

PROPOSED

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO TREE TRIMMING CONTRACTORS; AMENDING VARIOUS SECTIONS OF CHAPTER 9, ARTICLE XI, OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING DEFINITIONS; PROVIDING FOR LICENSURE OF TREE TRIMMING CONTRACTORS; ESTABLISHING LICENSURE, APPLICATION, AND TRAINING REQUIREMENTS; REQUIRING MAINTENANCE OF QUALIFICATIONS; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Chapter 9, Article XI, of the Broward County Code of Ordinances is hereby amended to read as follows:

ARTICLE XI. REGULATION OF TREE TRIMMERS

...

Sec. 9-161. Definitions.

The following terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense shall include the future, and the singular number includes the plural, and the plural, the singular.

(a) *Applicant* shall mean ~~and include all sole proprietors, business organizations, and governmental agencies which apply~~ an individual who applies for or

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1 ~~request licensure~~ a Class A or Class B license, or a business organization or
2 governmental agency that applies for a certificate of authority, from the County under this
3 article.

4 (b) *Business organization* shall mean and include any partnership, corporation,
5 business trust, joint venture, or other legal entity ~~which~~ that engages or offers to engage
6 in the business of contracting to perform tree trimming services or acts as a tree trimming
7 contractor.

8 (c) *Certificate holder* shall mean a business organization or governmental
9 agency that has been issued a tree trimmer certificate of authority pursuant to this
10 article.

11 ~~(e)~~ (d) *Contractor* shall mean ~~and refer to~~ any person who undertakes to, or
12 submits a bid to, perform tree trimming on the property of another person within Broward
13 County.

14 ~~(d)~~ (e) *Division* shall mean ~~and refer to~~ the Broward County ~~Permitting, Licensing~~
15 ~~and Consumer Protection~~ Building Code Services Division, its successor agency or
16 designee.

17 (f) *Employee* shall mean an individual who receives compensation from, and
18 is under the supervision and control of, an employer who regularly deducts the F.I.C.A.
19 and withholding tax from the employee's wages and for whom the employer is required
20 to provide workers' compensation insurance, as prescribed by law.

21 ~~(e)~~ (g) *Governmental agency* shall mean the state of Florida, Broward County,
22 municipalities within Broward County, dependent and independent special districts, and
23 the South Florida Water Management District.

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1 ~~(f)~~ (h) *Hearing officer* shall mean a member of The Florida Bar who shall conduct
2 hearings in accordance with this article and Chapter 162, Florida Statutes, ~~as amended.~~

3 ~~(g)~~ (i) *Job site* shall mean each street address or property at which tree trimming
4 activities take place.

5 ~~(h)~~ (j) *License holder* shall mean ~~a sole proprietor, business organization, or~~
6 ~~governmental agency~~ an individual possessing a Class A or Class B ~~tree trimmer~~
7 ~~license~~ required pursuant to ~~Chapter 9, this Article XI, of the Broward County Code~~
8 ~~of Ordinances.~~

9 (k) Qualifying agent shall mean an individual who possesses the requisite
10 skill, knowledge, and experience; has the responsibility to supervise, direct, manage,
11 and control the activities of a tree trimming contractor; and who has a valid Class A or
12 Class B tree trimmer license issued by Broward County for the tree trimming activities
13 to be conducted, or being conducted, by the contractor. Such an individual may obtain
14 a certificate of authority on behalf of a business organization or may contract and
15 perform tree trimming services individually as a sole proprietor.

16 ~~(i)~~ (l) *Repeat violation* shall mean a recurring violation of a provision of this
17 article by a ~~violate~~ respondent whom a hearing officer has previously found to have
18 violated the same provision, or a ~~violate~~ respondent against whom penalties were
19 assessed for the same provision, within five (5) years prior to the violation.

20 ~~(j)~~ (m) *Sole proprietor* shall mean an individual who engages in, or proposes to
21 engage in, the business of contracting as a tree trimmer in the individual's own name,
22 or a fictitious name.

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1 ~~(k)~~ (n) *Subcontractor* shall mean any sole proprietor or business organization,
2 ~~which that~~ contracts with a tree trimming contractor to perform all or part of the tree
3 trimming contractor's work.

4 ~~(l)~~ (o) *Trained person individual* shall mean a sole proprietor or an employee who
5 ~~complies with the provisions of Subsection 9-163(a)(2), Broward County Code of~~
6 ~~Ordinances~~ an individual who has (i) successfully completed the training course offered
7 by the University of Florida/Institute of Food and Agricultural Sciences ("UF/IFAS")
8 Broward County Extension, or successor agency, and passed the related examination;
9 or (ii) completed an equivalent substitute training course and has passed the
10 examination offered by the UF/IFAS Broward County Extension, or successor agency.

11 ~~(m)~~ (p) *Tree* shall mean any living, self-supporting, dicotyledonous or
12 monocotyledonous, woody, perennial plant ~~which that~~ has a DBH (diameter at breast
13 height) of ~~no less than~~ at least three (3) inches, and ~~which that~~ normally grows to an
14 overall height of ~~no less than~~ at least ten (10) feet in southeast Florida.

15 ~~(n)~~ (q) *Tree trimmer* shall mean any sole proprietor or business organization,
16 ~~which that~~ contracts to, or performs, tree trimming services, or any governmental
17 agency, ~~which trims trees, and is required to obtain one of the following licenses: that~~
18 performs tree trimming services.

19 ~~*Class A Tree Trimmer License.* A license which requires a sole proprietor, a qualified~~
20 ~~individual for a business organization, or a governmental agency to possess an~~
21 ~~International Society of Arboriculture Arborist Certification or to be a Registered~~
22 ~~Consulting Arborist with the American Society of Consulting Arborists and to provide an~~
23 ~~annual affidavit stating that the required number of employees have either successfully~~

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1 ~~completed the training course offered by the Broward County Extension Education~~
2 ~~Section, or any successor agency, or have completed a substitute training course.~~

3 ~~*Class B Tree Trimmer License.* A license which requires a sole proprietor, a business~~
4 ~~organization, or a governmental agency to demonstrate that the sole proprietor, the~~
5 ~~business organization, or the governmental agency has the required number of~~
6 ~~employees who have successfully completed the training course offered by the Broward~~
7 ~~County Extension Education Section, or any successor agency, or have completed a~~
8 ~~substitute training course and have passed the examination offered by the Broward~~
9 ~~County Extension Education Section, or any successor agency.~~

10 ~~(e)~~ (r) *Tree trimming* shall mean the removal of branches more than one (1) inch
11 in diameter from a tree ~~or~~; the removal of live palm fronds from any type of palm tree
12 with six (6) feet or more of clear trunk; or the cutting down, digging up, destroying,
13 effectively destroying, removing, or relocating of any tree; except that tree trimming shall
14 not include the removal of branches or fronds or the cutting down, digging up,
15 destroying, effectively destroying, removing, or relocating of any tree or palm located on
16 owner-occupied residential property of one (1) acre or less in size and the tree or palm
17 otherwise meets the requirements of Section 27-408(a)(3)c. of the Broward County
18 Code of Ordinances for exemption from tree removal license requirements.

19 ~~(1) Tree trimming shall not include the removal, destruction, or relocation of~~
20 ~~any tree performed pursuant to a Broward County Environmental~~
21 ~~Protection and Growth Management Department or municipal tree~~
22 ~~removal license, or a Broward County Environmental Protection and~~
23 ~~Growth Management Department environmental resource license or~~

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1 general license, in accordance with the requirements of Chapter 27 of the
2 Broward County Code of Ordinances, as amended.

3 (2) ~~Tree trimming shall not include the removal, destruction, or relocation of~~
4 ~~any tree performed as part of land development clearing activities which~~
5 ~~otherwise comply with the Broward County Code of Ordinances, as~~
6 ~~amended.~~

7 (3) ~~Tree trimming shall not include the removal, destruction, or relocation of~~
8 ~~any nuisance tree, as defined in Section 27-404 of the Broward County~~
9 ~~Code of Ordinances, as amended.~~

10 ~~(p) (s)~~ Unlicensed shall mean an individual or sole proprietor, business
11 organization, or governmental agency which that does not possess a Class A or
12 Class B ~~Tree Trimmer License~~ or a business organization or governmental agency
13 that does not have a certificate of authority, as required pursuant to
14 Chapter 9, by this Article XI, of the Broward County Code of Ordinances.

15 **~~Sec. 9-162. Requirements and standards for tree trimmer licensure,~~**
16 **authorization required.**

17 (a) No individual or sole proprietor may perform, contract to perform, represent
18 that such individual or sole proprietor is capable of performing, or engage in a business
19 that performs tree trimming work without a Class A or Class B tree trimmer license from
20 the County. Before any sole proprietor or No business organization may perform, contract
21 to perform, represent that such business organization is capable of performing, or engage
22 in a business that performs tree trimming services work without a certificate of authority
23 from the County. or before any No governmental agency shall trim trees, such sole
24 proprietor, business organization, or governmental agency shall first apply for and obtain

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1 a ~~Class A or Class B Tree Trimmer License~~ without a certificate of authority from the
2 County.

3 (b) ~~It shall be a violation of this article for any sole proprietor, business~~
4 ~~organization, or governmental agency to engage in or represent that such sole~~
5 ~~proprietor, business organization, or governmental agency is qualified to perform work~~
6 ~~or contracts as a tree trimmer without first having obtained a current valid Class A or~~
7 ~~Class B Tree Trimmer License from the County.~~

8 (c) Nothing herein shall be construed to mean that an person individual
9 cannot trim trees without a Class A or Class B ~~tree trimmer license~~ when such
10 person individual is an employee of a sole proprietor, business organization, or
11 governmental agency ~~licensed as a~~ authorized by the County to perform tree trimmer
12 trimming and is under the direct supervision of a trained person individual.

