

1 RESOLUTION NO.

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

11 WHEREAS, on November 5, 1974, a majority of the electors of Broward County
12 (the County) approved the Broward County Charter (the Charter), which became effective
13 on January 1, 1975;

14 WHEREAS, Section 9.01 of the Charter establishes the Board of Plumbers, the
15 Board of General Construction Trades, the Board of Mechanical Contractors and
16 Specialty Mechanical Contractors, the Board of Engineered Construction Trades, the
17 Board of Electricians, and the Board of Liquefied Petroleum Gas Contractors, each known
18 as a Central Examining Board (CEB);

19 WHEREAS, the CEBs were created to register and license individuals who perform
20 various construction trades in the County, to ensure those individuals are qualified and
21 properly insured, and to provide the public a means to register complaints, mediate
22 disputes, and be heard with respect to issues that arise during construction;

23 WHEREAS, Chapter 2021-214 of the Laws of Florida (the Act) enacted by the
24 Florida Legislature in 2021 expressly preempts the licensing of occupations to the state,
and effective July 1, 2023, local licensing of an occupation that is not authorized under
the Act or otherwise authorized by general law may not be enforced;

1 WHEREAS, due to the significant reduction in the type and volume of licenses
2 issued by the CEBs that will result when the Act becomes fully effective July 1, 2023, the
3 Broward County Board of County Commissioners (the Board) wishes to eliminate the
4 Liquefied Petroleum Gas Contractors CEB and consolidate the remaining five CEBs into
5 one CEB, consisting of two (2) Divisions, and otherwise amend the Charter to ensure
6 consistency with the Act and to provide for the efficient regulation of construction trades
7 that remains permissible under the Act;

8 WHEREAS, Section 2.06 of the Charter authorizes the Board to propose
9 amendments and revisions to the Charter, subject to referendum of the general
10 electorate; and

11 WHEREAS, the Board desires to place a referendum before the voters at the
12 November 8, 2022, General Election that, if approved, would amend Section 9.01 of the
13 Charter to eliminate the Liquefied Petroleum Gas Contractors CEB and consolidate the
14 remaining five CEBs into a single CEB to serve the purposes for which the CEBs were
15 originally created, to the extent permissible under, and in a manner consistent with, the
16 Act, NOW, THEREFORE,

17
18 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
19 BROWARD COUNTY, FLORIDA:

20
21 Section 1. Subject to an affirmative vote of the general electorate, Section 9.01
22 of the Charter of Broward County, Florida, entitled "Central Examining Boards," is hereby
23 amended, effective July 1, 2023, to read as follows:

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 **Sec. 9.01. Central examining boards.**

2 A. The Central Examining Boards ("CEBs"), with two (2) Divisions, ~~are is~~
3 created in order to provide for procedures to register and license individuals who perform
4 a variety of construction trades in the County, to issue Certificates of Competency to
5 individuals practicing the various construction trades in the County, to ensure that
6 individuals practicing the various construction trades are properly insured, and to provide
7 the public a means by which to register complaints, mediate disputes, and ~~to~~ be heard
8 with respect to issues ~~which~~ that arise during construction.

9 B. For purposes of this ~~a~~Article, a "Professional Member" shall be an individual
10 who has been active in his/her respective craft or trade for not less than ten (10) years
11 within the County.

12 C. For purposes of this Article, a "Consumer Representative" shall be any
13 person who resides in the County who is not, and has never been, a member or
14 practitioner of a profession regulated by the ~~board~~ CEB or a member of any closely related
15 profession.

