

ORDINANCE NO. 2006-46

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 90-105, AS AMENDED, THE COLLIER COUNTY CONTRACTORS' LICENSING BOARD ORDINANCE; AMENDING SECTION 1.3.1 OWNER-BUILDERS, TO INCREASE THE MAXIMUM EXPENDITURE LIMIT TO \$75,000, TO ALLOW FOR THE REPAIR OR REPLACEMENT OF CERTAIN ROOF SHINGLES AND TO PROVIDE FOR A DISCLOSURE STATEMENT; AMENDING SECTION 1.3.2 PUBLIC WORKS, EXEMPTING CERTAIN EMPLOYEES OF GOVERNMENTAL AGENCIES FROM THE REQUIREMENTS OF THIS ORDINANCE; AMENDING SECTIONS 1.6.1.1 THROUGH 1.6.3.48, REMOVING THE SPECIFIC TIME REQUIREMENTS FOR TESTING AND ADDING THAT TESTS BE APPROVED ACCORDING TO SECTION 2.6 OF THIS ORDINANCE; FURTHER AMENDING SECTION 1.6.2.11 STRIKING THE EXCLUSION OF LIQUID PETROLEUM GASES; FURTHER AMENDING SECTION 1.6.3.25, TO ADD REQUIREMENTS FOR NEW APPLICANTS FOR THIS LICENSE; FURTHER AMENDING SECTION 1.6.3.48 TO ADD REQUIREMENTS FOR NEW APPLICANTS FOR THIS LICENSE; AMENDING SECTION 2.5.4.6 ADDING MISSING LANGUAGE AT THE END OF THE PARAGRAPH; AMENDING SECTION 2.6 TO REFLECT THE RECOGNITION OF ADDITIONAL TESTING AGENCIES; AMENDING SECTION 2.11.2 ADDRESSING THE ISSUANCE OF TEMPORARY LICENSES; ADDING SECTION 4.1.8.2, ADDRESSING FINANCIAL HARM CAUSED BY CONTRACTORS CAUSING CUSTOMERS TO SEEK A VARIANCE OR ADMINISTRATIVE REMEDY; AMENDING SECTION 4.3.2 ELIMINATING THE ADMINISTRATIVE FEE FOR COMPLAINANTS; AMENDING SECTION 4.3.5.1.(f), INCREASING MAXIMUM FINES TO TEN THOUSAND DOLLARS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain provisions of this Ordinance are being amended at the discretion of the Board of County Commissions upon recommendations from staff, area contractors and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: ORDINANCE NO. 90-105, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

PART ONE: CERTIFICATES OF COMPETENCY REQUIRED.

1.1. **Unlawful to Contract without a Certificate of Competency.** It shall be unlawful for any person, firm, partnership, corporation or other legal entity to: engage in any construction contracting business, advertise or represent himself/herself or a business organization as available to engage in any construction contracting business, or act in the capacity of a contractor or subcontractor for any of the trades listed in Section 1.6 of this Ordinance, within the unincorporated area of Collier County and the incorporated area within the boundaries of the City of Naples and within the City of Marco Island, without having first made application for and having been issued a current and valid Collier County/City Certificate of Competency or an applicable State Certified License. Nothing herein shall be construed to mean that there cannot be employees in a trade who are not qualified or certified within the definitions herein set forth if

such employees are employed by a licensed contractor who exercises supervision and control over said employees. Indicia of an employment relationship shall include the employer's regular payment of wages and compensation, FICA deductions, tax withholding and provision of Workers' Compensation to the employees, all as prescribed by law.

1.2. Building Permits.

1.2.1. No building permit shall be issued for the construction, alteration, or repair of any structure unless the applicant for the permit possesses a current Collier County /City Certificate of Competency, an applicable State Certified License, or is exempt from the operation of this Ordinance.

1.2.2. It shall be unlawful for any owner-builder to procure a building permit and to use said permit with the intent to aid or abet an unlicensed contractor to perform the permitted construction, alteration, or repair. Such conduct shall be punishable as a violation of this Ordinance and the permit and inspection shall be considered invalid for that portion of the construction related to the violation.

1.3. Exemptions.

1.3.1. Owner-Builders. The provisions of this Ordinance shall not apply to owners of property when acting as their own contractor and providing ~~all material supervision themselves, when building or improving farm outbuildings or one family or two family residences or building or improving commercial buildings at a cost not to exceed \$25,000, on such property for the occupancy or use of such owners and not offered for sale or lease. In all actions brought under Section 1.1 of this Ordinance, proof of the sale or lease, or offering for sale or lease, of a structure by the owner builder within 12 months after issuance of a Certificate of Occupancy is prima facie evidence that the construction was undertaken for purposes of sale or lease. This does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. This exemption does not apply to any type of commercial building. To qualify for exemption under this Subsection, an owner must personally appear and sign the building permit application. An owner builder will be issued a maximum of one (1) owner builder permit for the construction of a one family or two family home in any three (3) year period. An owner builder applying for or receiving more than one Building Permit for the construction of a one family or two family home in any three (3) year period shall be prima facie evidence of building/contracting without a license which is a violation of this ordinance.~~ direct, onsite supervision themselves of all work not performed by licensed contractors:

(a) When building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings, at a cost not to exceed \$75,000, on such property for the occupancy or use of such owners and not offered for sale or lease. In an action

brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within 1 year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease.