13 (d) (c) At least one (1) trained person individual shall be present at every job site
14 while tree trimming is in progress. If ~~the~~ a sole proprietor, business organization, or
15 governmental agency utilizes subcontractors, such entity shall ensure that the
16 subcontractor has a Class A or Class B ~~tree trimmer license~~ or a certificate of
17 authority, as applicable, issued by Broward County, and that the subcontractor provides
18 at least one (1) trained individual at every job site while tree trimming is in progress.

19 (e) ~~While engaged in any work or activity which relates to, is referred to, or~~
20 ~~which is covered by this article, a~~ At least one person (1) trained individual at the job site
21 shall have at all times a picture identification issued by a governmental entity or agency
22 and evidence that the ~~person meets the training requirements set forth within~~
23 Section 9-163 individual is trained.

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1 (f) Each license holder shall notify the County, in writing, if there is a change
2 in any information that is required to be stated on the application.

3 (g) (d) Each license and certificate holder shall be responsible for ensuring that
4 all employees individuals engaged in tree trimming are adequately trained regarding
5 safety procedures in accordance with applicable federal and state law, including the
6 federal Occupational Safety and Health Act of 1970 and 29 C.F.R., s. 1910.269, App. E,
7 and ANSI Z133.1, American National Standard Safety Requirements for Pruning,
8 Trimming, Repairing, Maintaining, and Removing Trees, and for Cutting Brush.

9 (h) (e) A copy of the insurance policy(ies) or a copy of a certificate of insurance
10 required by Subsection 9-164(d)(f) shall be available for inspection at each site where
11 tree trimming activities are in progress furnished to the Division, upon request, no later
12 than fifteen (15) business days after the request.

13 **Sec. 9-163. Class A and Class B tree trimmer license and training requirements;**
14 **renewals.**

15 (a) Individuals or Sole Proprietors:

16 (1) Every sole proprietor, who contracts for or performs work as a tree trimmer
17 and individual who wishes to obtain a Class A Tree Trimmer License
18 from the County, shall provide evidence that the sole proprietor applicant
19 is either certified by the International Society of Arboriculture Arborists as
20 an arborist or is a Registered Consulting Arborist with the American
21 Society of Consulting Arborists. Every sole proprietor shall also provide
22 evidence that a sufficient number of its employees comply with the training
23 requirements set forth within Subsection 9-163(a)(2) below are trained
24 individuals or that it intends to subcontract with licensed tree trimmer

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1 subcontractors, if a sufficient number of its employees ~~do not comply with~~
2 ~~the training requirements~~ are not trained individuals, to ensure that a
3 trained ~~person~~ individual is present at all times at every job site when tree
4 trimming is in progress.

5 (2) ~~In order to ensure that a trained person is present at all times at every job~~
6 ~~site when tree trimming is in progress,~~ Every individual who wishes to
7 obtain a Class B tree trimmer license from the County shall provide
8 evidence that said individual is trained. Every sole proprietor who wishes
9 to obtain a Class B tree trimmer license from the County shall provide
10 evidence that both the sole proprietor applicant and a sufficient number of
11 the sole proprietor's employees have:

12 a. ~~Successfully completed the training course offered by the Broward~~
13 ~~County Extension Education Section, or any successor agency, and~~
14 ~~passed the examination; or~~

15 b. ~~Completed an equivalent substitute training course and has passed~~
16 ~~the examination offered by the Broward County Extension~~
17 ~~Education Section, or any successor agency.~~

18 are trained individuals, in order to ensure that a trained individual is
19 present at all times at every job site when tree trimming is in progress.

20 (3) ~~An sole proprietor,~~ individual who can demonstrate at least five (5) years
21 of tree trimming experience, may be granted a Class B ~~tree trimmer~~
22 ~~license without benefit of an examination~~ if the ~~sole proprietor~~ individual
23 otherwise meets the qualifications set forth within this article ~~of the~~
24 ~~Broward County Code of Ordinances~~ and can demonstrate an ability to

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1 trim trees in accordance with the American National Standards Institute
2 A300 for Tree Care Operations, Tree, Shrub, and Other Woody Plant
3 Maintenance Standard Practices.

4 (b) ~~Business Organizations~~; qualifying agent.

5 (1) Every business organization that contracts to perform, or performs, work
6 as a tree trimmer ~~service and wishes to obtain a Class A Tree Trimmer~~
7 ~~License from the County shall provide evidence that at least one (1)~~
8 ~~person affiliated with the business organization is certified by the~~
9 ~~International Society of Arboricultural Arborists or is a Registered~~
10 ~~Consulting Arborist with the American Society of Consulting Arborists.~~
11 ~~The business organization shall also provide evidence that its chief~~
12 ~~executive officer or the financially responsible officer, and a sufficient~~
13 ~~number of its employees, or its subcontractor's employees, comply with~~
14 ~~the training requirements set forth within Subsection 9-163(b)(2) below, to~~
15 ~~ensure that a trained person is present at all times at every job site when~~
16 ~~tree trimming is in progress shall apply for a certificate of authority through~~
17 ~~its qualifying agent. No license holder shall act as a qualifying agent for a~~
18 ~~tree trimmer business organization prior to the issuance of a certificate of~~
19 ~~authority by the County.~~

20 (2) The qualifying agent who seeks to obtain a certificate of authority for a
21 business organization shall be an officer, shareholder, partner, or
22 supervising employee of the business organization. The qualifying agent
23 shall have the authority to act for the business organization and shall be
24 responsible for all actions taken by the business organization related to

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1 tree trimming including, but not limited to, supervising all field work at all
2 sites and all financial matters, both for the business organization in general
3 and for each specific job. The qualifying agent and the business
4 organization shall be jointly and individually responsible and liable for all
5 tree trimming work performed, or contracted to be performed, by the
6 business organization.

7 (3) For purposes of this article, no individual possessing a Class A or Class B
8 tree trimmer license may act as a qualifying agent for more than one (1)
9 business organization performing tree trimming services.

10 ~~(2)~~ (4) To ensure that a trained ~~person~~ individual is present at all times at every
11 job site when tree trimming is in progress, every business organization,
12 ~~which that~~ contracts to perform work as a tree trimmer service and wishes
13 ~~to obtain a Class B Tree Trimmer License,~~ shall provide evidence that the
14 business organization:

15 a. ~~Has a sufficient number of trained employees who have~~
16 ~~successfully completed the training course offered by the Broward~~
17 ~~County Extension Education Section, or any successor agency;~~

18 b. ~~Has a sufficient number of trained employees who have completed~~
19 ~~an equivalent substitute training course and have passed the~~
20 ~~examination offered by the Broward County Extension Education~~
21 ~~Section, or any successor agency; or~~

22 c. ~~Intends~~ has a sufficient number of trained employees or intends to
23 ~~subcontract with licensed tree trimmer subcontractors, if it does not~~
24 ~~have a sufficient number of trained employees,~~ to ensure that a

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1 trained ~~person~~ individual is present at all times at every job site
2 when tree trimming is in progress.

3 (c) *Governmental Agency*:

4 (1) Class A. Every governmental agency, ~~which that~~ trims trees within
5 Broward County and wishes to obtain a Class A ~~Tree Trimmer License,~~
6 certificate of authority shall provide evidence that at least one (1) ~~person~~
7 ~~employed by~~ employee of the governmental agency is certified by the
8 International Society of Arboriculture Arborists as an arborist or is a
9 Registered Consulting Arborist with the American Society of Consulting
10 Arborists. The governmental agency shall also provide evidence that a
11 sufficient number of its employees ~~comply with the applicable training~~
12 ~~requirements set forth within Subsection 9-163(c)(2) below~~ are trained
13 individuals or that it intends to subcontract with licensed tree trimmer
14 subcontractors, ~~if a sufficient number of its employees do not comply with~~
15 ~~the training requirements,~~ to ensure that a trained ~~person~~ individual is
16 present at all times at every job site when tree trimming is in progress.

17 (2) Class B. ~~To ensure that a trained person is present at all times at every~~
18 ~~job when tree trimming is in progress,~~ Every governmental agency, ~~which~~
19 ~~that~~ trims trees within Broward County and wishes to obtain a Class B
20 ~~Tree Trimmer License,~~ certificate of authority shall provide evidence that
21 the governmental agency:

22 a. Has employs a sufficient number of trained ~~employees who have~~
23 ~~successfully completed the training course offered by the Broward~~
24 ~~County Extension Education Section, or any successor agency;~~

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1 b. ~~Has a sufficient number of trained employees who have completed~~
2 ~~an equivalent substitute training course and have passed the~~
3 ~~examination offered by the Broward County Extension Education~~
4 ~~Section, or any successor agency; or~~

5 e. individuals or ~~intends to subcontract with licensed tree trimmer~~
6 ~~subcontractors, if it does not have a sufficient number of trained~~
7 ~~employees, to ensure that a trained person~~ individual ~~is present at~~
8 ~~all times at every job site when tree trimming is in progress.~~

9 (d) ~~Successful completion of the training course or retraining course offered~~
10 ~~by the Broward County Extension Education Section, or any successor agency, includes~~
11 ~~obtaining a passing grade on the examination offered by the Broward County Extension~~
12 ~~Education Section, or any successor agency. No later than August 31st of each year,~~
13 ~~license and certificate holders shall provide an affidavit to the Division stating that the~~
14 ~~license or certificate holder has a sufficient number of trained employees or, if the~~
15 ~~license or certificate holder does not have a sufficient number of trained employees,~~
16 ~~that the license or certificate holder intends to subcontract with licensed tree trimmer~~
17 ~~subcontractors to ensure that a trained individual is present at all times at every job site~~
18 ~~when tree trimming is in progress.~~

19 (e) All tree trimmer licenses and certificates of authority shall expire on the
20 thirty-first (31st) day of August of every other year following the date of original issuance.
21 Licenses and certificates of authority shall be valid for no more than two (2) years;
22 ~~however, licenses shall be~~ and are renewable for successive two-year periods.
23 Licenses and certificates of authority shall be renewable biennially by no later than the
24 first (1st) day of September of every other year, upon the payment of the fees

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1 established by the County. If a license or certificate of authority is not timely renewed,
2 a late fee will be imposed. ~~A~~Licenses and certificates of authority issued pursuant to
3 the provisions of this article ~~shall~~ are not be transferable.

