



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

5/18/2021

Subject:

Adoption of Ordinance 21-___ revising Chapter 22 of the Brevard County Code of Ordinances RE: Deregulation of Certain Specialty Trades

Fiscal Impact:

Dept/Office:

County Attorney per Board of County Commissioners direction on behalf of District Three.

Requested Action:

Approve the amendments to Chapter 22, Article VI, Section 22-477 and Section 22-529 of the Brevard County Code of Ordinances.

Summary Explanation and Background:

Brevard County currently issues licenses for thirty-seven (37) types of contractors. A number of the licenses are solely local specialty licenses which are not State of Florida regulated trades. These trades include painting, framing, garage door installation, etc. There are specialty contractors in fields which require permits, as well as specialty contractors in fields where permits are not required. This ordinance would repeal the license requirement for certain specialty trades which do not require a building permit.

This ordinance would remove local licensing requirements and reference to the following trades:

Floor Covering
Floor Covering with Tile
Framing Contractor
Masonry Contractor
Painting Contractor

If approved, this ordinance would take effect immediately upon filing with the Department of State. The Board should be aware that in the 2021 legislative session, legislation on this topic was passed, but has not yet been signed into law by the Governor. The 2021 legislation preempts this type of licensing to the State of Florida. If signed into law, this new State law would not prohibit local governments from licensing these trades until July 1, 2023.

Clerk to the Board Instructions:

None.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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May 19, 2021

MEMORANDUM

TO: Eden Bentley, County Attorney

RE: Item H.3., Ordinance Revising Chapter 22 of the Brevard County Code of Ordinances for Deregulation of Certain Specialty Trades

The Board of County Commissioners, in regular session on May 18, 2021, adopted Ordinance No. 2021-13, amending Chapter 22, Article VI, Section 22-477 and Section 22-529, of the Brevard County Code of Ordinances for deregulation of certain specialty trades. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Each Commissioner



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 28, 2021

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

Attention: Kimberly Powell

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 21-13, which was filed in this office on May 28, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb

ORDINANCE NO. 21- 13

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE VI, SECTIONS 22-477 AND 22-529 CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA. SPECIFICALLY AMENDING SECTION 22-477, DEFINITIONS, REMOVING DEFINITIONS OF FLOOR COVERING, FLOOR COVERING WITH TILE, FRAMING, MASONRY AND PAINTING AND ADDING THESE TRADES TO THE DEFINITION OF SPECIALTY CONTRACTOR; AMENDING SECTION 22-529, ENTITLED "CLASSES OF CERTIFICATES OF COMPETENCY", REMOVING FLOOR COVERING, FLOOR COVERING WITH TILE, FRAMING, MASONRY AND PAINTING CONTRACTORS; RENUMBERING SECTIONS 22-477 AND 22-529; REMOVING OTHER REFERENCES TO FLOOR COVERING, FLOOR COVERING WITH TILE, FRAMING, MASONRY AND PAINTING CONTRACTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 22, Article VI, Division 1 through 4, 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, the Brevard County Board of County Commissioners has established a Contractors' Licensing Board; and

WHEREAS, the Board of County Commissioners of Brevard County Florida recognize the need to eliminate licensing requirements for the following trades: Floor Covering, Floor Covering with Tile, Framing, Masonry and Painting, pursuant to Chapter 22, Article IV, Division 1 through 4, Code of Ordinance, Brevard County, Florida; and

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

Section 1. Amendment to Sections 22-477 and 22-529.

Sections 22-477 and 22-529 of the Code of Ordinances of Brevard County, Florida, are hereby amended to read as follows:

Officially filed with the Secretary of the State on May 28, 2021.

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.

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.

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.

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 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.

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 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 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.

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.

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

Class 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.

Class 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.

Irrigation 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.

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 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 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 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.

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 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 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.

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.

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.

Roofing contractor 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.

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 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.

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) Fence erectors.
- (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) Termite treating.
- (25) 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.

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 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.

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.

Swimming pool finishing 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.

Underground utilities 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.

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.

