

**PROPOSED**

## ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO LOCAL OCCUPATIONAL LICENSING AND THE  
3 BROWARD COUNTY CENTRAL EXAMINING BOARD RESTITUTION TRUST FUND  
4 (“RTF”); AMENDING SECTIONS 9-3, 9-51, AND 9-61 OF THE BROWARD COUNTY  
5 CODE OF ORDINANCES (“CODE”), PROVIDING FOR GENERAL HOUSEKEEPING  
6 AMENDMENTS AND CONSISTENCY WITH CHAPTER 2021-214, LAWS OF FLORIDA,  
7 AS AMENDED; AMENDING SECTIONS 9-141 AND 9-142 OF THE CODE, LIMITING  
8 RTF CLAIMS CONSISTENT WITH STATE LAW; AND PROVIDING FOR  
9 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

10 (Sponsored by the Board of County Commissioners)  
11

12 WHEREAS, the Board of County Commissioners of Broward County (“Board”)   
13 enacted Ordinance No. 2025-23, effective on June 30, 2025, (“Ordinance”) providing for  
14 consistency with Chapter 2021-214, Laws of Florida, as amended, which went into effect  
15 on July 1, 2025, and which preempted certain local occupational licensing (“HB 735”);

16 WHEREAS, Sections 9-51 and 9-61 of the Code provide that each Division of the  
17 Central Examining Board (“CEB”) has the authority to establish by resolution the  
18 standards for practical experience and application requirements for each license category  
19 included within the definitions of work within the jurisdiction of each Division (each a “CEB  
20 Trade,” collectively, the “CEB Trades”);

21 WHEREAS, Division I and Division II held a joint meeting of the CEB on May 8,  
22 2025, to discuss the Ordinance and the practical experience requirement for the CEB  
23 Trades ("Joint Meeting"). After the Joint Meeting, Division I and Division II each adopted  
24 a Resolution requiring four (4) years of experience for each CEB Trade, and further  
25 resolved that each Division may consider an applicant's formal education as experience;

26 WHEREAS, Building Code Division ("Division") staff has processed the renewal  
27 applications for the CEB Trades and has determined that certain housekeeping  
28 amendments would facilitate proper implementation of HB 735; and

29 WHEREAS, each Division has written to the Division Director to express their  
30 concern regarding the potential depletion of the Central Examining Board's Restitution  
31 Trust Fund ("RTF") and recommended that the Code mirror the Florida Homeowners'  
32 Construction Recovery Fund (i.e., the state's restitution trust fund) to allow recovery of  
33 RTF monies by solely those persons contracting with licensed contractors,

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

36 Section 1. Section 9-3 of the Broward County Code of Ordinances is hereby  
37 amended to read as follows:

38 **Sec. 9-3. Definitions.**

39 . . .

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

42 . . .

43        ~~Certified alarm system contractor shall have the meaning set forth in~~  
44        ~~Section 489.505, Florida Statutes, as amended~~ mean an alarm system contractor, as  
45        defined below, who possesses a certificate of competency issued by the Department of  
46        Business and Professional Regulation (“DBPR”) or by the board. The scope of  
47        certification is limited to alarm circuits originating in the alarm control panel and equipment  
48        governed by the applicable provisions of Articles 722, 725, 760, 770, 800, and 810 of the  
49        National Electrical Code, Current Edition, and National Fire Protection Association  
50        Standard 72, Current Edition. The scope of certification for alarm system contractors also  
51        includes the installation, repair, fabrication, erection, alteration, addition, or design of  
52        electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or  
53        any part thereof not to exceed 98 volts (RMS), when those items are for the purpose of  
54        transmitting data or proprietary video (satellite systems that are not part of a community  
55        antenna television or radio distribution system) or providing central vacuum capability,  
56        surveillance cameras, or electric locks; however, this provision governing the scope of  
57        certification does not create any mandatory licensure requirement. An alarm system  
58        contractor shall mean a person whose business includes the execution of contracts  
59        requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install,  
60        maintain, alter, repair, monitor, inspect, replace, or service alarm systems for  
61        compensation, including, but not limited to, all types of alarm systems for all purposes.  
62        This term also means any person, firm, or corporation that engages in the business of  
63        alarm contracting under an expressed or implied contract; that undertakes, offers to  
64        undertake, purports to have the capacity to undertake, or submits a bid to engage in the

business of alarm contracting; or that by itself or by or through others engages in the business of alarm contracting.

