

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO LOCAL OCCUPATIONAL LICENSING;
3 AMENDING AND RENUMBERING VARIOUS ARTICLES AND SECTIONS OF
4 CHAPTER 9 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"),
5 PROVIDING FOR CONSISTENCY WITH CHAPTER 2021-214, LAWS OF FLORIDA, AS
6 AMENDED; PROVIDING FOR THE ISSUANCE OF CERTIFICATES OF
7 COMPETENCY; ESTABLISHING THE CATEGORIES OF CONTRACTORS AND
8 QUALIFICATIONS FOR THE ISSUANCE OF CERTIFICATES OF COMPETENCY;
9 ELIMINATING REGULATIONS PERTAINING TO TREE TRIMMING CONTRACTORS;
10 AMENDING PROVISIONS RELATED TO THE COUNTY CENTRAL EXAMINING
11 BOARD RESTITUTION TRUST FUND; AND PROVIDING FOR SEVERABILITY,
12 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

13 (Sponsored by the Board of County Commissioners)
14

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

17 Section 1. Section 9-3 of the Broward County Code of Ordinances is hereby
18 repealed in its entirety, and a new Section 9-3 is hereby created to read as follows:

19 [Underlining omitted]

20 **Sec. 9-3. Definitions.**

21 The following terms and phrases, when used in this chapter, shall have the
22 meaning ascribed to them in this section, except where the context clearly indicates a
23 different meaning. Words used in the present tense shall include the future, and the
24 singular number includes the plural, and the plural, the singular. However, there are other
25 words, phrases, and terms that apply to a particular section, division, or article, and those
26 definitions for a specific section, division, or article shall control for that specific section,
27 division, or article.

28 *Advertise or other advertising medium* shall apply to business cards, business
29 stationery, business proposals, contracts, construction site signs, all newspapers,
30 airwave transmissions (other than internal company communications), internet
31 communications, social media, classified telephone directories, handbills, billboards,
32 flyers, shopping and service guides (coupon offerings), magazines (including trade
33 association publications), classified advertisements, and signs on vehicles. However, the
34 terms “advertise” and “other advertising medium” shall not apply to balloons, pencils,
35 pens, hats, articles of clothing, or other small promotional novelties. Additionally, the
36 terms shall not apply to free classified telephone directory listings (regardless of page
37 color) of one (1), two (2), or three (3) lines, which display nothing more than the proper
38 name, company name, address, and telephone number, in whole or in part, in a
39 nonbolded or unhighlighted print and without further textual or pictorial elaboration or
40 touting in its overall display.

41 *Alarm system contractor* shall have the meaning set forth in Section 489.505,
42 Florida Statutes, as amended.

43 *Alarm system contractor I* shall have the meaning set forth in Section 489.505,
44 Florida Statutes, as amended.

45 *Alarm system contractor II* shall have the meaning set forth in Section 489.505,
46 Florida Statutes, as amended.

47 *Applicant* shall mean and include all individuals who apply for or request a
48 certificate of competency or certificate of authority for a business organization from the
49 board.

50 *Appointing authority* shall mean the Broward County Board of County
51 Commissioners and the Broward County League of Cities.

52 *Board* shall, individually and collectively, mean and include the Central Examining
53 Board and its two (2) Divisions (Division I and Division II), created by Section 9.01 of the
54 Broward County Charter and subject to the regulations established by this chapter.

55 *Building* shall mean a combination of materials to form a structure adapted to
56 permanent or continuous occupancy for use for public, institutional, residential, business,
57 industrial, or storage purposes; a structure that encloses space; or a structure that gives
58 protection or shelter for any occupancy. The term “building” shall be construed as if
59 followed by the phrase “or part thereof.” When separated by firewalls, each portion so
60 separated shall be deemed a separate building.

61 *Building code* shall mean and refer to the Florida Building Code, including the
62 Broward County Amendments (Administration - Chapter 1), and all amendments thereto.

63 *Building contractor (aka Class “B”)* shall have the meaning set forth in
64 Section 489.105, Florida Statutes, as amended.

65 *Building demolition specialty contractor* shall have the meaning set forth in
66 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

67 *Building official*, as defined in Section 468.603, Florida Statutes, as amended, shall
68 mean and refer to any of those employees of municipal or county governments with
69 building construction regulation responsibilities who are charged with the responsibility
70 for direct regulatory administration or supervision of plan review, enforcement, or
71 inspection of building construction, erection, repair, addition, remodeling, demolition, or
72 alteration projects that require permitting indicating compliance with building, plumbing,
73 mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction
74 codes as required by state law, the building code, or municipal or county ordinance.

75 *Business organization* shall mean any partnership, corporation, business trust,
76 joint venture, or other legal entity that engages, or offers to engage, in the business of
77 contracting or acts as a contractor, as defined in this chapter.

78 *Certificate* shall mean a certificate of competency issued by the board or the state
79 of Florida, Department of Business and Professional Regulation, Construction Industry
80 Licensing Board or Electrical Contractors' Licensing Board.

81 *Certification* shall mean the act of obtaining or holding a certificate of competency
82 from the board or, the state of Florida, Department of Business and Professional
83 Regulation, Construction Industry Licensing Board or Electrical Contractors' Licensing
84 Board. "Certification" of a business organization shall mean the act of obtaining
85 authorization from the board pursuant to Section 9-7.

86 *Certified alarm system contractor* shall have the meaning set forth
87 in Section 489.505, Florida Statutes, as amended.

88 *Certified contractor* shall mean any contractor who possesses a certificate of
89 competency issued by the board or, the state of Florida, Department of Business and
90 Professional Regulation, Construction Industry Licensing Board or Electrical Contractors'
91 Licensing Board.