4 (f) In conjunction with the renewal of tree trimmer licenses and certificates of
5 authority, every license holder who has been issued a Class B tree trimmer license and
6 every trained individual employed by a certificate holder shall be required to undergo
7 retraining and retesting every other year through courses offered by the UF/IFAS
8 Broward County Extension, or successor agency.

9 (g) Tree trimmer licenses shall be issued in the name of the applicant. If the
10 applicant is a sole proprietor, the license shall be issued in the name of the applicant
11 and any fictitious name(s) used by the sole proprietorship. Certificates of authority for
12 business ~~organization, or organizations~~ shall be issued in the name of the qualifying
13 agent and the business organization. Certificates of authority for governmental
14 agencies shall be issued in the name of the governmental agency meeting the standards
15 and requirements for licensure, as set forth in this article.

16 ~~(g) A sole proprietor, who is entitled to receive a license and who proposes to~~
17 ~~do business as a contractor or subcontractor in the sole proprietor's own name as an~~
18 ~~individual, shall be issued a license in the individual's own name.~~

19 (h) When a tree trimmer's license has expired or lapsed for any reason, the
20 County may require retraining of the licensee holder before such license is renewed.
21 When a license has been suspended, the County shall require retraining of the licensee
22 holder before such license is reinstated. When a license or certificate of authority has
23 been revoked by a hearing officer, the individual, sole proprietor, or business
24 organization holding the license, or governmental agency shall be prohibited from

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1 obtaining or applying for a tree trimmer license or certificate of authority for a period of
2 five (5) years after the effective date of the revocation.

3 (i) The training and testing course offered by the UF/IFAS Broward County
4 Extension, or successor agency, shall make reasonable accommodations for applicants
5 who are not literate or whose first language is not English. Reasonable fees shall be
6 collected for the training and ~~retaining~~ retraining classes and the administrative
7 processing and review of applications for Class A and Class B ~~T~~tree ~~T~~trimmer ~~L~~icense
8 and certificates of authority. The schedule of fees to be collected shall be established
9 by resolution of the Board of County Commissioners of Broward County and
10 incorporated into the Broward County Administrative Code.

11 (j) ~~For the purposes of this article, no person with a Class A or Class B Tree~~
12 ~~Trimmer License may be affiliated with more than one (1) business organization in~~
13 ~~Broward County holding a license.~~

14 **Sec. 9-164. License application.**

15 (a) *Application; individual or sole proprietor.* If an individual proposes to
16 perform tree trimming work or engage in contracting as a tree trimmer in the individual's
17 own name, or a fictitious name, where the individual is doing business as a sole
18 proprietor, the individual shall submit an application in writing to the ~~County containing~~
19 ~~the statement that the applicant desires either Class A or Class B Tree Trimmer~~
20 ~~licensure~~ Division, on a form containing the information prescribed by the ~~County~~
21 Division. The ~~sole proprietor applicant~~ applicant must possess a reputation for honesty, integrity,
22 and good character, which may be determined from the information contained in letters
23 of reference and the information required by ~~Subsection (8)~~ (10) below. The application
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1 shall be signed and verified under oath by the applicant ~~for sole proprietor licensure.~~

2 The following information shall be provided by the applicant:

3 (1) The Name, residence address, and business address (if a sole
4 proprietor) of the applicant;

5 (2) If utilizing a fictitious name, the fictitious name of the sole proprietor and
6 evidence of statutory compliance with applicable registration
7 requirements;

8 (3) The class of tree trimmer license sought by the applicant;

9 ~~(2)~~ (4) At least three (3) notarized letters from ~~persons~~ individuals with firsthand
10 knowledge of the applicant or one (1) notarized letter from a licensed
11 Broward County tree trimmer or other certified professional arborist in the
12 forestry or landscape industry attesting to the work experience of the
13 applicant;

14 ~~(3)~~ (5) The names and addresses of at least three (3) local residents, not related
15 to the applicant, who can attest to the character and reputation of the
16 applicant;

17 ~~(4)~~ (6) Two (2) recent passport-size photographs of the applicant;

18 ~~(5)~~ (7) At credit report and at least one (1) credit reference for the applicant, all
19 of which shall not be over ninety (90) days old;

20 ~~(6)~~ (8) If the applicant is applying for a Class A ~~T~~tree T~~r~~trimmer L~~i~~icense, the
21 ~~applicant shall provide~~ a copy of the International Society of Arboriculture
22 Arborists' C~~e~~rtification or a copy of the registration demonstrating that the
23 applicant is a Registered Consulting Arborist with the American Society of
24 Consulting Arborists;

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1 ~~(7)~~ (9) If the applicant is applying for a Class B ~~T~~ree ~~T~~rimmer ~~L~~license, the
2 ~~applicant shall provide~~ evidence that the applicant ~~has successfully~~
3 ~~completed the training course offered by the Broward County Extension~~
4 ~~Education Section, or any successor agency, or completed an equivalent~~
5 ~~substitute training course, and passed the examination offered by the~~
6 ~~Broward County Extension Education Section, or any successor agency~~
7 is a trained individual or has at least five (5) years of tree trimming
8 experience;

9 ~~(8)~~ (10) ~~The applicant shall indicate~~ Indication on the application as to whether the
10 applicant has:

11 a. Been convicted of, found guilty of, or entered a plea of nolo
12 contendere or guilty to, regardless of the adjudication of guilt,
13 including adjudication withheld, a first degree misdemeanor or a
14 felony, ~~which~~ that, if committed or done by a licensed tree trimmer
15 under this article, would be grounds for suspension or revocation of
16 such license;

17 b. Been convicted of, found guilty of, or entered a plea of nolo
18 contendere or guilty to, regardless of the adjudication of guilt,
19 including adjudication withheld, a misdemeanor or a felony
20 involving dishonesty, fraud, or deceit, ~~which~~ that is directly related
21 to the professional responsibilities of a contractor;

22 c. Been found to be in violation of the Broward County Code of
23 Ordinances related to tree trimming work;

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1 d. Been served with a current demand to cease and desist or a stop
2 work order by the director of the Division, or designee, or a hearing
3 officer related to tree trimming work;

4 e. Been convicted of, found guilty of, or entered a plea of nolo
5 contendere or guilty to, regardless of the adjudication of guilt,
6 including adjudication withheld, a felony or offense involving moral
7 turpitude, ~~which~~ that is directly related to the professional
8 responsibilities of a contractor, and the applicant has not been
9 discharged from probation or parole; or

10 f. Failed to pay a civil penalty for a citation issued pursuant to the
11 requirements of this article; and

12 ~~(9)~~ (11) Such other information as the ~~County~~ Division may deem necessary to
13 complete its investigation of the application.

14 (b) *Application; qualifying agent for a business organization.* If an applicant
15 wishes to obtain a certificate of authority for a business organization as its qualifying
16 agent, the applicant shall submit an application in writing to the Division, on a form
17 containing the information prescribed by the Division. The application shall be signed
18 and verified under oath by the applicant and the chief executive officer or managing
19 officer of the business, if other than the applicant. The applicant must possess a
20 reputation for honesty, integrity, and good character, which may be determined from the
21 information contained in letters of reference and the information required by Section (12)
22 below. The following information shall be provided by the applicant:

23 (1) The name, residence address, and business address of the applicant;
24

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- 1 (2) At least three (3) notarized letters from individuals with firsthand
2 knowledge of the applicant or one (1) notarized letter from a licensed
3 Broward County tree trimmer or other certified professional arborist in the
4 forestry or landscape industry attesting to the work experience of the
5 applicant;
- 6 (3) The names and addresses of at least three (3) local residents, not related
7 to the applicant, who can attest to the character and reputation of the
8 applicant;
- 9 (4) Two (2) recent passport-size photographs of the applicant;
- 10 (5) If the applicant is applying for a Class A tree trimmer license, a copy of the
11 International Society of Arboriculture Arborists' certification or a copy of
12 the registration demonstrating that the applicant is a Registered
13 Consulting Arborist with the American Society of Consulting Arborists;
- 14 (6) If the applicant is applying for a Class B tree trimmer license, evidence
15 that the applicant is a trained individual or has at least five (5) years of tree
16 trimming experience;
- 17 (7) If the business organization is a partnership, the name of the partnership
18 and of its partners. If the business organization is a corporation, the name
19 of the corporation, its officers and directors, and the names of each of its
20 stockholders who are also officers or directors. If the business
21 organization is a business trust, the name of the business trust and its
22 trustees. If the business organization is another legal entity, the name of
23 such other legal entity and its members. The application shall also state
24 the fictitious name, if any, under which the business organization is doing