(b) When repairing or replacing wood shakes or asphalt or fiberglass shingles on one-family, two-family, or three-family residences for the occupancy or use of such owner or tenant of the owner and not offered for sale within 1 year after completion of the work and when the property has been damaged by natural causes from an event recognized as an emergency situation designated by executive order issued by the Governor declaring the existence of a state of emergency as a result and consequence of a serious threat posed to the public health, safety, and property in this state.

This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified by the State or is licensed by Collier County and the work being performed in within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and must satisfy local permitting agency requirements, if any, proving that the owner has a complete understanding of the owner's obligations under the law as specified in the disclosure statement in this section. If any person violates the requirements of this subsection, the local permitting agency shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$75,000. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or

lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by the state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

An owner-builder will be issued a maximum of one (1) owner-builder permit for the construction of a one-family or two-family home in any three (3) year period. An owner-builder applying for or receiving more than one Building Permit for the construction of a one-family or two-family home in any three (3) year period shall be prima facie evidence of building/contracting without a license which is a violation of this ordinance.

1.3.2. Public Works. The provisions of this Ordinance shall not apply to: any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal law supersedes this Ordinance; or to an authorized employee of the United States, this State, or any municipality, county, or other political subdivision if the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment. an authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or any other municipal or political subdivision, except school boards, state university boards of trustees, and community college boards of trustees, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000 to existing installations, if the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment. If the construction, remodeling, or improvement exceeds \$200,000, school boards, state university boards of trustees, and community college boards of trustees shall not divide the project into separate components for the purpose of evading this section.

1.3.3. Persons Holding Current State Certified Certificates of Competency. Any person holding a current State of Florida Certified Certificate of Competency is exempt from obtaining a

Collier County/City Certificate of Competency for that trade for which he/she is certified by the State, unless a local license is also required. Such person is required to possess a current occupational license issued by the Tax Collector of Collier County, and his/her performance as a contractor shall be subject to all other requirements of this Ordinance not in conflict with applicable Florida law.

1.4. Renewal of Certificates of Competency.

1.4.1. Certificates of Competency shall expire annually at midnight on September 30th of each year.

1.4.2. The Contractor Licensing Supervisor shall direct the mailing of renewal notices to all licensed contractors at least one month prior to the expiration date of the licenses.

1.4.3. Applicants for renewal must present the Contractor Licensing Supervisor or his/her designee with the following:

- A. Evidence of insurance as required by this Ordinance.
- B. A current Collier County and/or City occupational license, as applicable.

1.4.4. Any individual or business organization failing to renew his or its Certificate of Competency prior to midnight on September 30th of each year shall have until midnight December 31st of the same year to renew his or its Certificate of Competency, provided however, that in addition to payment of the standard renewal fee as required by this Ordinance, the applicant shall be charged a late fee in accordance with the schedule of fees and charges adopted by resolution pursuant to Section 2.1.5 of this Ordinance.

1.4.5. Should September 30th or December 31st be a Saturday, Sunday, or legal holiday, the renewal period shall not expire until midnight of the next working day.

1.4.6. Any individual failing to renew his Certificate of Competency prior to December 31st shall be required to make reapplication pursuant to Part Two of this Ordinance.

1.4.7 Any individual who fails to renew his/her Certificate of Competency prior to December 31 of the year in which it expires shall have a delinquent Certificate of Competency.

1.4.8 Any individual who renews his/her Certificate of Competency by September 30 of the year following its expiration, but after December 31 of that year, shall have a suspended Certificate and thereby must pay an additional late fee in accordance with the schedule of fees and charges adopted by Resolution pursuant to Section 2.1.5 herein, and must reapply in full including updated credit reports and all other documentation required in Section 2 herein, but no re-testing shall be required.

1.4.9. Any individual who fails to renew his/her Certificate of Competency prior to December 31 of the year following its expiration shall thereby automatically have a Certificate of Competency that is null and void. To acquire a valid Certificate from the County the individual must pay the then applicable full application fee in accordance with the schedule of fees and

charges adopted by Resolution pursuant to Section 2.1.5 herein, and must submit an entire new application. If, as of the date of receipt by the County of said new application, three (3) years have passed since the date of his/her most recent examination that the individual passed to acquire the former Certificate, that individual must pass all then applicable testing requirements. If the request is to reactivate a dormant certificate, the re-testing requirement can be waived by staff if the applicant proves that he/she has been active in the trade in another jurisdiction, or has been active as an inspector or investigator in the trade, or for other valid reason that would render such re-testing superfluous.

1.5. Contractors' Identification Required on all Advertising Mediums.

1.5.1. All contractors licensed under the provisions of this Ordinance shall be required to firmly affix and/or to display the qualifier's Certificate of Competency Number and the "Doing Business As" Name on all advertising mediums used by the contractor, including but not limited to, contracts, brochures, business cards and vehicles used in their trade or business. The minimum height of each number or letter affixed to and displayed on vehicles shall be two (2) inches.