92 *Certified electrical contractor* shall have the meaning set forth in Section 489.505,
93 Florida Statutes, as amended.

94 *Certified elevator technician (aka Class "E")* shall have the meaning set forth in
95 Section 399.01, Florida Statutes, as amended.

96 *Class A air-conditioning contractor* shall have the meaning set forth in
97 Section 489.105, Florida Statutes, as amended.

98 *Class B air-conditioning contractor* shall have the meaning set forth in
99 Section 489.105, Florida Statutes, as amended.

100 *Class C air-conditioning contractor* shall have the meaning set forth in
101 Section 489.105, Florida Statutes, as amended.

102 *Code* shall mean and refer to the Broward County Code of Ordinances.

103 *Code enforcement officer* shall mean a code investigator or an individual as
104 defined in Chapter 162, Florida Statutes, as amended, and authorized by the County
105 Administrator or a municipality to enforce Chapters 399 and 489, Florida Statutes, as
106 amended, and this chapter. In order to issue citations, each code enforcement officer
107 must be trained and certified as provided by Section 9-126.

108 *Commercial pool/spa contractor* shall have the meaning set forth in
109 Section 489.105, Florida Statutes, as amended.

110 *Commission* shall mean and refer to the Broward County Board of County
111 Commissioners.

112 *Contractor* shall mean and refer to any person who (i) qualified for, and is only
113 responsible for, the project contracted for and means, except as exempted in this part,
114 the person who, for compensation, undertakes to, submits a bid to, or does himself or
115 herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or
116 improve any building or structure, including related improvements to real estate, for others
117 or for resale to others; and whose job scope is substantially similar to the job scope
118 described in one (1) of the paragraphs of this section; or (ii) is qualified to engage in the
119 business of electrical or alarm system contracting pursuant to a certificate or registration
120 issued by the Department of Business and Professional Regulation. For the purposes of
121 regulation under this part, the term “demolish” applies only to demolition of steel tanks
122 more than fifty (50) feet in height; towers more than fifty (50) feet in height; other structures
123 more than fifty (50) feet in height; and all buildings or residences.

124 *Director* shall mean and refer to the director, or designee, of the Building Code
125 Division, or successor agency.

126 *Division* shall mean Division I or Division II of the Central Examining Board, as
127 established pursuant to Section 9.01 of the Broward County Charter.

128 *Electrical contractor* or *unlimited electrical contractor* shall have the meaning set
129 forth in Section 489.505, Florida Statutes, as amended.

130 *Electrical work* shall mean that work defined in this section as: alarm system
131 contractor, alarm system contractor I, alarm system contractor II, certified alarm system
132 contractor, certified electrical contractor, electrical contractor or unlimited electrical

contractor, lighting maintenance specialty electrical contractor, limited energy systems specialty contractor, registered alarm system contractor I, registered alarm system contractor II, registered electrical contractor, registered residential alarm system contractor, residential electrical contractor, sign specialty electrical contractor, specialty electrical contractor, two-way radio communications enhancement systems specialty contractor, and utility line electrical contractor. "Electrical work" shall also mean that work defined in Section 9-66 as: journeyman electrician, fire alarm system journeyman, electrical sign journeyman, limited energy systems (fka low voltage) specialty journeyman, solar photovoltaic systems journeyman, and trainees. This term shall be deemed to include any additional categories of electrical work that may hereafter be authorized pursuant to state law.

Engineered construction work shall mean that work defined in this section as: industrial facility specialty contractor, marine dock work specialty contractor, marine bulkhead work specialty contractor, marine pile driving specialty contractor, marine seawall work specialty contractor, marine specialty contractor, underground utility and excavation contractor, and trainees. This term shall be deemed to include any additional categories of engineered construction work that may hereafter be authorized pursuant to state law.

Fence erection specialty contractor (aka Class "F") is qualified and certified by the board and may perform work that shall include, and be limited to, the fabrication, manufacture, construction, assembling, erection, maintenance, extension, and installation of wire, wood, metal, PVC, or plastic components, or precast or prefabricated

fences, railings, and the posts and foundations necessary and incidental thereto, and as required by applicable zoning regulations.

Financially responsible officer shall mean an individual, other than the qualifying agent, who, with the approval of the appropriate board, assumes personal responsibility for all financial aspects of the business organization.

Garage door installation specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

Gas line specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

General contractor (aka Class "A") shall have the meaning set forth in Section 489.105, Florida Statutes, as amended.

General construction work shall mean that work defined in this section as: building contractor; building demolition specialty contractor; certified elevator technician; commercial pool/spa contractor; fence erection specialty contractor; garage door installation specialty contractor; general contractor; glass and glazing specialty contractor; gypsum drywall specialty contractor; plaster and lath specialty contractor; residential contractor; residential pool/spa contractor; residential swimming pool/spa servicing specialty contractor; roofing contractor; solar contractor; structural aluminum or screen enclosures specialty contractor; structural carpentry specialty contractor; structural masonry specialty contractor; structural pre-stressed, precast concrete work specialty contractor; structural steel work specialty contractor; swimming pool/spa servicing contractor; tower specialty contractor; and window and door installation

177 specialty contractor. This term shall be deemed to include any additional categories of
178 general construction work that may hereafter be authorized pursuant to state law.

179 *Glass and glazing specialty contractor* shall have the meaning set forth in
180 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

181 *Gypsum drywall specialty contractor* shall have the meaning set forth in
182 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

183 *Industrial facility specialty contractor* shall have the meaning set forth in
184 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

185 *Inspector or building code inspector* shall mean and refer to all building officials,
186 chief inspectors, inspectors, and plans examiners certified by the state of Florida,
187 Department of Business and Professional Regulation, Broward County Board of Rules
188 and Appeals, and the Florida Building Code Administrators and Inspectors Board to
189 inspect for violations of and enforce the building code and other state and county codes
190 and regulations.