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1 business. The residence address of all officers, directors, partners, and
2 trustees and their respective share of interest in the business organization
3 shall be listed; except that the general shareholders of public corporations
4 do not have to be included in an application. If the business organization
5 is a partnership, corporation, business trust, or other legal entity, a
6 certificate of incorporation, trust agreement, partnership agreement, or
7 other evidence of the business organization's legal existence. If a fictitious
8 name is used, evidence of statutory compliance with applicable
9 registration requirements shall be attached to the application;

10 (8) A credit report and at least one (1) credit reference for the applicant, all of
11 which shall not be over ninety (90) days old;

12 (9) A credit report for the business organization that shall not be over
13 ninety (90) days old and a comprehensive financial statement for the
14 business organization that shall not over one hundred eighty (180) days
15 old. If the financial statement is over ninety (90) days old, it shall be
16 accompanied by an affidavit stating that no material change has occurred
17 since its preparation and that it substantially represents the current
18 financial condition of the business organization;

19 (10) Sufficient evidence, as determined by the Division, to show that the
20 individual qualifying the business organization is legally qualified to act for
21 the business in all matters connected with its tree trimming activities, that
22 such individual has final approval of contracts, and that such individual has
23 authority to supervise all tree trimming activities undertaken by the
24 business organization;

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1 (11) An affidavit signed by the applicant stating that the applicant's approval is
2 required for all tree trimming work performed by the business organization
3 and that the applicant has final approval authority on all business matters;
4 this includes checks, drafts, or payments, regardless of the form of
5 payment, made by the business organization related to tree trimming work;

6 (12) Indication as to whether the applicant has:

7 a. Been convicted of, found guilty of, or entered a plea of nolo
8 contendere or guilty to, regardless of the adjudication of guilt,
9 including adjudication withheld, a first degree misdemeanor or a
10 felony that, if committed or done by a licensed tree trimmer under
11 this article, would be grounds for suspension or revocation of such
12 license;

13 b. Been convicted of, found guilty of, or entered a plea of nolo
14 contendere or guilty to, regardless of the adjudication of guilt,
15 including adjudication withheld, a misdemeanor or a felony
16 involving dishonesty, fraud, or deceit, that is directly related to the
17 professional responsibilities of a contractor;

18 c. Been found to be in violation of the Broward County Code of
19 Ordinances related to tree trimming work;

20 d. Been served with a current demand to cease and desist or a stop
21 work order by the director of the Division, or designee, or a hearing
22 officer related to tree trimming work;

23 e. Been convicted of, found guilty of, or entered a plea of nolo
24 contendere or guilty to, regardless of the adjudication of guilt,

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1 including adjudication withheld, a felony or offense involving moral
2 turpitude that is directly related to the professional responsibilities
3 of a contractor and the applicant has not been discharged from
4 probation or parole; or

5 f. Failed to pay a civil penalty for a citation issued pursuant to the
6 requirements of this article; and

7 (13) Such other information as the Division may deem necessary to complete
8 its investigation of an application.

9 ~~(b) (c)~~ Application; business organization; certificate of authority. ~~An applicant,~~
10 ~~which engages in business,~~ business organization that proposes to contract, contracts,
11 ~~or subcontracts as a business organization in any name other than the applicant's legal~~
12 ~~name or as a sole proprietor,~~ for the performance of tree trimming work, through its
13 qualifying agent, shall submit an application in writing to the County Division, containing
14 ~~the statement that the applicant desires either Class A or Class B Tree Trimmer licensure~~
15 ~~of the business organization on a form containing the information prescribed by the~~
16 County Division. ~~Each member of the business organization~~ The qualifying agent and all
17 members, officers, directors, partners, and supervisors of the business organization must
18 possess a reputation for honesty, integrity, and good character, which may be established
19 by letters of reference and the information required by ~~Subsection (8)~~ (7) below for any
20 member, officer, director, supervisor, partner, or ~~other responsible individual~~ qualifying
21 agent of the business organization. The application shall be signed and verified under
22 oath by the chief executive officer or other authorized corporate officer of the business
23 organization. Application for a certificate of authority of a business organization may be
24

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1 combined with or filed simultaneously with a qualifying agent's application for tree trimmer
2 licensure. The following information shall be provided:

- 3 (1) The name and address of the business organization;
- 4 (2) If the business organization is a partnership, the names of the partnership
5 and of its partners ~~shall be listed~~. If the business organization is a
6 corporation, the names of the corporation and of its officers and directors
7 and the names of each of its stockholders who are also officers or directors
8 ~~shall be listed~~. If the business organization is a business trust, the names
9 of the business trust and of its trustees ~~shall be listed~~. If the business
10 organization is another legal entity, the names of such other legal entity
11 and of its members ~~shall be listed~~. The application must also state the
12 fictitious name, if any, under which the business organization is doing
13 business. The residence address of all officers, directors, partners, and
14 trustees and their respective share of interest in the business organization
15 ~~shall be listed~~; except that the general shareholders of public corporations
16 do not have to be included in an application. ~~if~~ if the business organization
17 is a partnership, corporation, business trust, or other legal entity, a ~~license~~
18 certificate of incorporation, trust agreement, partnership agreement, or
19 other evidence of the business organization's legal existence; and, if a
20 fictitious name is used, evidence of statutory compliance, ~~if a fictitious~~
21 ~~name is used~~, ~~shall be attached to the application~~ with applicable
22 registration requirements;
- 23 (3) ~~A notarized affidavit signed by the chief executive officer or other~~
24 ~~authorized corporate officer stating that the business organization has a~~

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1 sufficient number of trained persons employed by the business
2 organization, or intends to subcontract with licensed tree trimmer
3 subcontractors, to ensure that a trained person is present at all times on
4 each job site when tree trimming is in progress A credit report for the
5 business organization that shall not be over ninety (90) days old and a
6 comprehensive financial statement for the business organization that shall
7 not be over one hundred eighty (180) days old. If the financial statement
8 is over ninety (90) days old, it shall be accompanied by an affidavit stating
9 that no material change has occurred since its preparation and that it
10 substantially represents the current financial condition of the business
11 organization;

12 (4) ~~At least one (1) credit reference for the applicant, which shall not be over~~
13 ~~ninety (90) days old~~ Sufficient evidence to show that the individual
14 qualifying the business organization is legally qualified to act for the
15 business in all matters connected with its tree trimming activities, that such
16 individual has final approval of contracts, and that such individual has
17 authority to supervise all tree trimming activities undertaken by the
18 business organization;

19 (5) At least three (3) notarized letters from ~~persons~~ individuals with firsthand
20 knowledge of the ~~applicant~~ business organization or one (1) notarized
21 letter from a licensed Broward County tree trimmer or other certified
22 professional arborist in the forestry or landscape industry attesting to the
23 work experience of the business organization;

24
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1 (6) ~~If the business organization is applying for a Class A Tree Trimmer~~
2 ~~License, the business organization shall provide the name and business~~
3 ~~address of the person affiliated with the business organization who is~~
4 ~~either certified by the International Society of Arboriculture Arborists or is~~
5 ~~a Registered Consulting Arborist with the American Society of Consulting~~
6 ~~Arborists and also a copy of the certification or registration. The tree~~
7 ~~trimmer license number of the individual who proposes to qualify the~~
8 ~~business organization;~~

9 ~~(7) If the business organization is applying for either a Class A or Class B Tree~~
10 ~~Trimmer License and does not intend to subcontract with licensed tree~~
11 ~~trimmer subcontractors, the business organization shall provide evidence~~
12 ~~that a sufficient number of employees have successfully completed the~~
13 ~~training course offered by the Broward County Extension Education~~
14 ~~Section, or any successor agency, or completed an equivalent substitute~~
15 ~~training course and passed the examination offered by the Broward~~
16 ~~County Extension Education Section, or any successor agency;~~

17 ~~(8) (7) The applicant shall indicate on the application Indication as to whether the~~
18 ~~provisions of Subsections 9-164(a)(8)a. through f. apply to any member,~~
19 ~~officer, director, partner, supervisor, or other responsible individual of the~~
20 ~~business organization its qualifying agent, as an individual or in the~~
21 ~~business organization's capacity, has:~~

22 a. Been convicted of, found guilty of, or entered a plea of nolo
23 contendere or guilty to, regardless of the adjudication of guilt,
24 including adjudication withheld, a first degree misdemeanor or a

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1 felony that, if committed or done by a licensed tree trimmer under
2 this article, would be grounds for suspension or revocation of such
3 license;

4 b. Been convicted of, found guilty of, or entered a plea of nolo
5 contendere or guilty to, regardless of the adjudication of guilt,
6 including adjudication withheld, a misdemeanor or a felony
7 involving dishonesty, fraud, or deceit, that is directly related to the
8 professional responsibilities of a tree trimmer;

9 c. Been found to be in violation of the Broward County Code of
10 Ordinances related to tree trimming;

11 d. Been served with a current demand to cease and desist or a stop
12 work order by the director of the Division, or designee, or a hearing
13 officer related to tree trimming;

14 e. Been convicted of, found guilty of, or entered a plea of nolo
15 contendere or guilty to, regardless of the adjudication of guilt,
16 including adjudication withheld, a felony or offense involving moral
17 turpitude that is directly related to the professional responsibilities
18 of a contractor and the applicant has not been discharged from
19 probation or parole; or

20 f. Failed to pay a civil penalty for a citation issued pursuant to the
21 requirements of this article; and

22 ~~(9)~~ (8) Such other information as the ~~County~~ Division may deem necessary to
23 complete its investigation of an application.