1.6. Definitions and Contractor Qualifications.

1.6.1. Contractor means the person who is qualified for and responsible for the entire project contracted for and, except for those herein exempted, the person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, any or all of the following construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others, or for resale to others, as hereinafter defined in Sections 1.6.1 through 1.6.3 of this Ordinance.

1.6.1.1. General Contractor requires forty-eight (48) months experience with a passing grade on a ~~six (6) hour~~ an approved test and a ~~two (2) hour~~ business and law test and means a contractor whose services are unlimited as to the type of work which he/she may do, except as provided in this Ordinance or in the *Florida Statutes*.

NOTE: Also see Sect. 1.6.2.

1.6.1.2. Building Contractor requires forty-eight (48) months experience with a passing grade on a ~~six (6) hour~~ an approved test and a ~~two (2) hour~~ business and law test and means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which commercial or residential buildings do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building. NOTE: Also see Sect. 1.6.2.

1.6.1.3. Residential Contractor requires forty-eight (48) months experience with a passing grade on a ~~six (6) hour~~ an approved test and a ~~two (2) hour~~ business and law test and means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two stories in height and accessory use structures in connection therewith.

NOTE: Also see Sect. 1.6.2.

1.6.1.4. Contractor qualifications for practice and restrictions. A general, building, or residential contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes, asphalt or fiberglass shingle roofing materials on a new building of his own construction. Further, a general contractor on new site development work, site redevelopment work, mobile home parks, and commercial properties, shall not be required to subcontract the construction of the main sanitary sewer collection system, the storm water collection system, and the water distribution system, not including the continuation of utility lines from the mains to the buildings. Further, as to mobile home parks, the general contractor shall not be required to subcontract the continuation of utility lines from the mains, and the continuations are to be considered a part of the main sewer collection and main water distribution systems. However, no general, building or residential contractor state certified after 1973, shall act as, hold himself/herself out to be, or advertise himself/herself to be a roofing contractor unless he/she is certified or registered as a roofing contractor.

1.6.1.5. A general, building, or residential contractor, except as otherwise provided in this part, shall be responsible for any construction or alteration of a structural component of a building or structure, and any certified general contractor or certified underground utility and excavation contractor may perform clearing and grubbing, grading, excavation, and other site work for any construction project in the state. Any certified building contractor or certified residential contractor may perform clearing and grubbing, grading, excavation, and other site work for any construction project in this state, limited to the lot on which any specific building is located.

1.6.1.6. A general contractor shall not be required to subcontract structural swimming pool work.

1.6.2. Subcontracting; Subcontractors. A contractor shall subcontract the electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air conditioning work for which a local examination for a Certificate of Competency or a license is required, unless such contractor holds a Certificate of Competency or license of the respective trade category, as required by the appropriate local authority.

1.6.2.1. Sheet Metal Contractor requires twenty-four (24) months experience and a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business

and law test and means any person whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, when not prohibited by law, of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems including the setting of air-handling equipment and reinforcement of same and including the balancing of air-handling systems and any duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system. This definition and qualifications does not include roofing. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.2.2. Roofing Contractor requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing and roof waterproofing and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof.

1.6.2.3. Mechanical Contractor requires forty-eight (48) months experience as a licensed Journeyman or equivalent, a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith; and any duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system; and to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and natural gas fuel lines within buildings; to disconnect or reconnect power and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct

connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.2.4. Class A Air Conditioning Contractor requires thirty-six (36) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air distribution system, boiler and unfired pressure vessel systems and all appurtenances, apparatus, or equipment used in connection therewith; and any duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to disconnect or reconnect power wiring and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring on the line side of the disconnect switch. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.2.5. Class B Air Conditioning Contractor requires thirty-six (36) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose services are limited to twenty-five (25) tons of cooling and five hundred thousand (500,000) BTU of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the

contractor as is necessary to make complete an air distribution system being installed under this classification; and any duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to disconnect or reconnect power wiring and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring on the line side of the disconnect switch. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.2.6. Class C Air Conditioning Contractor requires twenty-four (24) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems he/she is servicing, which may include duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.2.6.1. Journeyman Air Conditioning License Holder requires four (4) years as apprentice, a passing grade on a ~~six (6) hour~~ an approved test, and means those qualified to perform work in the Air Conditioning Trade while employed or supervised by an air conditioning or mechanical contractor. This provision does not apply to any individual who then holds a valid, active journeyman's license in the mechanical trade and that license was issued by any Florida County or Florida Municipality when that licensee complied with all reciprocity criteria of Section 489.1455, *Florida Statutes*.

1.6.2.7. Commercial Pool/Spa Contractor requires thirty-six (36) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of

all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

1.6.2.8. Residential Pool/Spa Contractor requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

1.6.2.8.1. Non-Recreational Pond Waterfall Fountain Contractor requires twenty-four (24) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means any person whose scope of work is limited to the construction of non-recreational ponds, waterfalls and/or fountains. However, the scope of such work does not include direct connections to a sanitary sewer system, potable water lines, or to any electrical installation.