191 *Irrigation specialty contractor* shall have the meaning set forth in
192 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

193 *Licensed* shall mean possessing the certificates required pursuant to Chapter 489,
194 Parts I and II, Florida Statutes, as amended, or Chapter 9 of the Code.

195 *Lighting maintenance specialty electrical contractor* shall have the meaning set
196 forth in Chapter 61G6-7.001 of the Florida Administrative Code, as amended.

197 *Limited energy systems specialty contractor* shall have the meaning set forth in
198 Chapter 61G6-7.001 of the Florida Administrative Code, as amended.

199 *Marine dock work specialty contractor* shall have the meaning set forth in
200 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

201 *Marine bulkhead work specialty contractor* shall have the meaning set forth in
202 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

203 *Marine pile driving specialty contractor* shall have the meaning set forth in
204 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

205 *Marine seawall work specialty contractor* shall have the meaning set forth in
206 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

207 *Marine specialty contractor* shall have the meaning set forth in
208 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

209 *Mechanical contractor* shall have the meaning set forth in Section 489.105, Florida
210 Statutes, as amended.

211 *Mechanical work* shall mean that work defined in this section as: class A
212 air-conditioning contractor, class B air-conditioning contractor, class C air-conditioning
213 contractor, mechanical contractor, and sheet metal contractor. “Mechanical work” shall
214 also mean that work defined in Section 9-62 as: mechanical journeyman, sheet metal
215 journeyman, and insulation journeyman, and trainees. This term shall be deemed to
216 include any additional categories of mechanical work that may hereafter be authorized
217 pursuant to state law.

218 *Moral turpitude* shall mean a crime that is inherently immoral or dishonest
219 including, but not limited to, fraud, extortion, blackmail, or crimes against minors.

220 *Person* shall mean and include any individual, organization, trust, foundation, firm,
221 group, society, corporation, association, partnership, or any combination thereof.

222 *Plaster and lath specialty contractor* shall have the meaning set forth in
223 Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

224 *Plumbing contractor* shall have the meaning set forth in Section 489.105, Florida
225 Statutes, as amended.

226 *Plumbing work* shall mean that work defined in this section as: gas line specialty
227 contractor, irrigation specialty contractor, and plumbing contractor. "Plumbing work" shall
228 also mean that work defined in Section 9-63 as journeyman plumber and trainees. This
229 term shall be deemed to include any additional categories of plumbing work that may
230 hereafter be authorized pursuant to state law.

231 *Prime contractor* shall mean the contractor who has a contract with the owner of a
232 project or job and who has the full responsibility for its completion.

233 *Qualifying agent* shall mean an individual who possesses the requisite skill,
234 knowledge, and experience and has the responsibility to supervise, direct, manage, and
235 control the activities of a business entity or contractor engaged in an occupation regulated
236 by this chapter and who has a current valid certificate of competency issued by the board
237 for the activities to be conducted or being conducted by the business entity or contractor.
238 Such an individual may qualify a business entity, individually, or as a sole proprietorship.

239 *Registered alarm system contractor I* shall have the meaning set forth in
240 Section 489.505, Florida Statutes, as amended.

241 *Registered alarm system contractor II* shall have the meaning set forth in
242 Section 489.505, Florida Statutes, as amended.

243 *Registered contractor* shall mean any contractor who has registered with the state
244 of Florida, Department of Business and Professional Regulation, pursuant to fulfilling the
245 competency requirements of the board.

246 *Registered electrical contractor* shall have the meaning set forth in
247 Section 489.505, Florida Statutes, as amended.

248 *Registered residential alarm system contractor* shall have the meaning set forth in
249 Section 489.505, Florida Statutes, as amended.

250 *Repeat violation* shall mean a recurring violation of a provision of this chapter by
251 an uncertified contractor whom a hearing officer has previously found to have violated the
252 same provision, or an uncertified contractor against whom penalties were assessed for
253 the same provision, within five (5) years prior to the violation. For Broward County certified
254 contractors, a repeat violation is any violation on which disciplinary action is being taken
255 where the board made findings of fact that the same violation had occurred against the
256 same certificate holder within five (5) years prior to the violation, or a repeat violation as
257 defined by Chapter 162, Florida Statutes, as amended.

258 *Residential contractor (aka Class "C")* shall have the meaning set forth in
259 Section 489.105, Florida Statutes, as amended.

260 *Residential electrical contractor* shall have the meaning set forth in
261 Chapter 61G6-7.001 of the Florida Administrative Code, as amended.

262 *Residential pool/spa contractor* shall have the meaning set forth in
263 Section 489.105, Florida Statutes, as amended.

264 *Residential swimming pool/spa servicing specialty contractor* shall have the
265 meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as
266 amended.

267 *Respondent* shall mean the individual or the business organization against which
268 a complaint has been filed.

269 *Roofing contractor* shall have the meaning set forth in Section 489.105, Florida
270 Statutes, as amended.

271 *Serve* shall mean to provide notice required by this chapter to the alleged violator
272 pursuant to the provisions contained in Section 9-16.

273 *Sheet metal contractor* shall have the meaning set forth in Section 489.105, Florida
274 Statutes, as amended.

275 *Sign specialty electrical contractor* shall have the meaning set forth in
276 Chapter 61G6-7.001 of the Florida Administrative Code, as amended.

277 *Solar contractor* shall have the meaning set forth in Section 489.105, Florida
278 Statutes, as amended.

279 *Specialty contractor* shall mean and refer to any contractor whose scope of work,
280 experience, knowledge, and skill is limited to a particular craft or trade associated with
281 and included within an occupation or trade regulated by this chapter.