24
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1 ~~(e)~~ (d) *Application; governmental agency; certificate of authority.* Each
2 governmental agency, ~~which that~~ requires its employees to trim trees, shall submit an
3 application in writing to the Division for a ~~Class A or Class B Tree Trimmer License to~~
4 ~~the County~~ certificate of authority, on a form containing the information prescribed by
5 the ~~County~~ Division. ~~Such Tree trimmer licenses~~ certificates of authority shall be issued
6 in the name of the governmental agency. Governmental agencies shall not be required
7 to provide evidence of insurance. The application shall be signed and verified under
8 oath by a person authorized to submit such an application on behalf of the governmental
9 agency. The following information shall be provided:

- 10 (1) The name and address of the governmental agency;
- 11 (2) A notarized affidavit signed by an authorized person stating that the
12 governmental agency has a sufficient number of trained ~~persons~~
13 ~~employed by the governmental agency~~ employees, or intends to
14 subcontract with licensed tree trimmer subcontractors, to ensure that a
15 trained ~~person~~ individual is present at all times on each job site when tree
16 trimming is in progress;
- 17 (3) If the governmental agency is applying for a Class A ~~Tree Trimmer~~
18 ~~License~~ certificate of authority, ~~the governmental agency shall provide the~~
19 name and business address of the employee who is either certified by the
20 International Society of Arboriculture Arborists as an arborist or is a
21 Registered Consulting Arborist with the American Society of Consulting
22 Arborists ~~and also,~~ including a copy of the certification or registration; and
- 23 (4) ~~If the governmental agency is applying for either a Class A or Class B Tree~~
24 ~~Trimmer License and does not intend to subcontract with licensed tree~~

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1 trimmer subcontractors, the governmental agency shall provide evidence
2 that a sufficient number of employees have successfully completed the
3 training course offered by the Broward County Extension Education
4 Section, or any successor agency, or completed an equivalent substitute
5 training course and passed the examination offered by the Broward
6 County Extension Education Section, or any successor agency; and

7 (5) Such other information as the County Division may deem necessary to
8 complete its investigation of an the application.

9 (e) Standards. All individuals and business organizations that propose to
10 perform work, conduct a business, contract, or subcontract for tree trimming services
11 shall first meet the minimum standards set forth in this article and such other standards
12 and requirements as may be established by the County.

13 (d) (f) As part of the application process, each sole proprietor and business
14 organization shall provide the County Division with a certificate of insurance, reflecting
15 a minimum of three hundred thousand dollars (\$300,000.00) of commercial general
16 liability insurance to include bodily injury and property damage. The following
17 deductibles may be applied: \$300,000.00 Limit of Liability - Maximum Deductible
18 permitted \$500.00; \$500,000.00 Limit of Liability - Maximum Deductible permitted
19 \$1,000.00; \$1,000,000.00 Limit of Liability - Maximum Deductible permitted \$10,000.00.
20 The applicant shall certify compliance with Chapter 440, Florida Statutes, Workers'
21 Compensation Insurance, ~~as amended~~. The Workers' Compensation Insurance shall
22 be for tree trimmers. The policy(ies) of insurance shall be issued in the name of the
23 applicant sole proprietor or the business organization, as applicable. ~~Broward County~~
24 shall be named as additional insured. ~~A copy of the required policy(ies) or a copy of a~~

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1 ~~certificate of insurance shall be available for inspection at each site where tree trimming~~
2 ~~activities are in progress.~~

3 ~~(e)~~ (g) As part of the application process, each sole proprietor, qualifying agent,
4 and business organization shall provide a signed affidavit that the license or certificate
5 holder's employees are adequately trained regarding safety procedures in accordance
6 with applicable federal and state law, including the federal Occupational Safety and
7 Health Act of 1970 and 29 C.F.R., s. 1910.269, App. E, and ANSI Z133.1, American
8 National Standard Safety Requirements for Pruning, Trimming, Repairing, Maintaining,
9 and Removing Trees, and for Cutting Brush.

10 ~~(f)~~ The training and testing course offered by the Broward County Extension
11 Education Section, or any successor agency, shall make reasonable accommodations
12 for applicants who are not literate or whose first language is not English.

13 ~~(g)~~ (h) Misrepresenting or falsifying any information supplied to the ~~County~~
14 Division in the application for tree trimmer licensure ~~which~~ or the issuance of a certificate
15 of authority that the applicant knew, or had reasonable grounds to know, was false shall
16 be a violation of this article.

17 ~~(h)~~ (i) When an applicant is found to be unqualified for a tree trimmer license or
18 certificate of authority for reasons including, but not limited to, a lack of honesty,
19 integrity, or good character, the applicant shall be furnished with a statement containing
20 ~~the findings~~ such determination, a complete record of the ~~evidence~~ documentation upon
21 which the determination was based, and a notice of the rights of the applicant to an
22 administrative review of the determination before a hearing officer.

23 **Sec. 9-165. Maintenance of qualifications.**

24
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1 (a) All tree trimmer license and certificate holders shall have the duty and
2 obligation to inform the County Division, in writing, of any change to the information
3 submitted by the license and certificate holders on their applications including, but not
4 limited to, a change in business organization, legal status, business or home residence
5 mailing address, or telephone number, no later than thirty (30) days after the change
6 occurs. The license and certificate holder shall be responsible for retaining proof that
7 ~~the license holder has notified~~ notification was provided to the County Division of the
8 license or certificate holder's current address of record.

9 (b) Whenever a license or certificate holder fails to maintain any of the
10 qualifications or standards required for licensure or the issuance of a certificate of
11 authority, such license or certificate holder shall report such lack of qualifications to the
12 County Division. Failure to maintain the qualifications set forth in this article while
13 contracting for, or performing, tree trimming shall be a violation of this article.

14 (c) The County Division may review the qualifications of any license or
15 certificate holder prior to renewal of the license or certificate. If the license or certificate
16 holder fails to continue to meet the County's qualifications ~~for licensure~~ of this article,
17 the County Division shall refuse to renew the license or certificate of authority. Failure
18 to pay a civil penalty for a citation issued pursuant to the requirements of this article
19 shall be grounds for the County Division to refuse to renew the license or certificate or
20 authority.

21 (d) In order to perform tree trimming services in the County, every sole
22 proprietor and ~~at least one (1) person affiliated with~~ the qualifying agent of every
23 business organization that has been issued a Class A ~~Tree Trimmer License~~ shall
24 maintain a current Broward County license and a current International Society of

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1 Arboriculture Arborist ~~C~~certification or continue to be a Registered Consulting Arborist
2 with the American Society of Consulting Arborists. Every sole proprietor and the
3 qualifying agent of every business organization that have been issued a Class B ~~T~~tree
4 ~~T~~trimmer ~~L~~license shall maintain a current Broward County license in order to perform
5 tree trimming services in the County. ~~Every sole proprietor who has been issued a~~
6 ~~Class B Tree Trimmer License and every trained employee of a business organization~~
7 ~~or governmental agency that have been issued a Class A or Class B Tree Trimmer~~
8 ~~License shall be required to undergo retraining and retesting every other year through~~
9 ~~courses offered by the Broward County Extension Education Section or any successor~~
10 ~~agency. Failure to maintain the qualifications set forth in this subsection while engaged~~
11 ~~in delivering tree trimming services shall be a violation of this article.~~

12 (e) Failure to maintain the insurance required by ~~Subsection 9-164(d)~~(f) shall
13 be a violation of this article.

14 **Sec. 9-166. Advertising.**

15 (a) *Prohibition.* ~~All~~ No sole proprietors ~~and or~~ business organizations required
16 to be licensed or to have a certificate of authority under the provisions of this article,
17 ~~which have not been issued a current active license by the County,~~ shall not advertise
18 in any newspaper, airwave transmission, electronic transmission (including internet and
19 social media), classified telephone directory, or other advertising medium accessible to
20 the public within Broward County as a tree trimming contractor or tree trimming
21 subcontractor unless such person is licensed or has a certificate of authority, as
22 applicable.

23 (b) All sole proprietors and business organizations ~~required to be licensed~~
24 under the provisions of this article holding a tree trimmer license or certificate of

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1 authority shall include their license number or that of their qualifier, as applicable, in all
2 advertisements in newspapers, magazines, business cards, airwave transmissions,
3 electronic transmissions (including internet and social media), flyers, classified
4 telephone directories, signs, and any other advertising medium utilizing printed material
5 distributed within Broward County.

6 (c) ~~Sole proprietors and business organizations shall not advertise with a~~
7 ~~license number indicating a higher classification than for which the license holder has~~
8 ~~received a license.~~

9 (d) ~~Any~~ All sole proprietors ~~or~~ and business organizations, which ~~conducts~~
10 ~~any tree trimming business in Broward County~~ hold a tree trimmer license or certificate
11 authority, shall have prominently displayed on each side of each vehicle used to conduct
12 business within Broward County the following information in bold letters and numerals,
13 at least one and one-half (1½) inches high, distinctly contrasting in color with the
14 background, and affixed to the vehicle in such a manner so as to be readily
15 distinguishable from a distance of not less than ten (10) meters (32.8 feet):

16 . . .

17 (3) The license number of the individual operating as a sole proprietor or the
18 license number of the qualifier of the business organization.

19 The above information shall be permanently affixed to any vehicle used to conduct tree
20 trimming business ~~which~~ that is over 10,000 pounds gross vehicle weight. Any vehicle
21 under 10,000 pounds gross vehicle weight shall have such required information either
22 permanently affixed to the vehicle or the license or certificate holder may provide such
23 information on a magnetic sign. However, any vehicle ~~which~~ that utilizes a magnetic
24

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1 sign shall be required to have such sign affixed to the vehicle at all times when business
2 is being conducted.