1.6.2.9. Swimming Pool/Spa Servicing/Repair Contractor requires 24 months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~

business and law test and means a contractor whose scope of work involves, but is not limited to, the repair and servicing of any swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of any repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

1.6.2.9.1. Swimming Pool/Spa Servicing Contractor requires twenty-four (24) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means any person whose scope of work includes servicing or water treatment of any public or private swimming pool, hot tub or spa, and, subject to Section 487.0437, *Florida Statutes*, may include direct infusion of chlorine gas. These contractors may disassemble equipment permanently attached to or associated with the respective pool or spa for the purpose of water treatment or cleaning the pool or spa.

1.6.2.10. Journeyman Plumber License Holder requires (4) years as apprentice, a passing grade on a ~~six (6) hour~~ an approved test, and means those qualified to perform work in the plumbing trades while employed or supervised by a plumbing contractor. This provision does not apply to any individual who then holds a valid, active journeyman's license in the plumbing trade and that license was issued by any Florida County or Florida Municipality when that licensee complied with all reciprocity criteria of Section 489.1455, *Florida Statutes*.

1.6.2.11. Plumbing Contractor requires twenty-four (24) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or when not prohibited by law, design plumbing. A

plumbing contractor may install, maintain, repair, alter, extend, or, when not prohibited by law, design the following without obtaining any additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities; venting systems; public or private water supply systems; septic tanks; drainage and supply wells; swimming pool piping; irrigation systems; or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas (~~excluding liquid petroleum gases~~), and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, when not prohibited by law, and installation, maintenance, repair, alteration, or extensions of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers to the extent authorized by applicable law; ink and chemical lines; fuel oil and gasoline piping, except bulk storage plants; and pneumatic control piping systems, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor shall apply to private property and public property, shall include any excavation work incidental thereto, and shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified herein as being the work of a trade other than that of a plumbing contractor. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.2.11.1. Journeyman Electrician requires four (4) years as an apprentice, a passing grade on a ~~six (6) hour~~ an approved test, and means those persons qualified to perform work in the electrical trades while employed or supervised by an electrical contractor. This provision does not apply to any individual who then holds a valid, active journeyman's license in the electrical trade and that license was issued by any Florida County or Florida Municipality when that licensee complied with all reciprocity criteria of Section 489.5335, *Florida Statutes*.

1.6.2.12. Electrical Contractor requires twenty-four (24) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means a person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways (including alarm system raceways if the contractor is then registered with the State), conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical contracting under an express or

implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting. The term electrical contractor does not qualify any person, firm or corporation for the installation of fire alarms which requires a separate state license. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.3. Specialty Contractor means any person who assumes responsible charge and direction in the performance of construction work requiring special skills, and whose principle contracting business involves the use of specialized building trades and crafts usually a minor part of a complete structure. Available categories of Specialty Contractors and their requirements are:

1.6.3.1. Acoustical Contractor requires twenty-four (24) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to install, maintain, repair, and alter acoustical materials. The scope of work permitted under this classification shall include, but not be limited to, the installation of grid work used to support acoustical panels, including luminous ceiling panels.

1.6.3.2. Aluminum Contractor Including Concrete requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to fabricate, install, maintain, repair, alter, or extend accessories such as metal and vinyl siding, awnings, security shutters, gutters, soffits and prefabricated rooms and portable metal or vinyl partitions. These contractors may form, place on grade reinforcing steel and miscellaneous steel, and pour, place, and finish non-structural concrete on grade only, incidental to an aluminum accessory structure and or screen enclosures.

1.6.3.3. Aluminum Contractor requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to fabricate, install, maintain, repair, alter, or extend accessories such as metal and vinyl siding, awnings, security shutters, gutters, soffits and prefabricated rooms, screen enclosures, and portable metal or vinyl partitions.

1.6.3.4. Alarm System Contractor requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation.

a. Alarm System Contractor I means an alarm system contractor whose business includes all types of alarm systems for all purposes.

b. Alarm System Contractor II means an alarm system contractor whose business includes all types of alarm systems other than fire, for all purposes.

c. Alarm System means any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.

d. Burglar Alarm Contractor means an alarm system contractor whose business is limited to the installation of burglar alarms in single-family homes and two-family homes, mobile homes, and small commercial buildings having a square footage of not more than 5,000 square feet.

1.6.3.5. Cabinet Installation Contractor requires twenty-four (24) months experience with passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to manufacture, assemble, install, dismantle, maintain, adjust, alter, extend, and design cabinets and millwork. The scope of permitted work shall include, but not be limited to kitchen cabinets, bathroom vanities, accessory cabinets, counter tops, office furniture, and millwork items which have been manufactured for installation on job site locations.

1.6.3.6. Carpentry Contractor requires thirty-six (36) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who have the knowledge and skill to install any wood and metal products including, but not limited to, rough framing, wood structural wood and metal non-structural trusses, sheathing, paneling, trim, metal framing, and cabinetry. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.3.7. Garage doors Installation Contractor requires twelve (12) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to install, repair, adjust or extend garage doors.

1.6.3.8. Commercial Cooking Equipment Exhaust Hood Installation Contractor means any person who possesses a valid license as an Air Conditioning Contractor, Class A or B; a Sheet Metal Contractor; or a Mechanical Contractor; and who is qualified to install exhaust hoods, duct work, replacement air, exhaust fans, and grease filters. If any hood which is to be installed includes a fire suppression system, the contractor shall be certified by the Florida State Fire Marshal's office.