282 *Specialty electrical contractor* shall have the meaning set forth in Section 489.505,
283 Florida Statutes, as amended.

284 *Structure* shall mean that which is built or constructed, or any piece of work
285 artificially built up or composed of parts joined together in some definite manner, the use

of which requires more or less permanent location on the ground, or which is attached to something having a permanent location on the ground.

Structural aluminum or screen enclosures specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

Structural carpentry specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

Structural masonry specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

Structural pre-stressed, precast concrete work specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

Structural steel work specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

Subcontractor shall mean any individual or business organization that contracts with a contractor to perform all or part of the contractor's work.

Swimming pool/spa servicing contractor shall have the meaning set forth in Section 489.105, Florida Statutes, as amended.

Tower specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

Trade shall mean and include, but not be limited to, the construction, renovation, alteration, remodeling, repair, removal, extension, or demolition of buildings and

structures; plumbing, electrical, and mechanical systems; engineered construction; and any similar work associated or connected with the construction industry.

Trainee shall mean and refer to any individual who performs work or labor in any trade or occupation regulated by this chapter, and who has not been certified to work in such trade or occupation by the board or the state of Florida, Department of Business and Professional Regulation, Construction Industry Licensing Board or Electrical Contractors' Licensing Board.

Two-way radio communications enhancement systems specialty shall have the meaning set forth in Chapter 61G6-7.001 of the Florida Administrative Code, as amended.

Underground utility and excavation contractor shall have the meaning set forth in Section 489.105, Florida Statutes, as amended.

Utility line electrical contractor shall have the meaning set forth in Chapter 61G6-7.001 of the Florida Administrative Code, as amended.

Window and door installation specialty contractor shall have the meaning set forth in Chapter 61G4-15.100 of the Florida Administrative Code, as amended.

Section 2. Section 9-4 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-4. Certification required.

(a) Except as provided in Sections 489.103, 489.113, and 489.503, Florida Statutes, as amended, before any individual may work at a trade, engage in business, or contract for work as a contractor, subcontractor, or specialty contractor in any one (1) or

more of the trades of occupations regulated by this chapter, such individual shall first apply for and obtain a certificate of competency from the board.

...

(c) It shall be a violation of this Code for any individual or business organization to engage in, or represent that such entity is qualified to perform work or contract in, any trade or occupation regulated by this chapter without first having obtained a current valid certificate of competency or, in the case of business organizations, a certificate of authority from the board, or having obtained a current license or certificate in accordance with Chapter 489, Florida Statutes, as amended. ~~Notwithstanding the foregoing, a person providing pressure cleaning services is not required to hold a Roof Painting and Cleaning (RP) certificate of competency, or any other certificate of competency issued and governed pursuant to Article IV of this chapter, to engage in the work of pressure cleaning, provided no painting services are provided.~~

...

Section 3. Section 9-8 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-8. Qualifying agents—Responsibilities.

(a) Except exempted in Section 9-26(b) of the Code, No individual holding a certificate of competency issued by the board shall act as a qualifying agent prior to certification of the business organization by the board.

...

Section 4. Section 9-10, Recertification; continuing certification, of the Broward County Code of Ordinances is hereby repealed in its entirety.

Section 5. Section 9-13 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-13. Maintenance of qualifications.

...

(c) Except as otherwise provided in this section or in Section 9-26(b) of the Code, any business organization certified pursuant to this chapter that fails at any time to have a qualifying agent or ~~which~~ that fails to maintain any of the standards or qualifications for certification shall automatically become "inactive" without any action being taken by the board.

...

Section 6. Section 9-21 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-21. Building permits.

(a) Unless exempted under Section 9-26(b) of the Code, Applications for building permits will be accepted only from persons holding an appropriate current active state of Florida certificate of competency or a current active certificate of competency issued by the board, who have paid all necessary business taxes in their respective trades or occupations, as required by law, who provide the appropriate business tax receipt(s), and who provide evidence of workers' compensation coverage pursuant to Chapter 440, Florida Statutes, as amended, and against whom no findings of violation after a disciplinary proceeding have resulted in the suspension or revocation of their certificate of competency.

...

Section 7. Section 9-22 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-22. Business tax receipts.

(a) Whenever a municipal or County business tax is required of any person whose trade or occupation is regulated by this chapter, no business tax receipt shall be issued unless the applicant shall first procure from the board a current active certificate of competency and present a copy thereof to the appropriate licensing officer, unless the applicant is exempted under Section 9-26(b) of the Code.

. . .

Section 8. Section 9-25, Specialty Classifications, of the Broward County Code of Ordinances is hereby repealed in its entirety.

Section 9. Section 9-26 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-26. Exemptions.

In addition to those persons exempted from regulation pursuant to Sections 489.103 and 489.503, Florida Statutes, as amended, the following shall be exempt from the certification requirements and provisions of this chapter:

~~(1)~~ (a) All persons who have been examined and issued a certificate of competency by the state of Florida or any one (1) or more of its agencies or boards; and

~~(2)~~ (b) Pursuant to Sections 489.113(6), 489.117(4)(a)1. and 489.117(4)(d), Florida Statutes, as amended, any individual who is not required to obtain registration, ~~or certification,~~ or permits for such job scopes pursuant to

Sections 489.105(3)(d) through (o), Florida Statutes, as amended, who is performing specialty building contracting services for the construction, remodeling, repair, or improvement of single-family residences, including townhouses as defined in the building code, if such individual is under the supervision of a state certified or registered general, building, or residential contractor. As used in this section, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the individual(s) performing specialty contracting services.

