
 - (1) Master electrician.
 - (2) Master plumber including gas.
 - (3) Journeyman electrician.
 - (4) Journeyman H.A.R.V. air conditioning mechanic.
 - (5) Journeyman plumber.
 - (6) Journeyman roofer.
 - (7) Sheetmetal journeyman.
 - (c) A certificate of competency is not transferable to any person or firm, except in accordance with the terms of this article.
 - ~~(d) *Grandfathering.* Any person who has been actively engaged in performing the work of a storm shutter contractor and window and door contractor, as his/her occupation for a period of three years immediately prior to the effective date of the ordinance from which this subsection derives and can produce a county business tax receipt or a business tax receipt from a municipality within the county as a storm shutter contractor and window and door contractor, with proof of the required insurance, shall be considered qualified for certification, without examination, upon application, letters of recommendation, payment of application and certification fee and approval of the board, provided, however, that the application is received in the contractor licensing and regulation office within a period of 120 days from the date of approval of the ordinance from which this subsection derives.~~
- ~~After 120 days any person requesting to be licensed as storm shutter contractor and window and door contractor will be required to submit a completed application, pay application fee, and take the required exterior examination and business and law examination. He/she will be required to provide all required documents set forth in section 22-524.~~

SECTION 5. Chapter 22, Article VI, Division 1, Section 22-533, "Qualifications to practice, restrictions," Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

- (a) Any person who desires to engage in contracting in the county, shall as a prerequisite thereto, establish his competency and qualifications to be certified pursuant to this article, or F.S. ch. 489, pts. I and II. To establish his competency, a person shall pass the appropriate examination administered by the county or the state.
- (b) No uncertified person shall engage in the business of contracting in this county. However, for purposes of complying with the provisions of this article, a person who is not certified may perform construction work under the supervision of a person who is certified, provided that the work is within the scope of the supervisor's license and provided that the person being supervised is not engaged in construction work which would require a license as a contractor under any of the categories governed by this article.
- (c) A contractor shall subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool and air conditioning and heating work, unless such contractor holds a certification in the respective trade category, however:
 - (1) A general, building or residential contractor, except as otherwise provided in this part, shall be responsible for any construction or alteration of a structural component of a building or structure, and any certified general contractor or certified underground utility contractor may perform clearing and grubbing, grading, excavation and other site work for any construction project in the county. Any certified building contractor or certified residential contractor may perform clearing and grubbing, grading, excavation and other site work for any construction project in the county, limited to the lot on which any specific building is located.
 - (2) A general, building or residential contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes or asphalt or fiberglass shingle roofing materials on a new building of his own construction.
 - (3) A general contractor shall not be required to subcontract structural swimming pool work.
 - (4) A general contractor on new site development work, site redevelopment work, mobile home parks and commercial properties, shall not be required to subcontract the construction of the main sanitary sewer collection system, the storm collection system and the water distribution system, not including the continuation of utility lines from the mains to the buildings.
 - (5) A general contractor shall not be required to subcontract the continuation of utility lines from the mains in mobile home parks, and such continuations are to be considered a part of the main sewer collection and main water distribution systems.
 - (6) A solar contractor shall not be required to subcontract minor electrical, mechanical, plumbing or roofing work so long as that work, as defined by board rule, is within the scope of the license held by the solar contractor and

where such work exclusively pertains to the installation of residential solar energy equipment as defined by rules of the board.

- (7) No general, building or residential contractor certified after 1973 shall act as, hold himself out to be, or advertise himself to be a roofing contractor unless he is certified as a roofing contractor.
- (8) Nothing in this part shall be construed to prevent any contractor from acting as a prime contractor where the majority of the work to be performed under the contract is within the scope of his license and from subcontracting to other licensed contractors that remaining work which is part of the project contracted.
- ~~(9) No marine contractor is permitted to construct boathouses or any type of covered structure on docks or seawalls.~~
- (910) No marine contractor shall act as, or hold himself out to be, or advertise himself to be a roofing contractor unless he is certified as a roofing contractor.
- (1110) A marine contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes, or asphalt or fiberglass shingle roofing materials on a new building of his own construction.
- (1211) A swimming pool finishing specialty contractor may only contract with a commercial swimming pool/spa contractor, residential pool/spa contractor, or a swimming pool/spa service ing contractor.

SECTION 6. Chapter 22, Article VI, Division 4, Section 22-547, "Grandfathering," Code of Ordinances of Brevard County, Florida, is hereby repealed and replaced with Chapter 22, Article VI, Division 4, Section 22-567, "Reclassification Procedures," as follows:

Sec. 22-567. Grandfathering. Reclassification Procedures.