1.6.3.9. Concrete Forming and Placing Contractor requires thirty-six (36) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to batch and mix aggregates, cement, and water to agreed specifications, to construct forms and framework for the casting and

shaping of concrete to place miscellaneous embedded steel and to pour, place, and finish concrete. This category does not include the plastering of the interior of a pool.

1.6.3.10. Concrete Placing and Finishing Contractor requires thirty-six (36) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to pour place and finish concrete flat work (floors, slab on grade, sidewalks, etc.) including placement of mesh reinforcement, plastic vapor barriers and edge forms incidental thereto. This category does not include the plastering of the interior of a pool.

1.6.3.11. Concrete Contractor (restricted to pneumatically placed concrete) requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to use and maintain pressure equipment, mix material and apply according to building codes.

1.6.3.12. Decorative Metal Contractor requires twenty-four (24) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to fabricate and install decorative metal fixtures; such work should be decorative in nature and non-structural in function; the materials used in the manufacturing and installation of said products may be of ferrous or non-ferrous materials.

1.6.3.13. Demolition or Wrecking Contractor requires thirty-six (36) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to demolish structures such as dwellings, commercial buildings, and foundations and to remove debris. The use of blasting and explosives is not permitted under this category.

1.6.3.14. Dredging Contractor requires thirty-six (36) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to operate hydraulic dredging equipment which digs and removes material by pump and which deposits the pumped material at a fill location in one operation.

1.6.3.15. Drywall Contractor requires thirty-six (36) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to install gypsum drywall products to wood and metal studs, wood and steel joists, and metal runners in buildings of unlimited area and height. The scope of work shall include the preparation of the surface over which the drywall product is to be applied, including the placing of metal studs and runners and all necessary drywall preparation trim and shall include the placement of fire safing and fire stopping materials as part of the overall drywall contract.

1.6.3.16. Hurricane Shutter/Awning Contractor requires twenty-four (24) months experience with a passing grade on a ~~one (1) hour~~ an approved hurricane shutter installer test and a passing grade on a ~~two (2) hour~~ business and law test, and means, those who are qualified to install, maintain, repair or replace shutters and awnings that are designed to protect residential and commercial buildings from hurricane and storm force winds and windborne debris all in accordance with Collier County amendments to the Applicable Building Code, as amended from time to time. Any electrical work connected with the installation of the shutters or awnings must be done by a licensed electrical contractor. Only nonstructural adjustments to existing openings may be performed as part of the work. Contractors who hold current Collier County Aluminum Contractor Including Concrete or Aluminum license on the effective date of this amendment are not required to pass this test, but must apply for this Certificate not later than one (1) year from the effective date of this amendment.

1.6.3.17. Epoxy Stone Contractor requires twenty-four (24) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to batch and mix aggregates, epoxy, hardener, and gravel to specifications or to construct forms and framework for the casting and shaping of epoxy and aggregate, or to pour, place and finish over concrete base.

1.6.3.18. Excavation Contractor requires thirty-six (36) months experience and a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to excavate to obtain or remove materials such as rock, gravel and sand; to construct or excavate canals, lakes and levees, including the cleaning of land of surface debris and vegetation as well as the grubbing of roots; and to remove debris and level surface land incidental and necessary thereto in compliance with all environmental laws, the Building Code, and other applicable codes and regulations. Minor excavations, such as footings, backfill without compaction, and similar activities are exempt hereunder.

NOTE: The use of explosives is not included in this category.

1.6.3.19. Fence Erection Contractor requires twenty-four (24) months experience and a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to install, maintain or repair fencing or decorative prefabricated walls on grade.

1.6.3.20. Floor Coverings Installation Contractor requires twenty-four (24) months experience installing the specific product and a passing grade on a ~~two (2) hour~~ an approved business and law test and means any person who is qualified to install carpet, sheet vinyl and/or all types of wood flooring. This category does not include, tile, marble, or terrazzo.

1.6.3.21. Gasoline Tank and Pump Contractor requires forty-eight (48) months experience and a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to install, maintain, repair,

alter, or extend any above ground system used for the storing and dispensing of gasoline, kerosene, diesel oils and similar liquid hydrocarbon fuels or mixtures (not to include pollutant storage).

1.6.3.22. Glass and Glazing Contractor requires twenty-four (24) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those who are qualified to select, cut, assemble, and install all makes and kinds of glass and glass work, and execute the glazing frames, panels, sash and door and holding metal frames, ornamental decorations, mirrors, tub, shower enclosures, and portable partitions. The scope of work shall include the installation of hurricane shutters or devices that are integral with the window system.

1.6.3.23. Insulation Contractor.

a. All types except buildings - requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those who are qualified to install, maintain, repair, alter, or extend any insulation primarily installed to prevent loss or gain of heat, from internal or external sources on pipes, vessels, ducts, fire stopping materials, sprayed-on fire resistive materials, or built-up refrigerated boxes or rooms, and acoustical materials.

b. Buildings - requires twenty-four (24) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a ~~two (2) hour~~ business and law test, and means those who are qualified to install, maintain, repair, alter, or extend any insulation primarily installed to prevent loss or gain of heat from rooms or buildings.

