



# Broward County

## Legislation Text

File #: 22-565, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Leonard Vialpando

**Department:** Resilient Environment      **Division:** Building Code Division

### Information

#### **Requested Action**

**MOTION TO ADOPT** Resolution to place a proposed amendment to the Broward County Charter on the ballot for the November 8, 2022, General Election, amending Section 9.01 of the Broward County Charter relating to the Central Examining Boards for construction trades, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 8, 2022, TO DETERMINE WHETHER TO AMEND SECTION 9.01 OF THE BROWARD COUNTY CHARTER RELATING TO CENTRAL EXAMINING BOARDS FOR CONSTRUCTION TRADES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

#### **Why Action is Necessary**

The Broward County Charter authorizes the County Commission to propose amendments to the Broward County Charter, subject to referendum of the general electorate.

#### **What Action Accomplishes**

Places a referendum on the ballot that, if approved by the voters, would amend the Charter relating to the Central Examining Boards.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

None taken

#### **Summary Explanation/Background**

THE RESILIENT ENVIRONMENT DEPARTMENT AND THE BUILDING CODE DIVISION RECOMMEND APPROVAL OF THE ABOVE MOTION.

Section 9.01. of the Broward County Charter (Charter) establishes six Central Examining Boards (CEBs) for construction trades, including a CEB each for Plumbers, General Construction Trades, Mechanical Contractors and Specialty Mechanical Contractors, Engineered Construction Trades, Electricians, and Liquefied Petroleum Gas Contractors. Each of these boards provides for examination and certification of professionals in, and regulation of, its respective construction trade.

In 2021, the Florida Legislature passed, and the Governor signed, Chapter 2021-214 of the Laws of Florida (the Act), which expressly preempts the regulation of occupations to the state, except for those specifically authorized in Section 489.117, Florida Statutes. This statute section authorizes the issuance of local licenses in the trades listed in Sections 489.105(3)(a)-(o) and (q), Florida Statutes, as well as journeyman licenses in the plumbing, pipe fitting, mechanical, and heating, ventilation, and air conditioning trades pursuant to Section 489.1455(1), Florida Statutes. Once the Act becomes fully effective on July 1, 2023, the types and number of licenses administered by the CEBs will be significantly reduced.

To ensure the County Charter complies with the Act, and to provide for the efficient licensing and regulation of occupations that remain permissible under the Act, this Resolution proposes an amendment to the Broward County Charter that, to be effective, must be approved by the Broward County electorate during the 2022 General Election. If approved, the proposal would:

- Eliminate the CEB for Liquefied Petroleum Gas Contractors, as licenses issued by this CEB will be preempted beginning July 1, 2023;
- Consolidate the remaining five CEBs into a single CEB with two Divisions, each consisting of nine members. For each Division, the County Commission would appoint five members and five alternates, consisting of three Professional Members, three Professional Member alternates, two Consumer Representatives, and two Consumer Representative alternates. For each Division, the Broward County League of Cities would appoint four members and four alternates, consisting of three Professional Members, three Professional Member alternates, one Consumer Representative, and one Consumer Representative alternate. The total number of members of each Division would thus consist of five members appointed by the County Commission and four members appointed by the Broward County League of Cities.
  - For Division I, the County Commission and League of Cities appointments would each consist of two Professional Members and two Professional Member alternates in the general construction trade and one Professional Member and one Professional Member alternate in the engineered construction trade.
  - For Division II, the County Commission and League of Cities appointments would each consist of one Professional Member and one Professional Member alternate in each of the following trades: electrical contracting, mechanical contracting, and plumbing contracting.
- Provide that each Division shall meet at least six times a year and the CEB shall meet as necessary.
- Clarify that all Certificates of Competency issued before November 2, 1976, shall remain in effect unless otherwise prohibited by law or revoked for cause.

Six affirmative votes are required to place this proposed Charter amendment on the ballot.

**Source of Additional Information**

Hipolito Cruz, Jr., Director, Building Code Division, 954-765-4310

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Pursuant to Section 11.07 of the Broward County Charter, a financial impact statement was provided by the County Auditor (Exhibit 2). It is estimated that that this amendment will have a financial impact to Broward County of an annual cost savings of \$145,227.