Section 10. Chapter 9, Article II, Plumbing and Specialty Plumbing Contractors, of the Broward County Code of Ordinances is hereby repealed in its entirety, and a new Article II is hereby created to read as follows:

[Underlining omitted]

**ARTICLE II. DIVISION I: GENERAL AND SPECIALTY BUILDING AND
ENGINEERED CONSTRUCTION CONTRACTORS**

Sec. 9-51. Scope of regulation; incorporation of statutory provisions.

(a) Division I of the Broward County Central Examining Board shall be responsible for examining, certifying, and regulating all persons and business organizations within Broward County, Florida, that engage in, or that intend or desire to engage in, any work or activity that relates to, is referred to, or that is included within, the definition of general construction work or engineered construction work under this chapter. Division I of the board reserves the right to include additional trades or work within the definitions of general construction work or engineered construction work that

may be subsequently permitted under Florida law. Division I of the board shall have the power and authority to establish job site personnel and supervision requirements subject to this article. A job site may not necessarily be limited to a single building permit issued for a single-family residence. The qualifying agent of the business organization and the person who applies for and obtains the permit for a job shall be responsible and held liable for any violation of this chapter.

(b) The contractor provisions of Part I of Chapter 489, Florida Statutes, and Chapter 61G4-15, Florida Administrative Code, as related to the contractor categories within the building and engineered construction trades, are hereby incorporated by reference so that the provisions of those chapters, as amended, shall be controlling with regard to the contractor categories and scope of work for each.

(c) All persons and business organizations that are not exempted from certification by Section 9-26 and engage in, or intend or desire to engage in, any work or activity that relates to, is referred to, or that is included within, the definition of general construction work or engineered construction work shall, prior to engaging in any such work or activity, obtain a certificate of competency from Division I of the board.

(d) Division I shall have the authority to establish by resolution the standards for practical experience and application requirements for each of the trades included within the definitions of general construction work or engineered construction work.

Sec. 9-52. Standards for specialty categories and classes.

(a) Any person that engages in, or that intends or desires to engage in, any work or activity that relates to, is referred to, or that is included within, the definition of

444 general construction work or engineered construction work under this chapter may make
445 application to the board for certification as a specialty contractor.

446 (b) A person certified as a general contractor or specialty contractor by
447 Division I of the board may act as qualifying agent for a business organization that
448 engages in or performs, or that intends or desires to engage in or perform general
449 construction work within Broward County, Florida.

450 (c) A person certified as an underground utility and excavation contractor or
451 specialty contractor by Division I of the board may act as qualifying agent for a business
452 organization that engages in or performs, or that intends or desires to engage in or
453 perform engineered construction work within Broward County, Florida.

454 (d) In all instances where practical experience in general construction work or
455 engineered construction work is required in order for an applicant to be eligible to be
456 certified in a specified building category or class, Division I of the board may, in its sole
457 discretion, consider an applicant's formal and vocational education as practical
458 experience.

459 **Sec. 9-53. Job site personnel requirements for the building and engineered**
460 **construction trades.**

461 (a) Division I of the board shall have the power and authority to establish job
462 site personnel requirements for certified builders and certified engineered construction
463 builders. A job site may not necessarily be limited to a single building permit issued for a
464 single-family residence.

465 (b) The person who applies for and obtains the permit for a job shall be
466 responsible and held liable for any violations of this section.

Section 11. Chapter 9, Article III, Electrical and Specialty Electrical Contractors, of the Broward County Code of Ordinances is hereby repealed in its entirety, and a new Article III is hereby created to read as follows:

[Underlining omitted]

**ARTICLE III. DIVISION II: MECHANICAL AND SPECIALTY MECHANICAL,
PLUMBING AND SPECIALTY PLUMBING, AND
ELECTRICAL AND SPECIALTY ELECTRICAL CONTRACTORS**

Sec. 9-61. Scope of regulation; incorporation of statutory provisions.

(a) Division II of the Broward County Central Examining Board shall be responsible for examining, certifying, and regulating all persons and business organizations within Broward County, Florida, that engage in, or that intend or desire to engage in, any work or activity that relates to, is referred to, or that is defined as mechanical work, plumbing work, or electrical work under this chapter. Division II of the board reserves the right to include additional trades or work within the definitions of mechanical work, plumbing work, or electrical work that may be subsequently permitted under Florida law. Division II of the board shall have the power and authority to establish job site personnel and supervision requirements for journeymen and trainees subject to this article. A job site may not necessarily be limited to a single building permit issued for a single-family residence. The qualifying agent for the business organization and the person who applies for and obtains the permit for a job shall be responsible and held liable for any violation of this chapter.

(b) All persons and business organizations that are not exempted from certification by Section 9-26 of this chapter, and that engage in, or who intend or desire

to engage in, any work or activity that relates to, is referred to, or that is defined as mechanical, electrical, or plumbing by this chapter, shall, prior to engaging in any such work or activity, obtain a certificate of competency from Division II of the board.

(c) The contractor provisions of Chapter 489, Florida Statutes, and Chapters 61G4-15 and 61G6-7, Florida Administrative Code, as related to the contractor categories within the mechanical, electrical, and plumbing trades, are hereby incorporated by reference so that the provisions of those chapters, as amended, shall be controlling with regard to the contractor categories and scope of work for each.

(d) Division II of the board shall have the authority to establish by resolution the standards for practical experience and application requirements for each of the trades included within the definitions of mechanical work, plumbing work, or electrical work as defined in this chapter.

Sec. 9-62. Qualifications for mechanical journeyman; mechanical trainees.