16 D. ~~The Board of Plumbers, Board of General Construction Trades, Board of~~
17 ~~Mechanical Contractors and Specialty Mechanical Contractors, and Board of Engineered~~
18 ~~Construction Trades are established as County CEBs, and each~~ CEB shall consist of
19 eighteen (18) members, comprised of the members of Division I and Division II. Division I
20 of the CEB shall consist of nine (9) members and nine (9) alternates. ~~These~~ This
21 nine-member ~~CEBs~~ Division shall be comprised of five (5) members, and five (5)
22 alternates appointed by the County Commission, consisting of three (3) Professional
23 Members, three (3) Professional Member alternates, two (2) Consumer Representatives,
24 and two (2) Consumer Representative alternates. The Broward County League of Cities

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1 shall appoint four (4) members, and four (4) alternates, consisting of three (3)
2 Professional Members, ~~and three (3) Professional Member alternates, and one (1)~~
3 Consumer Representative, and one (1) Consumer Representative alternate. The County
4 Commission and League of Cities Professional Member appointments shall each consist
5 of two (2) Professional Members and two (2) Professional Member alternates in the
6 general construction trade, and one (1) Professional Member and one (1) Professional
7 Member alternate in the engineered construction trade.

8 E. ~~The Board of Electricians CEB is established, and shall consist of seven (7)~~
9 ~~members, and seven (7) alternates. The County Commission shall appoint four (4)~~
10 ~~members, and four (4) alternates, consisting of three (3) Professional Members, three (3)~~
11 ~~Professional Member alternates, and one (1) Consumer Representative, and one (1)~~
12 ~~Consumer Representative alternate. The Broward County League of Cities shall appoint~~
13 ~~three (3) members, and three (3) alternates, consisting of three (3) Professional Members~~
14 ~~and three (3) Professional Member alternates. Division II of the CEB shall consist of~~
15 nine (9) members and nine (9) alternates. This nine-member Division shall be comprised
16 of five (5) members and five (5) alternates appointed by the County Commission,
17 consisting of three (3) Professional Members, three (3) Professional Member alternates,
18 two (2) Consumer Representatives, and two (2) Consumer Representative alternates.
19 The Broward County League of Cities shall appoint four (4) members and four (4)
20 alternates, consisting of three (3) Professional Members, three (3) Professional Member
21 alternates, one (1) Consumer Representative, and one (1) Consumer Representative
22 alternate. The County Commission and League of Cities Professional Member
23 appointments shall consist of one (1) Professional Member and one (1) Professional
24

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1 Member alternate in each of the following trades: electrical contracting, mechanical
2 contracting, and plumbing contracting.

3 ~~F. The Board of Liquefied Petroleum Gas Contractors CEB is established, and~~
4 ~~shall consist of six (6) members, and six (6) alternates. The County Commission shall~~
5 ~~appoint three (3) Professional Members and three (3) Professional Member alternates.~~
6 ~~The Broward County League of Cities shall appoint three (3) Professional Members, and~~
7 ~~three (3) Professional Member alternates.~~

8 ~~G. F.~~ Each of the individuals appointed by the County Commission to ~~each~~ the
9 CEB shall be nominated by a Commissioner, and approved by a majority of the County
10 Commission. The County Commission shall adopt an appointment process ~~which~~ that
11 provides for the appointment of Professional Members, Consumer Representatives, and
12 alternates to the CEBs. Once appointed, the members appointed by the County
13 Commission shall serve ~~until the expiration of their term~~ for a term of four (4) years, or
14 until a successor is duly appointed.

15 ~~H. G.~~ The CEB members appointed by the Broward County League of Cities shall
16 serve for a term of four (4) years, or until a successor is duly appointed.

17 ~~I. H.~~ All Members of the CEBs may serve up to three (3) consecutive four-year
18 terms.

19 ~~J. I.~~ The County Commission or the Broward County League of Cities,
20 whichever is the appointing authority, may remove, either by its own action or upon
21 recommendation of the majority of the members of the respective Division of the CEB,
22 any member or alternate for misconduct, incompetence, or neglect of duty.

23 ~~K. J.~~ Any vacancy occurring on a the CEB shall be filled for the remainder of the
24 former member's term of office by appointment of the County Commission, when the

1 former member was a County Commission appointee, or by the Broward County League
2 of Cities, when the former member was a Broward County League of Cities appointee.