3 ~~(e)~~ (d) No ~~person~~ individual or business organization, whose business is the
4 publication of classified telephone directories, shall refuse to include and print in a paid
5 directory display advertisement the license number of a tree trimmer contractor where
6 the applicant for the display advertisement provides the number to the ~~person~~ individual
7 or business organization who publishes the telephone directory. This
8 ~~sub~~Section ~~(e)~~ (d) is a nonpenal provision of the Code. No liability shall attach to the
9 ~~person~~ individual or business organization whose business it is to publish classified
10 telephone directories for errors, failures, or omissions relating to the inclusion or printing
11 of a license number.

12 **Sec. 9-167. Complaints; process.**

13 (a) On its own ~~motion~~, or the verified written complaint of any person, the
14 County Division may investigate the action of ~~any sole proprietor, business organization,~~
15 ~~or governmental agency~~ a license or certificate holder performing, or offering to contract
16 for the performance of, tree trimming services within Broward County. If, after such
17 investigation, the County Division has reasonable grounds to believe that a ~~sole~~
18 ~~proprietor, business organization, or governmental agency~~ license or certificate holder
19 ("respondent") has violated any provision of this article, the County Division may forward
20 the complaint to a hearing officer. A disciplinary hearing shall be held in accordance
21 with the rules and procedures established by this article. The hearing officer shall order
22 whatever disciplinary action is appropriate if the ~~sole proprietor, business organization,~~
23 ~~or governmental agency~~ respondent is found guilty of, or in violation of, any provision of
24 this article.

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1 (b) No ~~sole proprietor~~ license holder or business organization holding a
2 certificate of authority under this article shall:

3 . . .

4 (2) Perform any act ~~which~~ that assists any person or entity to engage in the
5 prohibited unlicensed practice of tree trimming, if the license or certificate
6 holder knows, or has reasonable grounds to know, that the person or entity
7 was unlicensed;

8 (3) Knowingly combine or conspire with an unlicensed individual or business
9 organization by allowing the ~~sole proprietor's license or the business~~
10 ~~organization's~~ license holder's license or the business organization's
11 certificate of authority to be used by an unlicensed individual or business
12 organization with intent to evade the provisions of this article;

13 . . .

14 (5) Misrepresent or falsify any information supplied to the ~~County~~ Division in
15 the application for ~~licensure~~ which a license or certificate of authority that
16 the applicant knew, or had reasonable grounds to know, was false;

17 (6) Fail to have a trained ~~person~~ individual at the work site at all times during
18 which ~~work regulated by this article~~ tree trimming is in progress;

19 . . .

20 (10) Fail to ensure that the license holder's or qualifying agent's license number
21 appears in advertisements where the sole proprietor or business
22 organization has been issued a current active license or certificate of
23 authority, as applicable, by the County and ~~who~~ advertises as a contractor
24 in any newspaper, magazine, classified telephone directory, sign, internet

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1 ~~communication, social media, or other advertising medium utilizing printed~~
2 ~~material distributed or consumed within Broward County;~~

3 ~~(11)~~ ~~Advertise with a license number indicating a higher classification than for~~
4 ~~which the license holder has received a license;~~

5 ~~(12)~~ (11) Commit in any jurisdiction incompetence or misconduct in the practice of
6 contracting;

7 ~~(13)~~ (12) Commit in any jurisdiction negligence resulting in a significant danger to
8 life or property, gross negligence, or repeated negligence;

9 ~~(14)~~ (13) Fail to maintain Workers' Compensation Insurance coverage as required
10 by law;

11 ~~(15)~~ (14) Advertise as capable of performing work for which licensure is required by
12 this article without first obtaining a license or certificate of authority;

13 ~~(16)~~ (15) Fail to notify the County within thirty (30) days after a change of information
14 contained in the application for a license or certificate of authority
15 including, but not limited to, mailing address and/or, telephone number,
16 and, if it is a business organization, ~~of~~ a change in its legal status;

17 ~~(17)~~ (16) Fail to comply with an order issued by the hearing officer;

18 ~~(18)~~ (17) Fail to properly clear all tree trimming debris from property and dispose of
19 such debris; or

20 ~~(19)~~ (18) Fail to ~~have~~ provide the Division copies of the requested required
21 insurance policy(ies) or certificates of insurance ~~available for inspection at~~
22 ~~every job site where work regulated by this article is in progress~~ within
23 fifteen (15) business days after request.

24 (c) No governmental agency under this article shall:

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 underscored type are additions.

1 (1) ~~Willfully, deliberately, or negligently disregard or violate any applicable~~
2 ~~provision of this article;~~

3 ~~(2)~~ (1) Fail to have a trained ~~person~~ individual at the work site at all times during
4 which tree trimming is in progress;

5 ~~(3)~~ (2) Fail to comply, in any material respect, with the provisions of this article;
6 or

7 ~~(4)~~ (3) Fail to comply with an order issued by the hearing officer.

8 (d) Any ~~sole proprietor, business organization, or governmental agency~~
9 respondent conducting tree trimming services within Broward County that has been
10 found in violation of, or entered a plea of nolo contendere or guilty to, regardless of the
11 adjudication of guilt, including adjudication withheld, of two (2) violations within a period
12 of three (3) years of tree abuse ~~within a period of three (3) years~~ pursuant to Chapter 27,
13 Article XIV, Broward County Code of Ordinances, or pursuant to any ordinance enacted
14 by a municipality and certified by the County, shall be subject to a disciplinary hearing
15 to be held in accordance with the rules and procedures established by this article. If the
16 ~~sole proprietor, business organization, or governmental agency~~ respondent is found in
17 violation of this section, the hearing officer shall order penalties and disciplinary actions,
18 as provided in Section 9-172. Before any revoked license or certificate may be reissued,
19 the license or certificate holder, sole proprietor, qualifying agent, an officer or agent of
20 the business organization, or an authorized agent of the governmental agency must
21 reapply for ~~license~~ a license or certificate of authority and meet all of the standards
22 and requirements of this article.

23 **Sec. 9-168. Service of notices of violation and citations.**

24 . . .

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

1 (c) Service on an individual or sole proprietor is sufficient if made by delivering
2 a copy of the complaint or pleading to the ~~person~~ individual or sole proprietor to be
3 served or by leaving such copies at the individual's or sole proprietor's usual place of
4 abode with some ~~person~~ individual of the household over fifteen (15) years of age, and
5 informing such ~~person~~ individual of its contents.

6 . . .

7 (f) When a ~~sole proprietor or business organization~~ respondent cannot be
8 personally served within Broward County, and after diligent search and inquiry cannot
9 be located within the County, then service is sufficient if made in one (1) or more of the
10 following ways:

11 (1) By publication in a newspaper of general circulation in Broward County
12 once during each week for four (4) consecutive weeks; or

13 (2) By certified mail, return receipt requested, addressed to the respondent at
14 the respondent's last-known ~~business~~ address, as contained in the
15 Division's records unless the Division has actual knowledge of a different
16 address, and deposited with the U.S. Postal Service.

17 (g) If service was perfected upon a ~~sole proprietor, business organization, or~~
18 ~~governmental agency~~ license or certificate holder, all subsequent process or service
19 shall be sufficient if mailed by regular mail to such ~~person~~ individual or entity at the
20 address where service was originally perfected.

21 (h) Service is sufficient if made by an officer authorized to serve process
22 under the laws of the state of Florida or by a code enforcement officer.

23 . . .

24 **Sec. 9-169. Evidence.**

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

1 . . .

2 ~~(e) The hearing officer shall ensure that a full record of the hearing is~~
3 ~~preserved, which record shall be public and open to inspection and transcription by~~
4 ~~any person.~~

5 . . .

6 **Sec. 9-171. Orders of the hearing officer.**

7 (a) The orders of the hearing officer shall contain findings of fact and
8 conclusions of law based upon the evidence presented. In order to make a finding
9 affirming a code enforcement officer's decision, the hearing officer must find by clear
10 and convincing evidence that the ~~sole proprietor, business organization, or~~
11 ~~governmental agency~~ respondent was responsible for the violation of the relevant code
12 provision as cited. In regard to a review of an administrative determination denying a
13 license or certificate of authority application, the applicant shall have the burden of
14 showing, by a preponderance of the evidence, that the determination was an arbitrary
15 and/or capricious abuse of discretion, not supported by competent, substantial
16 evidence, or not in conformance with the essential requirements of this article.

17 (b) If, at the conclusion of a hearing, the hearing officer ~~orders a dismissal of~~
18 ~~the complaint and~~ finds that the ~~sole proprietor, business organization, or governmental~~
19 ~~agency~~ respondent complained against has not violated a provision of this article, then
20 the hearing officer shall so state and issue an order dismissing the complaint.

21 . . .

22 (d) The hearing officer shall retain jurisdiction over the parties to an action
23 pursuant to this article for thirty (30) days ~~from~~ after rendition of the order and may
24 modify or set aside the order for good cause at any time within thirty (30) days after the

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1 rendition of the order by rehearing, upon the hearing officer's own motion or motion of
2 an interested party, when such rehearing is in the interest of the public. Absent a motion
3 for rehearing, the hearing officer may not rehear a complaint ~~brought against a sole~~
4 ~~proprietor, business organization, or governmental agency~~ based on the same
5 transaction(s) for which the hearing officer has previously held a disciplinary proceeding
6 and entered an order.

7 . . .

8 **Sec. 9-172. Penalties and disciplinary actions.**

9 (a) Any license or certificate holder found to be in violation of any provision of
10 this article or the Broward County Code of Ordinances by the hearing officer shall be
11 subject to the following disciplinary actions:

- 12 (1) Revocation of license or certificate of authority;
- 13 (2) Suspension of license or certificate of authority;
- 14 (3) Probation with such conditions as may be determined by the hearing
15 officer;
- 16 (4) Inactivation of certification;
- 17 (5) Levying of civil penalties;
- 18 (6) Restitution; and
- 19 (7) A combination of any of the above disciplinary actions.