(a) Qualifications for mechanical journeyman:

(1) *Mechanical journeyman.* In order for an applicant to be certified as a mechanical journeyman by Division II of the board, the applicant must demonstrate possession of the knowledge, ability, and skill to perform mechanical work in accordance with the plans and specifications therefor and in compliance with the building code and other applicable codes and regulations. The applicant shall have no less than three (3) years of practical mechanical experience, or no less than one-half (1/2) of the practical experience required for certification in the mechanical category or class for which the applicant is seeking certification as a journeyman. The scope of

work of a mechanical journeyman shall include, and be limited to, (i) the maintenance of mechanical installations; and (ii) the repairing, maintaining, and servicing of existing systems involving air conditioning, refrigeration, heating, ventilation, and pressure and process piping contained and used upon the premises or building owned, occupied, or otherwise controlled by the person, firm, or corporation by whom the mechanical maintenance technician is regularly employed ("Technician Work").

(2) Division II of the board may, in its sole discretion, consider a person's formal or vocational education as practical mechanical experience.

(3) A person certified as a mechanical journeyman shall work under the supervision and direction of a mechanical contractor, unless performing Technician Work.

(b) Qualifications for sheet metal journeyman:

(1) *Sheet metal journeyman*. In order for an applicant to be certified as a sheet metal journeyman by Division II of the board, the applicant must possess the knowledge, ability, and skill to perform sheet metal work in accordance with the plans and specifications therefor and in compliance with the building code and other applicable codes and regulations. Such person shall have no less than three (3) years of practical sheet metal experience, or no less than one-half (1/2) of the practical experience required for certification in the sheet metal category or class for which the applicant is seeking certification as a journeyman.

(2) Division II of the board may, in its sole discretion, consider a person's formal or vocational education as practical sheet metal experience.

(3) A person certified as a sheet metal journeyman shall work under the supervision and direction of a mechanical contractor or sheet metal contractor.

(c) Qualifications for insulation journeyman:

(1) *Insulation journeyman* In order for an applicant to be certified as an insulation journeyman by Division II of the board, the applicant must possess the knowledge, ability, and skill to perform insulation work in accordance with the plans and specifications therefor and in compliance with the building code and other applicable codes and regulations. Such person shall have no less three (3) years of practical insulation experience, or no less than one-half (1/2) of the practical experience required for certification in the mechanical category or class for which the applicant is seeking certification as a journeyman.

(2) Division II of the board may, in its sole discretion, consider a person's formal or vocational education as practical insulation experience.

(3) A person certified as an insulation journeyman shall work under the supervision and direction of a mechanical contractor.

(d) *Mechanical trainees.* Any person may work as a mechanical trainee, provided that the person is under the direct supervision of a certified mechanical contractor or any journeyman licensed under this section.

Sec. 9-63. Qualifications for plumbing journeyman; plumbing trainees.

(a) Qualifications for Journeyman Plumber.

(1) *Journeyman Plumber.* In order to be eligible to receive certification from Division II of the board as a journeyman plumber, the applicant shall demonstrate possession of the skill, knowledge, and ability to install, maintain, repair, alter, extend, and construct plumbing systems in accordance with the building code and all other applicable codes and regulations. The applicant shall have no less than four (4) years of practical plumbing experience. The board may, in its sole discretion, consider a person's formal or vocational education as experience in the trade.

(2) A person certified as a journeyman plumber by Division II of the board shall work under the supervision and direction of a certified plumbing contractor.

(b) *Plumbing trainees.* Any person may work as a plumbing trainee, provided that the person is working under the direct supervision of a certified plumbing contractor or journeyman plumber.

Sec. 9-64. Qualifications for specialty plumbers.

(a) Any person who engages in, or performs, or who desires or intends to engage in or perform, a particular type of work or activity included within the plumbing trade may make application to Division II of the board for certification as a specialty plumber.

(b) In order to be eligible to receive certification from Division II of the board as a specialty plumber, the applicant shall demonstrate possession of the skill, knowledge, ability, and experience to perform, plan, lay out, and supervise all work associated with, performed, or done in connection with the specialty plumbing class or category for which

the applicant is seeking certification, all in compliance with the building code and all other applicable codes and regulations.

(c) A person certified as a specialty plumber by Division II of the board may act as a qualifying agent for a business organization that engages in or performs, or that intends or desires to engage in or perform, work in the specialty plumbing class or category for which the person is certified within Broward County, Florida.

(d) A person or business organization that is issued a current active specialty plumbing contractor's certificate of competency by Division II of the board shall, as long as certification is maintained, have the right to apply for and obtain building permits from, and perform and supervise work in the specialty plumbing class or category for which the person is certified by the board within, any municipality or unincorporated area within Broward County, Florida.

(e) In all instances where practical experience in a specialty plumbing class or category is required in order for an applicant to be eligible to be certified in the specialty class or category, Division II of the board may, in its sole discretion, consider an applicant's formal or vocational education as practical experience.

(f) It shall be the responsibility of a specialty plumber qualifying a business organization to ensure that the employee status of all persons involved in performing work for the business organization shall be determined using the same tests and in the same manner as the IRS, state workers' compensation, and state unemployment laws and rules.

Sec. 9-65. Qualifications for specialty electrical contractors or specialty electrical journeyman.

(a) Any person who engages in or performs, or who desires or intends to engage in or perform, a particular type of work or activity included within the electrical trade may make application to Division II of the board for certification as a specialty electrical contractor or specialty electrical journeyman.

(b) In order for an applicant to be eligible to receive certification from the board as a specialty electrical contractor or specialty electrical journeyman, the applicant shall demonstrate possession of the skill, knowledge, ability, and experience to perform, plan, lay out, and supervise all work associated with, performed, or done in connection with the specialty electrical class or category for the certification that is being sought, all in compliance with the building code and all other applicable codes and regulations.