1.6.3.24. Irrigation Sprinkler Contractor requires twenty-four (24) months experience and a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to install, maintain, repair, alter or extend all piping and sprinkler heads used for irrigation, including any required connections to a water pump; however, such work does not include direct connection to potable water lines.

1.6.3.25. Landscaping Contractor requires twelve (12) months experience and a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to install and/or remove trees, shrubs, sod, decorative stone and/or rocks, timber and plant materials, and concrete paving units for sidewalks, patios and decks only, whether or not incidental to landscaping, prepackaged fountains, or waterfalls, provided same does not include connection to a sanitary sewer system, potable water line, or to any electrical installation, which tasks must be performed by tradesmen licensed in the relevant trade. Landscape Contractors may contract for only removal and/or trimming of trees and/or any other combination of the authorized services.

All new applicants applying for landscaping license are required to obtain a passing grade on an approved exam pertaining to pruning and safety, in addition to the business and law exam.

1.6.3.26. Liquefied Petroleum Gas Installation Contractor means any person qualified and licensed pursuant to Chapter 527, Florida Statutes, to install apparatus, piping and tubing, and appliances and equipment necessary for storing and converting liquefied petroleum gas into flame for light, heat, and power. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

1.6.3.27. Marine, Seawall, and Dock Construction Contractor requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those who are qualified to build and install bulkheads, revetments, docks, piers, wharves, groins, boathouses, lifts and davits, and to do pile driving. Electrical service and wiring must be provided by a licensed electrical contractor.

1.6.3.28. Masonry Contractor requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to select, cut, and lay brick and concrete block or any other unit masonry products, lay other baked clay products, rough cut and dress stone, artificial stone and precast blocks, glass brick or block, but who shall not pour or finish concrete.

1.6.3.29. Paving Blocks Contractor. Requires twenty-four (24) months experience in the respective construction plus a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those persons who are qualified to construct driveways, sidewalks, patios and decks, using concrete paving units.

1.6.3.30. Painting Contractor requires twenty-four (24) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to use spraying equipment as well as hand tools to finish both exterior and interior work. A painting contractor may do paperhanging, sandblasting, waterproofing, and may clean and paint roofs.

1.6.3.31. Paving Contractor (commercial or unlimited) requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those who are qualified with the experience and skill to construct roads, airport runways and aprons, parking lots, sidewalks, curbs and gutters, storm drainage facilities, and to perform the excavating, clearing, and grading incidental thereto.

1.6.3.32. Plastering and Stucco Contractor requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those who are qualified to coat surfaces, including lathing and drywall, with a mixture of sand or other aggregate gypsum plaster, Portland cement or quicklime and water, or any combination of such materials such as to create a permanent surface coating. This category does not include the plastering of the interior of a pool.

1.6.3.33. Pollutant Storage Contractor means a contractor who installs a pollutant storage tank. Said contractor must have a State Pollutant Storage License. A County Certificate of Competency is not available for this category.

1.6.3.34. Reinforced Steel Contractor requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those who are qualified to fabricate, place, and tie steel reinforcing bars (rods) of any profile, perimeter, or cross-section, that are or may be used to reinforce concrete buildings and structures in such a manner that, under all agreed specifications, steel reinforcing bars (rods) for concrete buildings and structures can be fabricated, placed, and tied.

1.6.3.35. Roof Coating, Roof Painting, and Roof Cleaning Contractor requires twenty-four (24) months experience, a passing grade on a ~~two (2) hour~~ business and law test, and means any person who is qualified to clean, paint or coat a roof by means of pressure-operated equipment, hand application or otherwise. This category does not include roof repair.

1.6.3.36. Sandblasting Contractor requires twenty-four (24) months experience, a passing grade on a ~~two (2) hour~~ business and law test, and means any person who is qualified to operate a sandblasting machine.

1.6.3.37. Satellite Dish Installation Contractor requires twenty-four (24) months experience, a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to erect, install, maintain, repair, alter or design, where not prohibited by law, any satellite dish provided all work is performed in accordance with applicable Collier County or City Ordinances. If installation includes a concrete base, the base shall be limited in size to two cubic yards of concrete.

1.6.3.38. Sealing and Striping Contractor requires twenty-four (24) months experience, a passing grade on a ~~two (2) hour~~ business and law test, and means those who are qualified with the experience and skill to seal or stripe driveways, parking lots, sidewalks, and patios. The scope of work shall include asphalt patching incidental to sealing up to twenty (20) square feet per patch in a manner that does not use a mechanical spreader or paver.

1.6.3.39. Exterior Covering by Artificial Stucco System Contractor. Applicable to exterior insulation and finish systems (EIFS), exterior one coat stucco systems, and exterior dry stock block wall systems whenever the specific system requires its own certification (approval) of the installer. EIFS includes, but is not limited to, the following registered trademarks/tradenames: SUREWALL, DRYVIT, PAREX EIFS, Vitricon energix, Senergy systems, TEC Ful-O-Mite systems, Pleko systems, Thoro's EIFS systems, and USG EIFS. The applicant must prove then current approval from an authorized representative of the specific system and must have a passing grade on a ~~two (2) hour~~ business and law exam.