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) Building contractor
 - (4) Demolition
 - (5) Drywall contractor
 - (6) Electrical contractor
 - (7) Electrical sign contractor
 - (8) Excavating contractor
 - (9) Fencing contractor
 - (10) Garage door contractor
 - (11) General contractor
 - (12) (Class A) H.A.R.V. contractor
 - (13) (Class B) H.A.R.V. contractor
 - (14) Irrigation contractor
 - (15) Limited contractor
 - (16) Limited energy systems contractor
 - (17) Marine contractor I
 - (18) Marine contractor II
 - (19) Mechanical contractor
 - (20) Plumbing contractor
 - (21) Residential contractor
 - (22) Roofing contractor

- (23) Sheet metal contractor
- (24) Solar water heating contractor
- (25) Specialty structure contractor
- (26) Storm shutter contractor
- (27) Stucco contractor
- (28) Swimming pool contractor
- (29) Swimming pool service contractor
- (30) Swimming pool finishing subcontractor
- (31) Underground utilities 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. 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 2. **Severability.** If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

Section 3. **Inclusion in Code.** It is 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 ordinances 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.

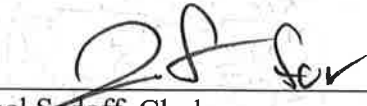
Section 4. **Conflicting Provisions.** In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

Section 5. **Area Encompassed.** This ordinance shall take effect only in the unincorporated areas of Brevard County, Florida.

Section 6. **Effective Date.** This ordinance shall take effect upon filing a copy of this ordinance with the Department of State by the Clerk of the Board of County Commissioners.


ENACTED this 18 day of May, 2021.

ATTEST:



Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair
As approved by the Board on May 18, 2021.

ORDINANCE NO. 21-____

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE VI, SECTIONS 22-477 AND 22-529 CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA. SPECIFICALLY AMENDING SECTION 22-477, DEFINITIONS, REMOVING DEFINITIONS OF FLOOR COVERING, FLOOR COVERING WITH TILE, FRAMING, MASONRY AND PAINTING AND ADDING THESE TRADES TO THE DEFINITION OF SPECIALTY CONTRACTOR; AMENDING SECTION 22-529, ENTITLED "CLASSES OF CERTIFICATES OF COMPETENCY", REMOVING FLOOR COVERING, FLOOR COVERING WITH TILE, FRAMING, MASONRY AND PAINTING CONTRACTORS; RENUMBERING SECTIONS 22-477 AND 22-529; REMOVING OTHER REFERENCES TO FLOOR COVERING, FLOOR COVERING WITH TILE, FRAMING, MASONRY AND PAINTING CONTRACTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 22, Article VI, Division 1 through 4, 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, the Brevard County Board of County Commissioners has established a Contractors' Licensing Board; and

WHEREAS, the Board of County Commissioners of Brevard County Florida recognize the need to eliminate licensing requirements for the following trades: Floor Covering, Floor Covering with Tile, Framing, Masonry and Painting, pursuant to Chapter 22, Article IV, Division 1 through 4, Code of Ordinance, Brevard County, Florida; and

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

Section 1. Amendment to Sections 22-477 and 22-529.

Sections 22-477 and 22-529 of the Code of Ordinances of Brevard County, Florida, are hereby amended to read as follows:

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.

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.

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.

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 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.

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 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.

~~*Floor covering contractor* means any person or firm qualified and certified by the board to perform any work to install, repair and replace sub flooring and finish floor coverings, including wood, parquet, resilient tile, sheet vinyl and floor trim.~~

~~*Floor covering with tile, marble and terrazzo contractor* means any person or firm qualified and certified by the board to perform any work to install, repair and replace sub-flooring and finish floor coverings, including tile, marble and terrazzo.~~

~~*Framing/carpentry contractor* means any person or firm qualified and certified by the board whose scope of work is to install any wood products in a building including, but not limited to, rough framing, structural and nonstructural trusses, sheathing and metal framing, and the work of the finish carpentry contractor.~~

Garage door 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.

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.

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

Class 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.

Class 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.

Irrigation 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.

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 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 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 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.

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.

~~*Masonry contractor* means any person or firm qualified and certified by the board to perform any work to select, cut, and lay brick and concrete block or any other unit masonry products, lay brick and other baked clay products, rough cut and dress stone, artificial stone and pre-cast block, structural glass brick or block and insulated concrete wall units. This work includes placement of reinforcing steel and concrete forming and placing incorporated into the masonry work.~~

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 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.