~~Any person who has been actively engaged in performing the work of a demolition contractor as his/her primary occupation for a period of three years immediately prior to the effective date of this section and can produce a county business tax receipt as a demolition contractor, with proof of the required insurance, shall be considered qualified for certification, without examination, upon application, letters of recommendation, payment of application and certification fee and approval of the board, provided, however, that the application is received in the contractor licensing and regulation office within a period of 120 days from the date of the approval of this section.~~

~~After 120 days any person requesting to be licensed as a demolition contractor will be required to submit a completed application, pay application fee, and take the required experior examination and business and law examination. He/she will be required to provide all required documents set forth in section 22-524.~~

Any person holding a County certificate of competency for a designated "superseded trade" in the following table, prior to the effective date of this section, shall be considered certified in its associated "reclassified trade," as follows:

Superseded Trade	Reclassified Trade
<u>Demolition Contractor (Non-Explosive)</u>	<u>Demolition Specialty Contractor</u>
<u>Drywall Contractor</u>	<u>Gypsum Drywall Specialty Contractor</u>
<u>Fencing Contractor</u>	<u>Aluminum and Vinyl Fencing Specialty Contractor</u>
<u>Garage Door Contractor</u>	<u>Garage Door Specialty Contractor</u>
<u>Class A: H.A.R.V Contractor</u>	<u>Class A Air Conditioning Contractor</u>
<u>Class B: H.A.R.V Contractor</u>	<u>Class B Air Conditioning Contractor</u>
<u>Irrigation Contractor</u>	<u>Irrigation Specialty Contractor</u>
<u>Marine Contractor I</u>	<u>Marine Specialty Contractor</u>
<u>Marine Contractor II</u>	
<u>Solar Water Heating Contractor</u>	<u>Solar Contractor</u>
<u>Storm Shutter Contractor</u>	<u>Storm Shutter Specialty Contractor</u>
<u>Swimming Pool/Spa Contractor</u>	<u>Commercial Pool/Spa Contactor</u>
<u>Swimming Pool Finishing Contractor</u>	<u>Swimming Pool Finishes Specialty Contractor</u>
<u>Window and Door Contractor</u>	<u>Glass and Glazing Specialty Contractor</u>

Notwithstanding the provisions contained in Division III of this Article, any person or business certified under a Reclassified Trade pursuant to this section shall be permitted to advertise or otherwise hold them out to be certified in the Superseded Trade for a period of two (2) years from the date of enactment of this section, so long as the person or business continuously holds certification under the Reclassified Trade. For the purposed of advertisement, certification numbers under the Superseded Trade shall also be considered valid for purposes of advertisement for a period of two (2) years, so long as the person or business continuously holds certification under the Reclassified Trade.

SECTION 7. Conflicting Provisions. In the case of a direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

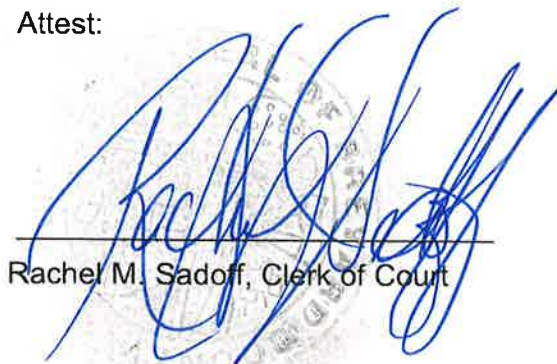
SECTION 9. Area Encompassed. This Ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 10. Effective Date. A certified copy of this Ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This Ordinance shall take effect June 30, 2023.

SECTION 11. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED, AND ADOPTED, in regular session, this 7th Day of March, 2023.

Attest:



Rachel M. Sadoff, Clerk of Court

(S E A L)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

(as approved by the Board on March 7,
2023)