1.6.3.40. Non-Electrical Sign Contractor requires twenty-four (24) months experience, a passing grade on a ~~two (2) hour~~ business and law test, and means any person who is qualified to erect, install, repair, alter, extend or change any non-electrical sign, provided all work is performed in accordance with applicable Collier County and City ordinances. This category does not include the construction of free-standing structural signs.

1.6.3.41. Electrical Sign Contractor requires twenty-four (24) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means any person who is qualified to install, repair, alter, manufacture, add to, or change any electrical wires, apparatus, raceways, conduit or any part thereof on electrical signs and is qualified to erect signs. Such contractor may contract for, and take out building permits for the erection of signs. The electrical service and wiring from the electrical service to the sign disconnect must be supplied by a licensed electrical contractor.

1.6.3.42. Solar Heater Installation Contractor requires twenty-four (24) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those who have the knowledge to install, alter, repair, or replace any solar hot water heating system for residences or for residential swimming pools, including collectors, storage and expansion tanks, heat exchangers, piping, valves, pumps, sensors and low voltage controls which connect to existing plumbing stub-outs and electrical disconnects.

1.6.3.43. Structural Steel Erection Contractor requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those who are qualified to erect structural steel shapes and plates, including such minor field fabrication as may be necessary, of any profile, perimeter or cross-section, that are or may be used as structural members for buildings and structures, and the erection of communication towers, including riveting, welding and rigging, only in connection therewith.

1.6.3.44. Structure Moving Contractor means persons who are required to be general, building or residential contractors, and who are qualified to lift and secure structures and transport said structures from one site to another, whether or not such transport is across public roads, including the proper placement of structures at a new location.

1.6.3.45. Tile and Marble Installation Contractor requires twenty-four (24) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means those persons who are qualified to set tile, marble and stone.

1.6.3.46. Tile, Marble and Terrazzo Installation Contractor requires twenty-four (24) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a

~~two (2) hour~~ business and law test, and means those persons who are qualified to mix, prepare, and finish terrazzo, prepare the base, and set tile, marble and stone.

1.6.3.47. Underground Utility and Excavation Contractor requires forty-eight (48) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test, and means contractors whose services are limited to the construction, installation, repair, on public or private property, whether accomplished through open excavation or other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, routing, and slip lining of main sanitary sewer collection systems, main water distribution systems, and storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multi-occupancy properties at manhole or "wye" lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. These contractors may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than two (2) inches in diameter, provided the conduit system is designed by a licensed professional engineer or by an authorized employee of a municipality, county, or public utility, and installation of such conduit shall not include installation of any conductor wiring or any connection to any energized electrical system. An underground utility contractor shall not install any piping that is an integral part of a fire protection system, as defined in Section 633.021(7), *Florida Statutes*, beginning at the point where the piping is used exclusively for such system.

1.6.3.48. Tree Removal and Trimming Contractor requires twelve (12) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to trim and remove trees and stumps.

All new applicants applying for tree service license are required to obtain a passing grade on an approved exam pertaining to tree pruning and safety, in addition to the business and law exam.

1.6.4. Contractor Licensing Supervisor means the individual who oversees contractor licensing and its investigations or presents complaints regarding licensed contractors in Collier County, Florida. This individual holds office in the Building Review and Permitting Department of the Community Development and Environmental Services Division of Collier County Government.

1.6.5. Employee means any person who works for and is under the supervision and control of a licensee, provided that said employee does not hold himself out for hire or engage in

contracting except as an employee. For the purposes of this Ordinance, indicia of an employment relationship shall include the employer's regular payment of wages and compensation, F.I.C.A. deductions, tax withholding and provision of Workers' Compensation to the employee by the employer, all as prescribed by law.

1.6.6. Person means a human being or a legal business organization.

1.6.7. "Contracting" means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (3) which define types of contractors. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure. However, the term "contracting" shall not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell or sells completed residences on property on which the individual or business entity has any legal or equitable interest, if the services of a qualified contractor certified or registered pursuant to the requirements of this chapter have been or will be retained for the purpose of constructing such residences.

1.6.8. "Business organization" means any partnership, corporation, business trust, joint venture, or other legal entity which engages or offers to engage in the business of contracting or acts as a contractor as defined in this section.

1.6.9. "Primary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the contracting activities of the business organization with which he is connected; who has the responsibility to supervise, direct, manage, and control construction activities on a job for which he has obtained the building permit and for financial matters, both for the organization and in general and for each specific job; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part, as attested by the department.

1.6.10. "Secondary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control construction activities on a job for which he has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination as provided in this part, as attested by the department.

1.7. Stop-Work Orders.

If it should become known to the Contractor Licensing Supervisor that a construction project and/or contracting in Collier County or the City is being undertaken by uncertified or nonexempt persons, the Contractor Licensing Supervisor, or his/her designee, shall place a stop-work order

on the relevant portion of said project until such time as a certified contractor assumes supervision of the construction project. Any uncertified and nonexempt person resuming construction prior to the removal of the stop-work order by the Contractor Licensing Supervisor shall be in violation of this Ordinance.