(c) A person certified as a specialty electrical contractor by Division II of the board may act as a qualifying agent for a business organization that engages in or performs, or that intends or desires to engage in or perform, work in the specialty electrical class or category for which the person is certified within Broward County, Florida.

(d) A person that is issued a current, active specialty electrical contractor's certificate of competency by Division II of the board shall, as long as certification is maintained, have the right to apply for and obtain building permits from, and perform and supervise work in the specialty electrical class or category for which the person is certified by Division II of the board within, any city or unincorporated area within Broward County, Florida.

(e) In all instances where practical experience in a specialty electrical class or category is required in order for an applicant to be eligible to be certified in the specialty

class or category, Division II of the board may, in its sole discretion, consider an applicant's formal or vocational education as practical experience.

(f) It shall be the responsibility of a specialty electrical contractor qualifying a business organization to ensure that the employee status of all persons involved in performing work for the business organization is determined using the same tests and in the same manner as the IRS, state workers' compensation, and state unemployment laws and rules.

Sec. 9-66. Qualifications for journeyman electrician and specialty electrical journeyman; electrical trainees.

(a) *Journeyman electrician.*

(1) A journeyman electrician shall be a person whose scope of practice is limited to (i) the maintenance, repair, and relocation of electrical equipment, such as transformers, circuit breakers, luminaries, switches, panels, switchboards, emergency and standby generators, conduits, and electrical advertising signs, together with interrelated parts and supports thereof; and (ii) the maintenance and repair of existing branch circuits, luminaries, apparatus, and equipment connected thereto, and shall include the switching or de-energizing of existing electrical systems for safety purposes and used upon the premises or building owned, occupied, or otherwise controlled by the person, firm, or corporation by whom the electrical journeyman is regularly employed ("Technician Work"). A journeyman electrician shall only maintain electrical installations and systems located in or upon the building or property of the electrician journeyman's regular

649 employer. A journeyman electrician's scope of work shall not include the
650 installation, alteration, or replacement of service equipment. In order to be
651 eligible to be certified as a journeyman electrician, the applicant shall have
652 at least four (4) years of practical electrical experience.

653 (2) Division II of the board may, in its sole discretion, consider a person's formal
654 or vocational education as practical electrical experience.

655 (3) A person certified as a journeyman electrician shall work under the
656 supervision and direction of an electrical or unlimited electrical contractor,
657 unless performing Technician Work.

658 (b) *Fire Alarm System Journeyman.* The scope of work of a fire alarm system
659 journeyman shall include, and be limited to, the installation, repair, alteration,
660 construction, and extension of: electrical wires; apparatus; circuits; and equipment for fire
661 alarms, private telephones, which do not meet the requirements of
662 Section 489.503(15), Florida Statutes, as amended; intercom; public address; and
663 communication systems operating at less than 98 volts. A fire alarm system journeyman
664 shall work under the supervision and direction of an electrical or unlimited electrical
665 contractor or specialty alarm system contractor I and shall not be eligible to act as a
666 qualifying agent for business organizations. The scope of work for a fire alarm system
667 journeyman shall not include lightning or solar systems. In order to be certified as a fire
668 alarm system journeyman, the applicant shall have at least
669 three (3) years of practical experience in the fire alarm and limited energy systems
670 industry and shall meet all state required criteria.

671 (c) *Electrical Sign Journeyman*. The scope of work of an electrical sign
672 journeyman shall include and be limited to the installation, maintenance, repair, alteration,
673 and connection of electrical wires, apparatus, equipment, raceways, and conduits to an
674 electrical sign. An electrical sign journeyman shall work under the supervision and
675 direction of an electrical or unlimited electrical contractor or sign specialty electrical
676 contractor and shall not be eligible to act as a qualifying agent for business organizations.
677 In order to be eligible to be certified as an electrical sign journeyman, the applicant shall
678 have at least three (3) years of practical experience in the electrical sign category. The
679 exams for an electrical sign journeyman are no longer given; however, previously issued
680 certificates with this designation may be timely renewed.

681 (d) *Limited Energy Systems (fka low voltage) Specialty Journeyman*. The
682 scope of work of a limited energy systems specialty journeyman shall include, and be
683 limited to, the installation, repair, alteration, construction, and extension of: electrical
684 wires; apparatus; circuits and equipment for burglar, alarms, private telephones, which
685 do not meet the requirements of Section 489.503(15), Florida Statutes, as amended;
686 intercom; public address; and communication systems operating at less than 98 volts. A
687 limited energy systems specialty journeyman shall work under the supervision and
688 direction of an electrical or unlimited electrical contractor or limited energy systems
689 specialty contractor and shall not be eligible to act as a qualifying agent for business
690 organizations. The scope of work for a limited energy systems specialty journeyman shall
691 not include fire alarm, lighting, or solar systems. In order to be certified as a limited energy
692 systems specialty journeyman, the applicant shall have at least three (3) years of practical
693 experience in the limited energy systems industry and shall meet all state required criteria.

(e) *Solar Photovoltaic Systems Specialty Journeyman.* A solar photovoltaic systems specialty journeyman shall be a person whose scope of practice is limited to the installation of new, or replacement of, existing power and control wiring in photovoltaic (PV) source circuits, PV output circuits, battery storage systems circuits, and power conditioning units, excluding any other type of solar system. In an interactive system that operates parallel with a primary source of electrical energy, this work is limited to the PV supply side of the power conditioning unit. In a standalone or nongrid connected system, the work above-referenced shall be limited to the PV supply side of the power conditioning unit and shall not include wiring integral to the building premises. All work shall be done in accordance with the National Electrical Code edition in effect at the date of application for an electrical permit. A solar photovoltaic systems specialty journeyman shall work under the supervision and direction of an electrical or unlimited electrical contractor and shall not be eligible to act as a qualifying agent for business organizations. In order for an applicant to be certified as a solar photovoltaic systems specialty journeyman, the applicant shall have at least three (3) years of practical experience in the solar photovoltaic industry and shall meet all state required criteria. Division II of the board may, in its sole discretion, consider a person's formal or vocational education as practical experience in the trade.