Currents Trade	# of Active Licenses	# of Inactive Licenses	Reclassified Trade	Substantially Corresponding Trade	Required for Permitting Privileges?	Est. Annual Revenue Impact of deregulation
Alarm System Contractor 1	0	0	0 Alarm System Contractor 1	N/A (per guidance from DBPR)	Yes	\$770
Alarm System Contractor 2	0	0	0 Alarm System Contractor 2	N/A (per guidance from DBPR)	Yes	\$909
Building Contractor	14	0	0 Building Contractor	Building Contractor (489.105(b))	Yes	\$4,342
Demolition Contractor (non-explosive)	23	0	1 Demolition Specialty Contractor	Demolition Specialty Contractor (61G4-15.038)	Yes	\$6,271
Drywall Contractor	15	0	1 Gypsum Drywall Specialty Contractor	Gypsum Drywall Specialty Contractor (61G4-15.037)	Yes	\$6,337
Electrical Contractor	76	0	7 Electrical Contractor	N/A (per guidance from DBPR)	Yes	\$9,103
Electrical Sign Contractor	2	0	0 Electrical Sign Contractor	N/A (per guidance from DBPR)	Yes	\$874
Excavating Contractor	46	0	2 Excavation Contractor	Underground Utility and Excavation Contractor (489.105(n))	No	\$8,535
Fencing Contractor	56	0	2 Contractor	Underground Utility and Excavation Contractor (489.105(n))	Yes	\$16,411
Garage Door Contractor	23	0	0 Garage Door Specialty Contractor	Specialty Structure Contractor (489.105(q), as defined by 61G4-15.015, F.A.C.)	Yes	\$4,705
General Contractor	8	1	1 General Contractor	Specialty Structure Contractor (489.105(q), as defined by 61G4-15.015, F.A.C.)	Yes	\$5,191
Class A H.A.R.V. Contractor	0	0	0 Class A Air-conditioning Contractor	Class A Air-conditioning Contractor (489.105(f))	Yes	\$0
Class B H.A.R.V. Contractor	13	1	1 Class B Air-conditioning Contractor	Class B Air-conditioning Contractor (489.105(d))	Yes	\$12,819
Irrigation Contractor	76	0	0 Irrigation Specialty Contractor	Irrigation Specialty Contractor (61G4-15.035)	No	\$17,042
Limited Energy Systems Contractor	2	0	0 Limited Energy Systems Contractor	N/A (per guidance from DBPR)	Yes	\$725
Marine Contractor I	13	0	3 Marine Specialty Contractor	Marine Specialty Contractor (61G4-15.033)	Yes	\$6,730
Marine Contractor II	0	0	0 Marine Specialty Contractor	Marine Specialty Contractor (61G4-15.033)	Yes	\$329
Mechanical Contractor	33	0	0 Mechanical Contractor	Mechanical Contractor (489.105(i))	Yes	\$0
Plumbing Contractor	26	3	3 Plumbing Contractor	Plumbing Contractor (489.105(m))	Yes	\$5,187
Residential Contractor	33	1	1 Residential Contractor	Residential Contractor (489.105(e))	Yes	\$4,966
Roofing Contractor	0	1	1 Roofing Contractor	Roofing Contractor (489.105(f))	Yes	\$26,447
Sheet Metal Contractor	1	0	0 Sheet Metal Contractor	Sheet Metal Contractor (489.105(d))	Yes	\$250
Special Water Heating Contractor	42	1	1 Specialty Structure Contractor	Specialty Structure Contractor (61G4-15.015)	Yes	\$715
Specialty Structure Contractor	21	1	1 Storm Shelter Specialty Contractor	Specialty Structure Contractor (489.105(q), as defined by 61G4-15.015, F.A.C.)	Yes	\$11,502
Storm Shelter Contractor	18	0	0 Commercial Pool/Spa Contractor	Commercial Pool/Spa Contractor (489.105(j))	Yes	\$7,856
Swimming Pool/Spa Contractor	26	0	0 Residential Pool/Spa Contractor	Residential Pool/Spa Contractor (489.105(k))	Yes	\$4,111
Swimming Pool/Spa Servicing Contractor	2	0	0 Swimming Pool/Spa Servicing Contractor	Swimming Pool/Spa Servicing Contractor (489.105(l))	Yes	\$5,943
Swimming Pool Finishing Contractor	2	0	0 Swimming Pool Finishes Specialty Contractor	Swimming Pool Finishes Specialty Contractor - A specified subspecialty of Swimming Pool Specialty (61G4-15.032)	N/A	\$1,218
Underground Utilities Contractor	1	1	1 Underground Utilities Contractor	Underground Utility and Excavation Contractor (489.105(n))	Yes	\$412
Window and Door Contractor	77	4	4 Glass and Glazing Specialty Contractor	Glass and Glazing Specialty Contractor (489.105(q), as defined by 61G4-15.018, F.A.C.)	Yes	\$19,014
Master Electrician	55	19	19 Master Electrician	N/A (489.5335(1))	N/A	\$7,269
Master Plumber including Gas	14	4	4 Master Plumber including Gas	N/A (489.1455(1))	N/A	\$1,904
Journeyman Electrician	245	47	47 Journeyman Electrician	N/A (489.5335(1))	N/A	\$16,720
Journeyman H.A.R.V. Mechanic	29	5	5 Journeyman H.A.R.V. Mechanic	N/A (489.1455(1))	N/A	\$2,006
Journeyman Plumber	42	9	9 Journeyman Plumber	N/A (489.1455(1))	N/A	\$2,933
Journeyman Roofer	0	0	0 Journeyman Roofer	N/A (489.1455(1))	N/A	\$0
Sheetmetal Journeyman	21	0	0 Sheetmetal Journeyman	N/A (489.1455(1))	N/A	\$1,487
	1084					

"CLEAN" SUMMARY OF CHANGES TO CHAPTER 22, ARTICLE VI, DIVISIONS I
THROUGH VI, BREVARD COUNTY CODE OF ORDINANCES

Sec. 22-477, "Definitions."