20 (b) Any license or certificate holder, whose license or certificate has been
21 revoked or suspended, shall pay an administrative fee set by the County prior to renewal
22 or reinstatement of the license or certificate of authority.

23 (c) For both licensed and unlicensed contractors, sole proprietors, or business
24 organizations, ~~or governmental agencies~~ conducting tree trimming services within

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1 Broward County, the hearing officer may order financial restitution to a consumer for
2 financial harm directly related to a violation of this article. ~~and~~ The hearing officer may
3 also levy a civil penalty on a respondent in an amount not to exceed
4 one thousand dollars (\$1,000.00) per day for a first violation and not to exceed
5 five thousand dollars (\$5,000.00) per day for a repeat violation. If the hearing officer
6 finds that the violation is irreparable or irreversible in nature, the hearing officer may
7 impose a civil penalty not to exceed fifteen thousand dollars (\$15,000.00) per violation.

8 (d) In determining the disciplinary action or the amount of the civil penalty to
9 be levied against the ~~licensed or unlicensed sole proprietor, business organization, or~~
10 ~~governmental agency~~ respondent, the hearing officer shall consider the following
11 aggravating and mitigating factors:

- 12 (1) The gravity of the violation;
- 13 (2) Any voluntary actions taken by the ~~violate~~ respondent to correct the
14 violation;
- 15 (3) Any previous or repeat violations committed by the ~~violate~~ respondent;
- 16 (4) Monetary or other damage to the ~~sole proprietor or business organization's~~
17 ~~customer (the consumer)~~ respondent's customer, which damage has not
18 been corrected as of the time that the penalty is assessed;
- 19 (5) Conditions exhibiting gross negligence, incompetence, or misconduct,
20 which have not been corrected as of the time that the penalty is assessed;
- 21 (6) The danger to the public;
- 22 (7) The number of repetitions of similar offenses;
- 23 (8) The number of complaints filed against the ~~sole proprietor, business~~
24 ~~organization, or governmental agency~~ respondent;

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underscoring type are additions.

1 (9) The length of time the ~~sole proprietor or business organization has~~
2 ~~practiced~~ respondent has engaged in tree trimming;

3 (10) The actual damage, physical or otherwise, to the customer (~~the consumer~~)
4 of the ~~sole proprietor or business organization~~ respondent;

5 (11) The deterrent effect of the penalty imposed;

6 (12) The effect of the penalty upon the livelihood of the ~~sole proprietor or~~
7 ~~business organization~~ respondent;

8 (13) Any efforts at rehabilitation; and

9 (14) Any other mitigating or aggravating circumstances.

10 (e) In cases where a civil penalty has been imposed, the penalty shall be paid
11 within thirty (30) days ~~of its~~ after rendition of the hearing officer's order, unless a later
12 period of time is specified in the order. Failure to pay the civil penalty within the time
13 frame specified shall be grounds for further action.

14 . . .

15 **Sec. 9-173. Citations.**

16 . . .

17 (c) *Citation Issuance Procedure:*

18 . . .

19 (2) Prior to issuing a citation for a violation of this article, the code enforcement
20 officer must provide the ~~violate~~ respondent with one (1) initial warning
21 notice identifying the violation of this article and establishing a reasonable
22 time period within which the violation must be corrected. If, upon
23 investigation, the ~~violate~~ respondent has not corrected the violation within
24 the time specified, a citation may be issued to the ~~violate~~ respondent by

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1 the code enforcement officer. Additional warning notices need not be
2 provided to the ~~violate~~ respondent for the same violation prior to the
3 issuance of additional citations. If the violation is irreversible or
4 irreparable, a warning notice need not be issued prior to the issuance of a
5 citation.

6 (3) A citation must provide the following information, and the following
7 requirements shall apply:

- 8 a. The time and date of issuance;_i
- 9 b. The name and address of the ~~sole proprietor, business~~
10 ~~organization, or governmental agency to whom the citation is~~
11 ~~issued.~~ respondent;
- 12 c. The date and time of the violation;_i
- 13 d. A brief description of the violation and the facts constituting
14 reasonable cause, including the location of the violation;_i
- 15 e. The name of the code enforcement officer;_i
- 16 f. The procedure for the ~~sole proprietor, business organization, or~~
17 ~~governmental agency cited~~ respondent to follow in order to pay the
18 civil penalty or to contest the citation;_i
- 19 g. The applicable civil penalty if the ~~sole proprietor, business~~
20 ~~organization, or governmental agency cited~~ respondent elects not
21 to contest the citation;_i
- 22 h. The section of this article that is the subject of the violation;_i
- 23 i. Notice that additional citations may be issued for each day that the
24 applicable violation is found to exist;_i

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underscored type are additions.

- 1 j. Notice that failure to request an administrative hearing within
2 ten (10) days after service of the citation shall constitute a waiver of
3 the ~~violator's~~ respondent's right to an administrative hearing before
4 the hearing officer, and that such waiver shall constitute an
5 admission of violation;
- 6 k. Notice that the ~~violator~~ respondent may be liable for the reasonable
7 costs of the administrative hearing should the ~~violator~~ respondent
8 be found guilty of the violation;
- 9 l. Appropriate mitigation of, and remedial action for, the violation,
10 such as obtaining the appropriate license, or certificate of authority;
- 11 m. That, if the ~~violator~~ respondent does not elect to appeal the citation
12 to the hearing officer, the civil penalty must be paid within thirty (30)
13 days after the date of the citation; and
- 14 n. That, if the ~~violator~~ respondent does not elect to appeal the citation
15 to the hearing officer, fails to pay the civil penalty within the time
16 allowed, or fails to appear to contest the citation, the ~~violator~~
17 respondent shall be deemed to have waived its right to contest the
18 citation and that, in such case, judgment ~~shall be rendered ex parte,~~
19 ~~without notice to the violator,~~ may be entered by the hearing officer
20 ~~into a final order~~ for an amount up to five hundred dollars (\$500.00).

21 (d) *Effect of the Issuance of a Citation:*

- 22 (1) ~~A sole proprietor, business organization, or governmental agency, which~~
23 respondent that has been served with a citation, shall have the option to
24 elect either to:

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underscored type are additions.

- 1 a. Correct the violation and pay the civil penalty in the manner
2 indicated on the notice; or
3 b. Request an administrative hearing before a hearing officer to
4 appeal the decision of the code enforcement officer to issue the
5 citation.

6 (2) If the ~~sole proprietor, business organization, or governmental agency,~~
7 ~~which has been served with a citation,~~ respondent does not elect to appeal
8 the citation to a hearing officer, fails to pay the civil penalty within the time
9 allowed, or fails to appear to contest the citation, said ~~sole proprietor,~~
10 ~~business organization, or governmental agency~~ respondent shall be
11 deemed to have waived its right to contest the citation. In such case,
12 judgment ~~shall be rendered ex parte, without further notice,~~ may be
13 entered by the hearing officer ~~into a final order~~ for an amount up to
14 five hundred dollars (\$500.00). The civil penalty must be paid within
15 thirty (30) days after rendition of the hearing officer's order. Failure to pay
16 the civil penalty shall be a violation of this article.

17 (3) A ~~sole proprietor, business organization, or governmental agency~~
18 respondent issued a citation pursuant to this section for a violation of this
19 article is charged with a noncriminal infraction. This shall not preclude the
20 prosecution of criminal violations arising from the same incident.

21 (e) *Citation Appeal Procedure:*

22 . . .
23 (3) If a respondent requests an administrative hearing to appeal a citation,
24 ~~The County~~ Division shall ~~serve~~ provide a notice of hearing to the ~~sole~~

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underscored type are additions.

1 ~~proprietor, business organization, or governmental agency which was~~
2 ~~issued a citation, which~~ respondent at the address of record, as provided
3 to the Division and, if different from the address of record, at the address
4 contained in the respondent's notice of appeal. Said notice shall include,
5 but not be limited to, the following:

- 6 a. Place, date, and time of the hearing;
- 7 b. Opportunity for the ~~sole proprietor, business organization, or~~
8 ~~governmental agency which received a citation~~ respondent to be
9 represented by an attorney at the hearing, at its own expense;
- 10 c. Right of the ~~sole proprietor, business organization, or governmental~~
11 ~~agency which received a citation~~ respondent to present witnesses
12 and evidence and conduct cross-examination; and
- 13 d. A conspicuous statement reflecting the requirements of
14 Chapter 286, Florida Statutes, that a person deciding to appeal a
15 decision of a hearing officer on a citation will need to ensure that a
16 verbatim record of the proceedings made.

17 In lieu of providing a notice of hearing as provided above, the County may
18 include a hearing date in the citation that will be scheduled if the ~~sole~~
19 ~~proprietor, business organization, or governmental agency which received~~
20 ~~a citation~~ respondent requests an administrative hearing, provided that the
21 citation includes the information required by this ~~sub~~section.

- 22 (4) If the hearing officer finds that a violation occurred but determines that the
23 time given for correction was not reasonable, the hearing ~~examiner~~ officer
24 shall determine a reasonable time period for correction and enter an order

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1 that the ~~sole proprietor, business organization, or governmental agency~~
 2 ~~comply with this article~~ respondent make such correction within such time
 3 period. If the hearing officer finds that the citation was issued before the
 4 ~~reasonable~~ expiration of the time period ~~for correction expired~~ stated in
 5 the citation, the hearing officer shall enter an order finding that the violation
 6 occurred, but shall not assess the applicable civil penalty against the ~~sole~~
 7 ~~proprietor, business organization, or governmental agency which received~~
 8 ~~the citation~~ respondent. However, if the hearing officer finds that the
 9 ~~alleged violator~~ respondent has not complied by the time of the hearing,
 10 the hearing officer may choose to disregard the failure of the code
 11 enforcement officer to provide a reasonable time for the ~~alleged violator~~
 12 respondent to come into compliance and may enter an appropriate civil
 13 penalty.