(f) *Trainee.* Any person may work as an electrical trainee, provided that the person is under the direct supervision of a certified electrical or unlimited electrical contractor or journeyman electrician.

Sec. 9-67. Job site requirements for mechanical, electrical, or plumbing.

(a) Division II of the board shall have the power and authority to establish job site personnel and supervision requirements for masters, journeymen, and trainees. A job site may not necessarily be limited to a single building permit issued for a single-family residence.

(b) The person who applies for and obtains the permit for a job shall be responsible and held liable for any violations of this section.

Section 12. Article IV, General and Specialty Building Contractors, of Chapter 9 of the Broward County Code of Ordinances is hereby repealed in its entirety.

Section 13. Article V, Engineered Construction Contractors, of Chapter 9 of the Broward County Code of Ordinances is hereby repealed in its entirety.

Section 14. Article VI, Mechanical and Mechanical Specialty Contractors, of Chapter 9 of the Broward County Code of Ordinances is hereby repealed in its entirety.

Section 15. Section 9-120 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-120. Uncertified contractors.

. . .

(d) It shall be a violation of this chapter for any property owner, as defined in ~~Subsection~~ 489.103(7), Florida Statutes, as amended, to:

(1) Commence and/or perform any work for which a building permit is required by the building code without such building permit being current; or

(2) Hire or contract with an uncertified or unregistered contractor or subcontractor; ~~or,~~

(3) ~~Hire or contract with a sole proprietor, business organization, or governmental agency which does not possess a Class A or Class B Tree Trimmer License required pursuant to Article XI of this chapter.~~

...

Section 16. Section 9-121 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-121. Enforcement procedures.

(a) Code enforcement officers, upon their own initiative or receipt of a complaint, including the complainant's name and address, and personal investigation, shall have the authority to initiate enforcement proceedings against uncertified contractors, or property owners who hire or contract with uncertified contractors or subcontractors or who proceed on any job without first obtaining applicable local building permits and inspections, ~~and property owners who hire or contract with a sole proprietor, business organization, or governmental agency that does not possess a Class A or Class B Tree Trimmer License required pursuant to Article XI of this chapter.~~ No hearing officer shall have the power to initiate such proceedings.

...

Section 17. Section 9-127 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-127. Schedule of civil penalties.

The following table sets forth the code violations for which civil penalties may be cited under this chapter. The descriptions of violations are provided for purposes of

general identification only. Where specific code provisions apply, the same are indicated following the respective violation description.

SCHEDULE OF CIVIL PENALTIES

	<i>Violation</i>	<i>Civil Penalty</i>	
		<i>First</i>	<i>Repeat</i>
		<i>Violation</i>	<i>Violation</i>
...			
(19)	Hiring or contracting with a sole proprietor, business organization, or governmental agency which does not possess a Class A or Class B Tree Trimmer License.	250	500
	Section 9-120(d)(3)		
(20) (19)	Failure to discontinue work on a project after having been ordered to do so by a building official, building code inspector, or code compliance officer pursuant to the provisions of the building code or Chapter 489, Florida Statutes, as may be amended.	1,000	1,000
	Section 9-120(b)(12)		

Section 18. Section 9-141 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 9-141. Creation of Broward County Central Examining Board Restitution Trust Fund.

(a) The Broward County Central Examining Board Restitution Trust Fund (the Fund) is hereby created. Any civil penalty recovered by the County in an action against any certified contractor, business organization, or financially responsible officer, and fifty-five percent (55%) of any civil penalty recovered in an action against any uncertified contractor pursuant to this chapter shall be deposited in the Fund. Persons who receive an order of restitution from the board or a hearing officer shall be advised of the existence of the Fund and the process to make a claim against the Fund. When the monies in the Fund exceed Five Hundred Thousand Dollars (\$500,000.00), ~~the~~ the County Administrator, or designee, shall provide the Board of County Commissioners ("Commission") with a report on no less than an annual basis consisting of the monies deposited into the Fund, claims paid, and balance. In the sole discretion of the Commission, monies in the Fund exceeding Five Hundred Thousand ~~and 00/100~~ Dollars (\$500,000.00) may be utilized to fund other public purposes and programs. The County shall retain the interest earned on monies within the Fund as discretionary revenue to defray the cost of administration, collection, and disbursement

(b) Monies in the Central Examining Board's Restitution Trust Fund shall be disbursed in accordance with this article on order of either Division I or Division II of the boards, upon the recommendation of the hearing officer for claims against unlicensed contractors, as reimbursement to any person to whom the board has ordered or the hearing officer has recommended that restitution be paid, where the order for restitution is based upon a violation of Chapter 9 committed by any certified or uncertified contractor,

business organization, or financially responsible officer; provided that the violation occurs after April 1, 2003.

Section 19. Article XI, Regulation of Tree Trimmers, of Chapter 9 of the Broward County Code of Ordinances is hereby repealed in its entirety.

Section 20. Severability.

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

Section 21. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary to accomplish such intention.

823 Section 22. Effective Date.

824 This Ordinance is effective as of June 30, 2025.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Alexis Marrero Koratich 05/05/2025
 Alexis Marrero Koratich (date)
 Assistant County Attorney

By: /s/ Maite Azcoitia 05/05/2025
 Maite Azcoitia (date)
 Deputy County Attorney

AIK/gmb
Local Occupational Licensing Ordinance
05/05/2025
#41009

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.