...

*Certified electrical contractor* shall have the meaning set forth in ~~Section 489.505, Florida Statutes, as amended~~ mean an electrical contractor who possesses a certificate of competency issued by DBPR or by the board.

*Certified elevator technician (aka Class "E")* shall have the meaning set forth in ~~Section 399.01, Florida Statutes, as amended~~ mean a natural person authorized by the Division of Hotels and Restaurants ("Division of Hotels") of DBPR or by the board to construct, install, maintain, or repair any vertical conveyance, after having been issued an elevator certificate of competency by the Division of Hotels or by the board. Each certified elevator technician must annually register with the Division of Hotels or with the board and be covered by general liability insurance coverage in the minimum amounts set by the Division of Hotels.

...

*Electrical work* shall mean that work defined in this section as: ~~alarm system contractor,~~ alarm system contractor I, alarm system contractor II, certified alarm system 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.

...

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

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

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

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

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

...

Section 2. Section 9-51 of the Broward County Code of Ordinances is hereby amended to read as follows:

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

...

(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~~  
Four (4) years of practical experience will be required for each of the trades included within the definitions of general construction work or engineered construction work.  
Moreover, Division I of the CEB may, in its discretion, consider an applicant's formal education as practical experience for each of the trades included within the definitions of general construction work or engineered construction work.

Section 3. Section 9-61 of the Broward County Code of Ordinances is hereby amended to read as follows:

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

...

(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~~ Four (4) years of practical experience will be required for each of the trades included within the definitions of mechanical work, plumbing work, or electrical work. Moreover, Division II of the CEB may, in its discretion, consider an applicant's formal education as practical experience for each of the trades included within the definitions of mechanical work, plumbing work, or electrical work.

Section 4. Section 9-141 of the Broward County Code of Ordinances is hereby amended to read as follows:

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

...

(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 5. Section 9-142 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 9-142. Conditions for recovery; eligibility.**

(a) Any person is eligible to seek recovery from the Broward County Central Examining Board Restitution Trust Fund after having made a claim and exhausting the limits of any available bond, cash bond, surety, guarantee, warranty, letter of credit, or policy of insurance if:

- (1) The claimant has made a diligent effort, as defined in Section 9-143, to collect the restitution awarded by the board ~~or recommended by the hearing officer;~~

...

(3) Any amounts recovered by such person from the judgment debtor, certified ~~or uncertified~~ contractor, business organization, or financially responsible officer, or from any other source, have been applied to the amount of restitution ordered by the board; and

...

(b) A person is not eligible to make a claim for recovery from the Broward County Central Examining Board Restitution Trust Fund if:

(1) The claimant is the spouse of the judgment debtor or certified contractor ~~or uncertified contractor~~, business organization<sub>1</sub>, or financially responsible officer or a personal representative of such spouse;

...

(3) Such person's claim is based upon a construction contract in which the certified contractor ~~or uncertified contractor~~, business organization<sub>1</sub>, or financially responsible officer was acting with respect to property owned or controlled by the certified contractor;

(4) Such person was associated in a business relationship with the certified contractor ~~or uncertified contractor~~, business organization, or financially responsible officer other than the contract at issue;

~~(5) The claim is based upon a contract in which the claimant knew or had reason to know that the contractor did not hold a valid certificate of competency or the business organization or financially responsible officer did not hold a valid certificate of authority at the time of the contract;~~

~~(6)~~ (5) The claim arises out of the same transaction for which the board has previously considered a claim and has entered an order regarding the restitution claim;

~~(7)~~ (6) The claimant was a contractor, subcontractor, material person, supplier, or vendor in the transaction ~~which~~ that is the subject of the claim; and/or

~~(8)~~ (7) ~~The claimant is a corporation, partnership, limited liability company, or other legal entity and the claim is based upon a transaction with an unlicensed contractor.~~

#### Section 6. 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 7. 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.

Section 8. Effective Date.

This Ordinance is effective as of the date provided by law.

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 10/10/2025  
Alexis Marrero Koratich (date)  
Assistant County Attorney

By: /s/ Maite Azcoitia 10/10/2025  
Maite Azcoitia (date)  
Deputy County Attorney

AIK/gmb  
Licensing Requirements and Restitution Trust Fund Ordinance  
10/29/2025  
#41009-0001

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