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.

~~*Painting contractor* means any person or firm qualified and certified by the board who conducts business in the painting trade whose scope of work is limited to the cleaning, caulking and priming of surfaces in preparation for the application of paint and related liquid, waterproofing or viscous products by brush, roller or spray methods in such a manner that, under an agreed specification, satisfactory painting can be accomplished. A painting contractor is qualified to clean, sandblast, caulk and prime surfaces in preparation for, and to apply, waterproofing products by brush, roller or spray method in such a manner that under agreed specifications, waterproofing can be accomplished either on inside or outside surfaces. He/she is qualified to clean surfaces in preparation for waterproofing or painting. The scope of work may include pressure spraying to clean surfaces of homes or buildings.~~

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.

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.

Roofing contractor 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.

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 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.

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) Fence erectors.
- (6) Filling and grading.
- (7) Floor Covering
- (8) Floor Covering with Tile
- (9) Framing
- ~~(7)~~(10) Gasoline tanks, pumps and piping.
- ~~(8)~~(11) Glazing.
- ~~(9)~~(12) Guniting and sandblasting.
- ~~(10)~~(13) House moving.
- ~~(11)~~(14) Hydraulic lifts and airline systems.
- ~~(12)~~(15) Insulating.
- ~~(13)~~(16) Levee construction.
- (17) Masonry
- (18) Painting

- (14)(19) Paving and sidewalks.
- (15)(20) Plastering.
- (16)(21) Sign erection.
- (17)(22) Steel reinforcing and iron.
- (18)(23) Structural steel erection.
- (19)(24) Termite treating.
- (20)(25) 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.

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 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.

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.

Swimming pool finishing 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.

Underground utilities 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.

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.

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) Building contractor
- (4) Demolition
- (5) Drywall contractor
- (6) Electrical contractor
- (7) Electrical sign contractor
- (8) Excavating contractor
- (9) Fencing contractor
- ~~(10) Floor covering contractor~~
- ~~(11) Floor covering with tile, marble and terrazzo contractor~~
- ~~(12) Framing/carpentry contractor~~
- ~~(13)~~(10) Garage door contractor
- ~~(14)~~(11) General contractor
- ~~(15)~~(12) (Class A) H.A.R.V. contractor
- ~~(16)~~(13) (Class B) H.A.R.V. contractor
- ~~(17)~~(14) Irrigation contractor
- ~~(18)~~(15) Limited contractor
- ~~(19)~~(16) Limited energy systems contractor
- ~~(20)~~(17) Marine contractor I
- ~~(21)~~(18) Marine contractor II
- ~~(22) Masonry contractor~~
- ~~(23)~~(19) Mechanical contractor
- ~~(24) Painting contractor~~
- ~~(25)~~(20) Plumbing contractor
- ~~(26)~~(21) Residential contractor
- ~~(27)~~(22) Roofing contractor
- ~~(28)~~(23) Sheet metal contractor
- ~~(29)~~(24) Solar water heating contractor
- ~~(30)~~(25) Specialty structure contractor
- ~~(31)~~(26) Storm shutter contractor
- ~~(32)~~(27) Stucco contractor
- ~~(33)~~(28) Swimming pool contractor

- (34)(29) Swimming pool service contractor
- (35)(30) Swimming pool finishing subcontractor
- (36)(31) Underground utilities contractor
- (37)(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. 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 ~~floor covering contractor, floor covering with tile, marble and terrazzo contractor,~~ 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 ~~floor covering contractor, floor covering with tile, marble and terrazzo contractor,~~ 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 a ~~floor covering contractor, floor covering with tile, marble and terrazzo contractor,~~ 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 2. **Severability.** If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

Section 3. **Inclusion in Code.** It is 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 ordinances 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.

Section 4. **Conflicting Provisions.** In the case of a direct conflict between any provisions 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 5. **Area Encompassed.** This ordinance shall take effect only in the unincorporated areas of Brevard County, Florida.

Section 6. **Effective Date.** This ordinance shall take effect upon filing a copy of this ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this ____ day of May, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk

Rita Pritchett, Chair
As approved by the Board on May_____, 2021.