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means any electrical/electronic device or combination of electrical/electronic devices used to detect a situation which causes an alarm in the event of a burglary, fire (except smoke detectors), robbery, medical emergency or equipment failure.

Alarm systems contractor I means any person or firm qualified and certified by the Board who perform any work involving the ability, experience, science, knowledge and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace or service all types of alarm systems.

Alarm systems contractor II means any person or firm qualified and certified by the Board who perform any work involving the ability, experience, science, knowledge and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace or service alarm systems other than fire alarms. *Aluminum and vinyl fencing specialty contractor* means any person or firm qualified and certified by the Board whose scope of work is to manufacture, construct, install, repair, maintain, extend or alter fences consisting of aluminum and vinyl materials, as a subset of the scope of work of a Specialty Structure Contractor under 61G4-15.015, F.A.C., as may be amended from time to time.

Board means the Brevard County Contractors Licensing Board.

Building contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that mandated under F.S. § 489.105(b) (2022), as may be amended from time to time.

Certificate of competency means that instrument which when duly issued by the county Contractors' Licensing Board to a person or firm authorizes such person or firm to perform the work of the contractor, master or journeyman for which the certificate is issued as the scope of the work is defined in this article.

Class A air conditioning contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(f) (2022), as may be amended from time to time.

Class B air conditioning contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(g) (2022), as may be amended from time to time.

Commercial pool/spa contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(j) (2022), as may be amended from time to time.

Commission means the Board of County Commissioners of Brevard County, Florida.

Contractor means the person who is qualified for, and authorized to obtain building permits, and shall only be responsible for the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, advertises to, or does himself or by others construct, repair, alter, remodel, add to, demolish, subtract from or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this section.

County means all of the unincorporated areas of Brevard County, Florida.

Demolition specialty contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.038, F.A.C., as may be amended from time to time.

Electrical contractor means any person or firm qualified and certified by the Board who conducts business in the electrical trade field and who has the experience, knowledge and skill to install, repair, alter, add to or design, in compliance with law, 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 and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws and regulations. The term means any person, firm or corporation that engages in the business of electrical contracting under an expressed or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.

Electrical sign contractor means any person or firm qualified and certified by the Board to perform the structural fabrication including concrete foundation, erection, installation, alteration, repair, service and wiring of electrical signs and outline lighting. The scope shall not include the provision of, or any electrical work beyond the last disconnect mean or terminal points. However, a contractor certified under this section may provide the electrical entrance requirements for metering and main disconnect of remote billboards or signs which are independent of any structure or building and which require no more than 25 kilowatts at 250 volts maximum.

Excavating contractor means a contractor whose limited services are accomplished through open excavations upon public or private property. An excavation contractor may not install piping that is an integral part of a fire protection system as defined in F.S. § 633.102 beginning at the point where the piping is used exclusively for such system. The scope of work of this class is intended to be a subset of the scope of work of the "underground utility and excavation contractor" as defined in this section.

Firm means any sole proprietorship, partnership, association, company, corporation, agency or any other type of business organization.

Garage door specialty contractor means any person or firm qualified and certified by the Board whose scope of work is to construct, install, repair, extend or alter garage doors. This is intended to be a subset of the scope of work of a "specialty structure contractor" as defined in this section.

General contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(a) (2022), as may be amended from time to time.

H.A.R.V. is an abbreviation for the general term heating, air conditioning, refrigeration and ventilating.

Glass and glazing specialty contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.018(2), F.A.C., as may be amended from time to time.

Gypsum drywall specialty contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.017(2), F.A.C., as may be amended from time to time.

Irrigation specialty contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.035(2), F.A.C., as may be amended from time to time.

Journeyman means any person performing any work authorized to be performed by any journeyman classification defined and regulated by this article.

Journeyman electrician means any person qualified and certified by the Board to supervise or perform the skilled work of installing electrical fixtures of systems or any part thereof.

Journeyman H.A.R.V. mechanic means any person qualified and certified by the Board to supervise or perform the skilled work of installing H.A.R.V. fixtures or systems or any part thereof.

Journeyman plumber means any person qualified and certified by the Board to supervise or perform the skilled work of installing plumbing fixtures or systems or any part thereof.

Journeyman roofer means any person qualified and certified by the Board to supervise or perform the skilled work of installing all types of roofing and waterproofing.

Limited energy systems contractor means any person or firm qualified and certified by the Board to perform any work to install, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television or radio distribution system), central vacuum, or electric locks.

Marine specialty contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.03(2), F.A.C, as may be amended from time to time.

Master means any person performing any work authorized to be performed by any master classification defined and regulated by this article.