14 (f) *Schedule of Civil Penalties for Citations:*

15 The following table sets forth the code violations for which a citation may be
 16 issued under this article. The descriptions of violations are provided for purposes of
 17 general identification only. Where specific code provisions apply, the same are
 18 indicated following the respective violation description.

19 <i>Schedule of Civil Penalties for Citations</i>			
20 <i>Violation</i>		21 <i>Civil Penalty</i>	
		22 <i>First</i>	22 <i>Repeat</i>
		<i>Violation</i>	<i>Violation</i>
23 (1)	24 Failure to have a trained person individual at the work site at all times during which tree trimming is in		

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Schedule of Civil Penalties for Citations				
Violation			Civil Penalty	
			First Violation	Repeat Violation
5	progress. [Subsection 9-162(d) (c)]	1st	\$250.00	
6	Penalty amount for second violation if within	2nd	\$500.00	escalates to
7	one (1) year of first violation.			
8				Notice of
9				Violation
10	(2) Failure to have picture identification and	1st	\$250.00	
11	evidence that individual meets training			
12	requirements. [Subsection 9-162(e) (c)]			
13	Penalty amount for second violation if within	2nd	\$500.00	escalates to
14	one (1) year of first violation.			
15	(3) Failure to notify County <u>Division</u> of change in	1st	\$250.00	
16	any information required on application.			
17	[Subsection 9-162(f) <u>9-165(a)</u>]			
18	Penalty amount for second violation if within	2nd	\$500.00	escalates to
19	one (1) year of first violation.			
20	(4) Failure to have all employees adequately	1st	\$250.00	
21	trained in safety procedures.			
22	[Subsection 9-162(g) (d)]			
23				
24				

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Schedule of Civil Penalties for Citations

<i>Violation</i>		<i>Civil Penalty</i>		
		<i>First Violation</i>	<i>Repeat Violation</i>	
	Penalty amount for second violation if within one <u>(1)</u> year of first violation.	2nd	\$500.00	escalates to NOV
(5)	Failure to have <u>provide</u> copies of insurance coverage available for inspection at every job site where tree trimming is in progress within <u>thirty (30) days after request.</u> [Subsection 9-162(h) <u>(e)</u>]	1st	\$250.00	
	Penalty amount for second violation if within one <u>(1)</u> year of first violation.	2nd	\$500.00	escalates to NOV
(6)	Misrepresenting or falsifying any information supplied to the County <u>Division</u> in the application for licensure <u>license or certificate of authority.</u> [Subsection 9-164(g) <u>(h)</u>]	1st	\$250.00	
	Penalty amount for second violation if within one <u>(1)</u> year of first violation.	2nd	\$500.00	escalates to NOV
(7)	Failure to maintain any of the qualifications or standards required for licensure <u>license or certificate of authority.</u> [Subsection 9-165(b)]	1st	\$250.00	
	Penalty amount for second violation if within one <u>(1)</u> year of first violation.	2nd	\$500.00	escalates to NOV

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Schedule of Civil Penalties for Citations

<i>Violations</i>		<i>Civil Penalty</i>		
		<i>First Violation</i>	<i>Repeat Violation</i>	
(8)	Failure to maintain a current Class A or Class B T tree T trimmer L icense. [Subsection 9-165(d)]	\$500.00	escalates to NOV	
(9)	Failure to maintain required insurance. [Subsection 9-165(e)]	\$500.00	escalates to NOV	
(10)	Advertising as a tree trimmer without a license or <u>certificate of authority</u> . [Subsection 9-166(a)]	\$500.00	escalates to NOV	
(11)	Failure to include license number in advertisements. [Subsection 9-166(b)]	1st \$250.00		
	Penalty amount for second violation if within one <u>(1)</u> year of first violation.	2nd \$500.00	escalates to NOV	
(12)	Advertising with a license number of a higher classification than for which the license holder received a license. [Subsection 9-166(c)]	1st \$250.00		
	Penalty amount for second violation if within one year of first violation.	2nd \$500.00	escalates to NOV	
(13)	Failure to display license number on vehicle. [Subsection 9-166(d) <u>(c)</u>]	1st \$250.00		

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Schedule of Civil Penalties for Citations

<i>Violations</i>			<i>Civil Penalty</i>	
			<i>First Violation</i>	<i>Repeat Violation</i>
	Penalty amount for second violation if within one (1) year of first violation.	2nd	\$500.00	escalates to NOV
(44) (13)	Contracting to perform tree trimming services or trimming trees without obtaining a Class A or Class B tree trimmer <u>license</u> , [Subsection 9-162(a)]		\$500.00	escalates to NOV

Sec. 9-174. Stop work orders.

Whenever any tree trimming is being done by ~~sole proprietors, business organizations, or governmental agencies~~ persons without the proper licenses or certificates of authority, as required by this article, or if at least one (1) trained ~~person~~ individual is not present at the job site, the code enforcement officer may order all tree trimming work stopped and such persons performing ~~such~~ the work shall immediately cease such work. The tree trimming work ~~may~~ shall not resume until such time as the individual, sole proprietor, business organization, or governmental agency is in compliance with this article.

Sec. 9-175. Collection and recovery of civil penalties.

(a) ~~The County Administrator, or designee, shall provide by administrative order the appropriate guidelines and procedures for the administration, collection, record keeping, reporting, and accountability of civil penalties assessed under this article.~~

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

1 ~~(b)~~ (a) The County may institute proceedings in a court of competent jurisdiction
2 to compel payment of civil penalties.

3 ~~(c)~~ (b) If the hearing officer finds that a violation exists and assesses a civil
4 penalty, or if a ~~violator~~ respondent does not contest a citation as provided under this
5 article, and the ~~violator~~ respondent fails to pay the applicable civil penalty, the hearing
6 officer may enter an order imposing the civil penalty previously set. A certified copy of
7 an order imposing a civil penalty may be recorded in the public records and thereafter
8 shall constitute a lien against the real and personal property of the ~~violator~~ respondent.
9 Upon petition to the circuit court, such order may be enforced in the same manner as a
10 court judgment by the sheriffs of this state, including a levy against the respondent's
11 personal property, but shall not be deemed to be a court judgment except for
12 enforcement purposes. After three (3) months ~~from~~ after the filing of any such lien ~~which~~
13 that remains unpaid, the County may foreclose or otherwise execute on the lien. No
14 lien created pursuant to the provisions of this article may be foreclosed on real property
15 ~~which~~ that is homestead property under Section 4, Article X₁ of the Florida Constitution.

16 **Sec. 9-176. Appeals of citations and notices of violation.**

17 (a) The ~~sole proprietor, business organization, or governmental agency~~
18 respondent or the County may seek a rehearing of the case by filing a written motion
19 for rehearing within five (5) business days ~~of~~ after rendition of the ~~decision~~ order by the
20 hearing officer. The motion for rehearing shall set forth the issues ~~which~~ that were
21 overlooked or omitted at the hearing but shall not consist of a reargument of the case.
22 If the motion is made by the ~~violator~~ respondent, said motion shall be sent to the
23 Division, or any successor agency, at the address set forth on the notice or citation. The
24 Division shall immediately forward the motion for rehearing to the hearing officer. If the

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1 motion is made by the County, the County shall forward a copy of the motion to the
2 hearing officer and to the ~~violate~~ respondent at the ~~violate~~'s respondent's last known
3 address. Within ten (10) days ~~of~~ after receipt of the motion, the hearing officer shall
4 enter an order on the motion for rehearing. If the motion for rehearing is granted, the
5 case shall be set for rehearing on the next regularly scheduled hearing date or as soon
6 thereafter as possible.

7 (b) The ~~sole proprietor, business organization, or governmental agency~~
8 respondent or the County may appeal a final decision of a hearing officer to the Circuit
9 Court of the Seventeenth Judicial Circuit within thirty (30) days after the date of rendition
10 of the ~~decision~~ order of the hearing officer, as provided by the Florida Rules of Appellate
11 Procedure.

12 . . .

13 Section 2. Severability.

14 If any portion of this Ordinance is determined by any court to be invalid, the invalid
15 portion will be stricken, and such striking will not affect the validity of the remainder of
16 this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot
17 be legally applied to any individual, group, entity, property, or circumstance, such
18 determination will not affect the applicability of this Ordinance to any other individual,
19 group, entity, property, or circumstance.

20 Section 3. Inclusion in the Broward County Code of Ordinances.

21 It is the intention of the Board of County Commissioners that the provisions of
22 this Ordinance become part of the Broward County Code of Ordinances as of the
23 effective date. The sections of this Ordinance may be renumbered or relettered and the
24

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1 word "ordinance" may be changed to "section," "article," or such other appropriate word
2 or phrase to the extent necessary in order to accomplish such intention.

3 Section 4. Effective Date.

4 This Ordinance is effective as provided by law.

6 **PROPOSED**

7 ENACTED

8 FILED WITH THE DEPARTMENT OF STATE

9 EFFECTIVE

10
11 Approved as to form and legal sufficiency:
12 Andrew J. Meyers, County Attorney

13 By /s/ Maite Azcoitia 08/05/2020
14 Maite Azcoitia (date)
15 Deputy County Attorney

22 MA/gmb
23 Ch9TreeTrimmer
24 08/05/2020
#41009-0001

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