3 L. K. ~~As to its respective craft or trade, each~~ The CEB shall have the powers and
4 duties to:

5 (1) Ssubmit to the County Commission rules and regulations with regard to the
6 requirements for the issuance and revocation of eCertificates of
7 eCompetency. The County Commission shall enact the rules and
8 regulations by ordinance;

9 (2) Ccontract with independent testing services to compose, administer, and
10 grade tests given for the purpose of granting eCertificates of eCompetency
11 to individuals practicing specific crafts and trades. A testing agency which
12 that contracts with the County shall not, through itself or any subsidiary,
13 offer instructions to applicants for the purpose of passing the tests; and

14 (3) Aadopt reasonable fees to be paid by applicants to cover the costs of the
15 ~~respective~~ CEBs, including administrative staff to be provided by the County
16 Administrator.

17 M. L. Certificates of Competency as provided in the laws of the State of Florida,
18 which are issued by ~~each~~ the CEB created hereunder, shall be valid countywide.

19 N. M. ~~After adoption of this provision,~~ Municipalities shall not issue new
20 eCertificates of eCompetency based on examination in any ~~of the above~~ trades or crafts
21 for which the CEB issues Certificates of Competency. ~~Municipalities may renew those~~
22 ~~certificates of competency previously issued by the Municipalities between~~
23 ~~October 1, 1975, and the adoption of this provision.~~

1 ~~Q. N.~~ Each The CEB and each of its Divisions shall be supplied office space by
2 the County ~~and~~. Each Division shall meet a minimum of ~~eight (8)~~ six (6) times a year. The
3 CEB shall meet as it deems necessary.

4 ~~P.~~ ~~The Liquefied Petroleum Gas Contractors CEB shall only be required to~~
5 ~~meet a minimum of four (4) times a year. In the event that any person requests to be~~
6 ~~heard by the Liquefied Petroleum Gas Contractors CEB on any matter, other than a~~
7 ~~complaint of a violation of Chapter 9 of the County Code, as amended, the Liquefied~~
8 ~~Petroleum Gas Contractors CEB shall meet to consider such matter no later than thirty~~
9 ~~(30) days after receipt of the request to be heard from the applicant.~~

10 ~~Q. O.~~ All Certificates of Competency issued by the CEBs prior to ~~the adoption~~
11 ~~of this Section~~ November 2, 1976, shall remain in full force and effect unless otherwise
12 prohibited by law or revoked for cause.

13 ~~R. P.~~ The County Attorney shall represent ~~each of the CEBs~~ and each of its
14 Divisions.

15
16 Section 2. A referendum election is called for the General Election on
17 November 8, 2022, and at such other times as permitted for voting under Chapter 101,
18 Florida Statutes, to determine whether to amend Section 9.01 of the Broward County
19 Charter relating to Central Examining Boards for construction trades.

20
21 Section 3. In accordance with Section 100.342, Florida Statutes, at least
22 thirty (30) days' notice of the referendum election shall be published by the County
23 Administrator in a newspaper of general circulation in Broward County. The publication
24 shall be made at least twice, including once in the fifth week and once in the third week

1 prior to the week in which the referendum is to be held. The notice is hereby attached as
2 Exhibit A and made a part hereof.

3 Section 4. Said referendum election shall be held between the hours of
4 7:00 a.m. and 7:00 p.m. on Tuesday, November 8, 2022, and at such other days and
5 times as provided under applicable law, including early voting as provided by
6 Section 101.657, Florida Statutes, at polling places established in Broward County. All
7 registered and qualified electors in Broward County shall be eligible to vote in the
8 referendum election. Vote-by-mail ballots and early voting access for the referendum
9 shall be made available as provided by law.

10
11 Section 5. The election boards consisting of the clerks and inspectors
12 appointed to serve for the November 8, 2022, General Election are hereby appointed to
13 serve in the referendum election in the manner provided by law.

14
15 Section 6. The Broward County Canvassing Board shall canvass the returns in
16 said election and shall certify the results of the referendum election as provided by law.

17
18 Section 7. The County Administrator shall furnish a certified copy of this
19 Resolution to the Supervisor of Elections for Broward County promptly upon adoption by
20 the Board.