Master electrician means any person qualified and certified by the Board to supervise, design, plan or install any electrical fixtures or systems or any part thereof.

Master plumber means any person qualified and certified by the Board to supervise, design, plan or install any plumbing fixtures or systems or any part thereof.

Mechanical contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(i) (2022), as may be amended from time to time.

Owner means any person who owns property either individually, jointly or by an estate by the entirety with any other person. For the purpose of this article, ownership of the subject property shall be deemed to consist of fee simple ownership and nothing contained herein shall be interpreted or construed to require a mortgagee or other lienholder to join in any application required by the terms of this article.

Plumbing contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(m) (2022), as may be amended from time to time.

Residential contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(c) (2022), as may be amended from time to time.

Residential pool/spa contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(k) (2022), as may be amended from time to time.

Roofing contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(e) (2022), as may be amended from time to time.

Sheet metal contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(d) (2022), as may be amended from time to time.

Sheet metal journeyman means any person qualified and certified by the Board to supervise or perform the skilled work of installing those fixtures or systems or any part thereof permitted to be installed or fabricated by a sheet metal contractor.

Solar contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(o) (2022), as may be amended from time to time.

Specialty contractor means any person or firm not subject to the terms of this article whose operations consist of the performance of construction work requiring special skills and whose principal contracting business involves the use of specialized building

trades and crafts. Specialty contractors are exempt from testing, but will require a current county business tax receipt. The scope of work, however, is limited as some specific activities as identified below may require a general building or residential contractor. Specialty contractors shall include, but not be limited to, the following:

- (1) Bridge construction.
- (2) Cabinet and millwork.
- (3) Cement and concrete.
- (4) Elevators.
- (5) Non-aluminum and vinyl fence erectors. This shall include, but not be limited to, fence erectors of wood fencing.
- (6) Filling and grading.
- (7) Floor covering.
- (8) Floor covering with tile.
- (9) Framing.
- (10) Gasoline tanks, pumps and piping.
- (11) Glazing.
- (12) Guniting and sandblasting.
- (13) House moving.
- (14) Hydraulic lifts and airline systems.
- (15) Insulating.
- (16) Levee construction.
- (17) Masonry.
- (18) Painting.
- (19) Paving and sidewalks.
- (20) Plastering.
- (21) Sign erection.
- (22) Steel reinforcing and iron.
- (23) Structural steel erection.
- (24) Stucco.
- (25) Termite treating.
- (26) Well drilling.

Specialty structure contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.015(2), F.A.C, as may be amended from time to time.

Storm shutter specialty contractor means any person or firm qualified and certified by the Board to perform any work to install county-approved storm shutters in both residential and commercial facilities, including both manually and mechanically operated shutters. No electrical work may be performed under this scope. Only nonstructural adjustments to existing openings may be performed as a part of the work. The scope of work under this section is intended to be a subset of the scope of work of a Specialty Structure Contractor, as defined under 61G4-15.015, F.A.C., as may be amended from time to time.

Subcontractor means any person or firm who contracts with a contractor to perform part or all of the latter's work.

Swimming pool/spa servicing contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(l) (2022), as may be amended from time to time.

Swimming pool finishes specialty contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in 61G4-15.032(2)(g), F.A.C, as may be amended from time to time.

Underground utility and excavation contractor means any person or firm qualified and certified by the Board whose scope of work shall be the same as that described in F.S. § 489.105(n) (2022), as may be amended from time to time.

Utility line means any pipeline such as a water transmission or distribution line, fire hydrant or fire line, sanitary sewer or storm sewer collection system, empty conduit no smaller than two inches in diameter, force main, lateral or lift station in a dedicated right-of-way or public easement, or the last engineered invert elevation on private property, including piping being installed for drainage purposes, whether on public or private property.

Utility lines, continuation of means providing such utility line from the main system to a point of termination as follows:

(1) Main water distribution system:

- a. Each individual trailer site within a mobile home park.
- b. The meter location for an individual occupancy.
- c. The secondary meter in the case of a master site meter.

(2) Sanitary sewer collection system:

- a. Each individual trailer site within a mobile home park.
- b. The property line for a residential or single occupancy property.
- c. A manhole or wye lateral extended to an invert elevation as engineered for a multi-occupancy property.

Cross reference(s)—Definitions generally, § 1-2.

Sec. 22-478, "Exemptions."

The provisions of this article insofar as they relate to licensing and regulation on contractors shall not apply to the following:

- (1) "Specialty contractors," as defined in Sec. 22-477. This shall not include regulated specialty trades as defined by state law.
- (2) Any person certified by the state construction industry licensing board or the state electrical contractors' licensing board.
- (3) Contractors who work on bridges, roads, streets, highways or railroads and services incidental thereto. The board, in agreement with the department of transportation, shall by rule, define "services incidental thereto" for the purposes of this subsection only.
- (4) Any employee of a state or county certified contractor who is acting within the scope of the license held by that certified contractor and with the knowledge and permission of the license holder. However:
 - a. If the employer is not in that type contracting, and the employee performs any of the following, the employee is not exempt:
 1. Holds himself or his employer out to be licensed or qualified by a license.
 2. Leads the consumer to believe that the employees have an ownership or management interest in the company; or
 3. Performs any of the acts which constitute contracting.
 - b. The legislative intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions. For the purpose of this section, *employee* is defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.
- (5) An authorized employee of the United States, this state or any municipality, county, irrigation district, reclamation district or any other municipal or political subdivision, except school boards, the board of regents and community colleges, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000.00 to existing installations, if the employee does not hold himself out for hire or otherwise engage in contracting, except in accordance with his employment. If the construction, remodeling or improvement exceeds \$200,000.00, school boards, the board of regents, and community colleges, shall not divide the project into separate components for the purpose of evading this section.

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- (6) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not underway at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee.
 - (7) Public utilities, including special gas districts as defined in F.S. ch. 189, telecommunications companies as defined in F.S. § 364.02(7), and natural gas transmission companies as defined in F.S. § 368.103(4) on construction, maintenance and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.
 - (8) The sale or installation of any finished products, materials or articles of merchandise that are not fabricated into and do not become a permanent fixed part of the structure, such as awnings. However, this subsection does not exempt inground spas and swimming pools that involve excavation, plumbing, chemicals or wiring of any appliance without a factory-installed electrical cord and plug. This subsection does not limit the exemptions provided in subsection (7) above.
 - (9) Owners of property when acting as their own contractor and providing direct, on-site supervision themselves, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings at a cost of under \$75,000.00 on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner/builder within one year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. For the purposes of this subsection, the term *owner of property* includes the owner of a mobile home situated on a leased lot. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, the owner of your property, to act as your own contractor even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building at a cost of \$75,000.00 or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you sell or lease a building you have built yourself within one year after the construction is complete, the law will presume that you built it for sale or lease, which is a violation of this exemption. You may not hire

an unlicensed person as your contractor. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. Any person working on your building who is not licensed must work under your supervision and must be employed by you, which you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes and zoning regulations.

- (10) Any construction, alteration, improvement or repair carried on within the limits of any site, the title to which is in the United States or with respect to which federal law supersedes this part.
- (11) Any work or operation of a causal, minor or inconsequential nature in which the aggregate contract price for labor, materials and all other items is less than \$1,000.00, but this exemption does not apply:
 - a. If the construction, repair, remodeling or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor or in which a division of the operation is made in contracts of amounts less than \$1,000.00 for the purpose of evading this part or otherwise.
 - b. To a person who advertises that he is a contractor or otherwise represents that he is qualified to engage in contracting.
- (12) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches:
 - a. Regularly constituted irrigation districts or reclamation districts; or
 - b. Clearing or other work on the land in rural districts for fire prevention purposes or otherwise, except when performed by a licensee.
- (13) A registered architect or engineer acting within the scope of his practice or any person exempted by the law regulating architects and engineers, including persons doing design work as specified in F.S. § 481.229(1)(b); provided, however, that an architect or engineer shall not act as a contractor unless properly licensed under this section.
- (14) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of the work of the contractor.
- (15) Any person who is licensed in liquefied petroleum gas pursuant to F.S. ch. 527 when such person is performing the work authorized by such license.
- (16) Any person who sells, services or installs heating or air conditioning units which have a capacity no greater than three tons or 36,000 BTU, which have no ducts, and which have a factory-installed electrical cord and plug.
- (17) The installation and maintenance of water conditioning units for domestic, commercial or industrial purposes by operators of water conditioning services. No ordinance, rule or regulation shall be adopted which requires such an operator to become licensed, certified or registered as a plumber or which

otherwise prevents the installation and maintenance of such water conditioning units by an operator.

- (18) An architect or landscape architect licensed pursuant to F.S. ch. 481 or an engineer licensed pursuant to F.S. ch. 471 who offers or renders design-build services which may require the services of a contractor certified or registered pursuant to the provisions of this section, as long as the contractor services to be performed under the terms of the design-build contract are offered and rendered by a certified or registered general contractor in accordance with this article.
- (19) For so long as the Florida Legislature provides an exemption to local licensure in F.S. § 489.117(4)(e), any person who is not required to obtain registration or certification pursuant to F.S. § 489.105(3)(d)-(o), may perform specialty contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local professional license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building or residential contractor and the person performing the specialty contracting services.