21
22 Section 8. The title and summary of the referendum item to appear on the
23 General Election on November 8, 2022, as embodied in this enabling Resolution, shall
24 be as follows:

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1 **AMENDS COUNTY CHARTER TO CONSOLIDATE CENTRAL EXAMINING BOARDS**
2 **AND TO ENSURE CONSISTENCY WITH STATE LAW**

3 "This amendment to the Broward County Charter consolidates the Broward County
4
5
6

7 Florida, which will limit the County's authority to license certain occupations."

8 YES _____

9 NO _____

10
11 Section 9. Severability.

12 If any portion of this Resolution is determined by any court to be invalid, the invalid
13 portion will be stricken, and such striking will not affect the validity of the remainder of this
14 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
15 legally applied to any individual, group, entity, property, or circumstance, such
16 determination will not affect the applicability of this Resolution to any other individual,
17 group, entity, property, or circumstance. If the County determines any part of the ballot
18 statement is contrary to state law, the County Attorney is authorized to request that the
19 Supervisor of Elections remove the applicable language from the proposed ballot
20 proposal and the Supervisor of Elections is authorized to remove such language.
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1 Section 10. Effective Date.

2 This Resolution shall be in force and take effect immediately upon its adoption by
3 the Board.

4
5 ADOPTED this day of , 2022.

6
7 Approved as to form and legal sufficiency:
8 Andrew J. Meyers, County Attorney

9
10 By /s/ 03/00/2022
11 Kristin M. Carter (date)
12 Assistant County Attorney

13 By /s/ 03/00/2022
14 Maite Azcoitia (date)
15 Deputy County Attorney

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17
18
19
20
21 KMC/gb
22 Central Examining Boards Charter Amendment
23 03/31/2022
24 #file requested

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Exhibit A

NOTICE OF REFERENDUM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, AND AT SUCH OTHER TIMES AS PROVIDED FOR EARLY VOTING BY SECTION 101.657, FLORIDA STATUTES, TO DETERMINE WHETHER TO AMEND SECTION 9.01 OF THE BROWARD COUNTY CHARTER RELATING TO CENTRAL EXAMINING BOARDS FOR CONSTRUCTION TRADES.

A countywide referendum election will be held on Tuesday, November 8, 2022, and at such other times as provided for by Chapter 101, Florida Statutes, for the purpose of determining whether to amend the Broward County Charter.

As set forth in enabling Resolution No. 2022-___, adopted on ___, by the Board of County Commissioners of Broward County, Florida, the title and summary to appear on the referendum ballot shall be as follows, with the appropriate Chapter reference to the Laws of Florida, when available, inserted:

AMENDS COUNTY CHARTER TO CONSOLIDATE CENTRAL EXAMINING BOARDS AND TO ENSURE CONSISTENCY WITH STATE LAW

"

"

YES _____

NO _____

A complete copy of the proposed amendment is available at Broward.org/charter.

The referendum shall be held on November 8, 2022, between the hours of 7:00 a.m. and 7:00 p.m., and at such other days and times as provided under applicable law, including for early voting as provided by Section 101.657, Florida Statutes, at the polling places established in Broward County. All registered and qualified electors of Broward County shall be eligible to vote in said referendum election. Vote-by-mail ballots for the referendum election shall be prepared and made available as provided by law.

The Broward County Canvassing Board shall canvass the returns and certify the results of the referendum election to the Board of County Commissioners of Broward County, Florida, the Broward County Administrator, and the Florida Department of State, to be recorded and filed in appropriate public records.

Instructions:

A. Publish two (2) times:

Once on: October 4, 2022

Once on: October 18, 2022

B. Furnish two (2) proofs of publication and invoice to:

Mary Anne Darby, Deputy Clerk
Records, Taxes and Treasury Division
Broward County Governmental Center
115 S. Andrews Avenue, Room 336-U
Fort Lauderdale, Florida 33301

C. Furnish one (1) proof of publication and invoice to:

Broward County Attorney's Office
Broward County Governmental Center
115 S. Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301