In the absence of a definition of supervision in the state statute or in current case law, *supervision* shall be defined as follows: A certified or registered general, building or residential contractor who is the project contractor is supervising an unlicensed person performing specialty contracting services if the contractor or his or her supervisor can arrive at the job site within two hours of being contacted by county staff. Only the project contractor, who is a certified or registered general, residential, or building contractor, qualifies as the supervisor of such unlicensed persons for the purposes of this exemption.

Sec. 22-501, "Creation, composition."

- (a) There is hereby created a county contractors' licensing board which shall consist of 13 regular members and two alternate members, all of whom shall have been residents of the county for a period of not less than one year immediately prior to their appointment. The membership of the board shall include at least one member who is primarily engaged in business as a building contractor, at least one member who is primarily engaged in business as an electrical contractor, at least one member who is primarily engaged in business as an air conditioning or mechanical contractor, at least one member who is primarily engaged in business as plumbing contractor, at least one member who is primarily engaged in business as a roofing contractor, at least one member who is primarily engaged in business as a commercial or residential swimming pool/spa contractor, at least one member who is, or has been, primarily engaged in the business or a profession that requires

expertise in fire safety standards, and three members who are not engaged in the construction business. The two members with expertise in fire safety standards shall be expected to attend only when issues related to fire safety, fire codes or interpretations of the fire marshal are on the agenda. The members shall be appointed by the board of county commissioners for a term of two years beginning January 1 of the year of the appointment, and each member shall serve until such time as the member is removed by the commission or the member's successor is appointed. Any vacancy occurring during the term of any member of the board shall be filled by the commission, which appointment shall be for the remainder of the unexpired term only. Members of the board shall serve at the pleasure of the commission and may be removed from office at any time by majority vote of the commission.

- (b) No member of the board shall receive any compensation for the duties involved, except that each member shall be paid the sum of \$30.00 for each general or special meeting he attends, including administrative hearings, which sum is to cover all necessary expenses incurred in the performance of his official duties.
- (c) At the first meeting held by the board each year, the members of the board shall elect by majority vote from its members a chairman, vice-chairman and such other officers as deemed necessary to the performance of its duties. The officers shall serve for a term of one year. The chairman, or in the chairman's absence the vice-chairman, shall serve as the presiding officer at all meetings of the board.
- (d) The board shall have the power to adopt from time to time its own rules of procedure. The rules of procedure and any amendment thereto shall be effective only upon approval of the board of county commissioners. Following such approval, a copy of the rules of procedure and any amendment thereto shall be filed with the clerk of the board of county commissioners.

Sec. 22-529, "Classes of certificates of competency."

- (a) Upon ascertaining that the applicant has satisfied the requirements set out in this division, the board shall issue one of the following classes of certificates of competency, depending on which class was applied for and the applicant's qualifications as determined by the board:
 - (1) Alarm system contractor I.
 - (2) Alarm system contractor II.
 - (3) Aluminum and vinyl fencing specialty contractor
 - (4) Building contractor.
 - (5) Class A air conditioning contractor.
 - (6) Class B air conditioning contractor.
 - (7) Commercial pool/spa Contractor.

- (8) Demolition specialty contractor.
 - (9) Electrical contractor.
 - (10) Electrical sign contractor.
 - (11) Excavating contractor.
 - (12) Garage door specialty contractor.
 - (13) General contractor.
 - (14) Glass and glazing specialty contractor
 - (15) Gypsum Drywall Specialty Contractor.
 - (16) Irrigation specialty contractor.
 - (17) Limited energy systems contractor.
 - (18) Marine specialty contractor.
 - (19) Mechanical contractor.
 - (20) Plumbing contractor.
 - (21) Residential contractor.
 - (22) Residential pool/spa contractor.
 - (23) Roofing contractor.
 - (24) Sheet metal contractor.
 - (25) Solar contractor.
 - (26) Specialty structure contractor.
 - (27) Storm shutter specialty contractor.
 - (28) Swimming pool contractor.
 - (29) Swimming pool service contractor.
 - (30) Swimming pool finishing subcontractor.
 - (31) Underground utilities contractor.
 - (32) Underground utility and excavation contractor
- (b) Upon ascertaining that the applicant for certification as a master or journeyman has satisfied the requirements set out in this division of this article, the board shall issue one of the following classes of certificate of competency:
- (1) Master electrician.
 - (2) Master plumber including gas.
 - (3) Journeyman electrician.
 - (4) Journeyman air conditioning mechanic.
 - (5) Journeyman plumber.

- (6) Journeyman roofer.
- (7) Sheetmetal journeyman.
- (c) A certificate of competency is not transferable to any person or firm, except in accordance with the terms of this article.

Sec. 22-533, "Qualifications to practice, restrictions."

- (a) Any person who desires to engage in contracting in the county, shall as a prerequisite thereto, establish his competency and qualifications to be certified pursuant to this article, or F.S. ch. 489, pts. I and II. To establish his competency, a person shall pass the appropriate examination administered by the county or the state.
- (b) No uncertified person shall engage in the business of contracting in this county. However, for purposes of complying with the provisions of this article, a person who is not certified may perform construction work under the supervision of a person who is certified, provided that the work is within the scope of the supervisor's license and provided that the person being supervised is not engaged in construction work which would require a license as a contractor under any of the categories governed by this article.
- (c) A contractor shall subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool and air conditioning and heating work, unless such contractor holds a certification in the respective trade category, however:
 - (1) A general, building or residential contractor, except as otherwise provided in this part, shall be responsible for any construction or alteration of a structural component of a building or structure, and any certified general contractor or certified underground utility contractor may perform clearing and grubbing, grading, excavation and other site work for any construction project in the county. Any certified building contractor or certified residential contractor may perform clearing and grubbing, grading, excavation and other site work for any construction project in the county, limited to the lot on which any specific building is located.
 - (2) A general, building or residential contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes or asphalt or fiberglass shingle roofing materials on a new building of his own construction.
 - (3) A general contractor shall not be required to subcontract structural swimming pool work.
 - (4) A general contractor on new site development work, site redevelopment work, mobile home parks and commercial properties, shall not be required to subcontract the construction of the main sanitary sewer collection system, the

storm collection system and the water distribution system, not including the continuation of utility lines from the mains to the buildings.

- (5) A general contractor shall not be required to subcontract the continuation of utility lines from the mains in mobile home parks, and such continuations are to be considered a part of the main sewer collection and main water distribution systems.
- (6) A solar contractor shall not be required to subcontract minor electrical, mechanical, plumbing or roofing work so long as that work, as defined by board rule, is within the scope of the license held by the solar contractor and where such work exclusively pertains to the installation of residential solar energy equipment as defined by rules of the board.
- (7) No general, building or residential contractor certified after 1973 shall act as, hold himself out to be, or advertise himself to be a roofing contractor unless he is certified as a roofing contractor.
- (8) Nothing in this part shall be construed to prevent any contractor from acting as a prime contractor where the majority of the work to be performed under the contract is within the scope of his license and from subcontracting to other licensed contractors that remaining work which is part of the project contracted.
- (9) No marine contractor shall act as, or hold himself out to be, or advertise himself to be a roofing contractor unless he is certified as a roofing contractor.
- (10) A marine contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes, or asphalt or fiberglass shingle roofing materials on a new building of his own construction.
- (11) A swimming pool finishes specialty contractor may only contract with a commercial pool/spa contractor, residential pool/spa contractor, or a swimming pool/spa servicing contractor.

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Sec. 22-567. Reclassification Procedures.

Any person holding a County certificate of competency for a designated "superseded trade" in the following table, prior to the effective date of this section, shall be considered certified in its associated "reclassified trade," as follows:

Superseded Trade	Reclassified Trade
Demolition Contractor (Non-Explosive)	Demolition Specialty Contractor
Drywall Contractor	Gypsum Drywall Specialty Contractor
Fencing Contractor	Aluminum and Vinyl Fencing Specialty Contractor
Garage Door Contractor	Garage Door Specialty Contractor
Class A: H.A.R.V Contractor	Class A Air Conditioning Contractor
Class B: H.A.R.V Contractor	Class B Air Conditioning Contractor
Irrigation Contractor	Irrigation Specialty Contractor
Marine Contractor I	Marine Specialty Contractor
Marine Contractor II	
Solar Water Heating Contractor	Solar Contractor
Storm Shutter Contractor	Storm Shutter Specialty Contractor
Swimming Pool/Spa Contractor	Commercial Pool/Spa Contractor
Swimming Pool Finishing Contractor	Swimming Pool Finishes Specialty Contractor
Window and Door Contractor	Glass and Glazing Specialty Contractor

Notwithstanding the provisions contained in Division III of this Article, any person or business certified under a Reclassified Trade pursuant to this section shall be permitted to advertise or otherwise hold them out to be certified in the Superseded Trade for a period of two (2) years from the date of enactment of this section, so long as the person or business continuously holds certification under the Reclassified Trade. For the purposes of advertisement, certification numbers under the Superseded Trade shall also be considered valid for purposes of advertisement for a period of two (2) years, so long as the person or business continuously holds certification under the Reclassified Trade.



October 26, 2022

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item F.7., Legislative Intent and Permission to Advertise Amendments to Chapter 22, Brevard County Code of Ordinances for Contractor Licensing

The Board of County Commissioners, in regular session on October 25, 2022, granted legislative intent and permission to advertise amendments to Chapter 22, Brevard County Code of Ordinances, in order to comply with revised statutory requirements regarding local occupational licensing pursuant to passage of House Bill (HB) 735 (2021).

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Donna Scott
Kimberly Powell, Clerk to the Board

/tr

cc: Finance
Budget