1.8. Experience Requirements.

As a prerequisite to, and as a requirement for, the issuance of a Collier County/City Certificate of Competency, an applicant shall submit satisfactory evidence of experience in the trade for which he/she desires certification.

- a. Contractors' experience shall be in that particular trade, with at least one (1) year of said experience being as a supervisor.
- b. Masters' experience shall be as journeymen.
- c. Journeymen's experience shall be as apprentices or trainees, having completed an apprenticeship program registered with the Department of Labor and Employment Security and demonstrates 4 years verifiable practical experience in those particular trades, or demonstrates 6 years verifiable practical experience in those particular trades, except as may be authorized by apprentice programs approved by the Bureau of Apprenticeship, Division of Labor, Employment and Training of the Department of Labor and Employment Security, which are hereby incorporated by reference as the required apprentice experience.

1.8.1. To determine if the applicant possesses the experience required by this Ordinance, the Contractor Licensing Board Supervisor or his/her designee shall consider the following forms of proof of experience:

- a. Affidavits from former employers with specifics as to the number of years of experience, work performed and any other relevant information;
- b. Copies of other certificates of competency, if any, held by the applicant in other counties or cities;
- c. Affidavits from any building director in locations where the applicant has worked;
- d. Affidavits from any union organization of which the applicant has been a member relating to the trade for which the applicant has made application;
- e. Affidavits from any other source within the trade applied for.

1.8.2. Education at an accredited school may be presented to satisfy a portion of the experience requirements of this Section. Specifically, each full year of school-level work in the trade for which application is made shall be credited to the applicant as .75 years experience, but such credit shall be for no more than one-half of the total experience required by this Ordinance.

PART TWO: CERTIFICATES OF COMPETENCY - PROCEDURE.

2.1. Applications - General.

2.1.1. Any person or business organization desiring to obtain a Certificate of Competency shall make application under oath for such Certificate and shall submit such information as is required by this Ordinance.

2.1.2. Should the applicant be a business organization, the application shall be executed by a legally authorized and empowered representative of business organization who shall show his authority to so act on the application. In addition, the application shall name a qualifying agent authorized to act on behalf of the firm in all subsequent proceedings, showing his authority:

a. To act for the firm in all matters and in any manner connected with the contracting business; and

b. To supervise the construction under the Certificate of Competency issued to the applicant.

2.1.3. A qualifying agent may qualify no more than one firm, practicing the same trade, without prior approval of the Contractors' Licensing Board, and in no event more than two firms at the same time.

2.1.4. No application shall be considered unless the applicant supplies all information as required by this Ordinance.

2.1.5. The Board of County Commissioners shall establish and adopt, by Resolution, a schedule of fees and charges for applications for Certificates of Competency, renewals, late fees and other charges, if applicable, pertaining to this Ordinance. It is the intent of these regulations that the County shall not be required to bear any part of the cost of applications made under this Ordinance. The schedule of fees and charges shall be posted in the office of the Building Review and Permitting Department of the Community Development and Environmental Services Division of Collier County Government and the City's Building and Zoning Division (Department), and the resolution establishing such fees shall be on file with the City's Clerk and the Clerk to the Board. The schedule of fees and charges may be changed in accordance with standard resolution adoption and amendment procedures of the Board of County Commissioners and repeal or amendment of the schedule shall not be subject to the procedure otherwise necessary for amendment of this Ordinance. Current fees and charges are set forth in Resolution No. 87-108 and shall remain in effect until said Resolution is amended or superseded.

2.2. Contractor Application - Individual.

Any person desiring a Certificate of Competency shall submit the following information on forms provided by the Collier County Contractor Licensing Supervisor:

2.2.1. Name of applicant, date of birth, Social Security number and driver's license number;

2.2.2. Home address and telephone number;

2.2.3. Business address and telephone number. A contractor is required to maintain an office in Collier County or have an agent in Collier County for purposes of receiving notices pursuant to this Ordinance.

2.2.4. Name of applicant's business;

2.2.5. Applicant's proposed contracting business;

2.2.6. If applicable, verification that applicant has properly registered under the fictitious name statutes;

2.2.7. Type of Certificate of Competency for which application is being made;

2.2.8. A complete list of all outstanding debts related to the applicant's contracting business which the applicant has not paid or refuses to pay and a statement of the reasons for nonpayment;

2.2.9. Names and telephone numbers of two persons who will always know the applicant's whereabouts;

2.2.10. A statement whether the applicant has ever been convicted of a crime related to contracting and any crime of moral turpitude;

2.2.11. Applicant's business or work experience during the past ten years;

2.2.12. Any formal training in the area of competency for which application is made;

2.2.13. In addition to the aforementioned information, the applicant shall attach or submit the following information:

a. A credit report compiled by a nationally recognized credit agency that reflects the financial responsibility of the applicant;

b. Affidavits as to the applicant's honesty, integrity, good business reputation and competence in the trade category for which application for a Collier County/City Certificate of Competency has been made. Said affidavits shall be in substantially the form issued by the Collier County Contractor Licensing Supervisor or his/her designee;

c. Scores on the examination applicable to the license applied for, including the area of competency tested, the date of testing and the place of testing. Said examination shall have been administered by a testing agency recognized and approved throughout the State of Florida as provided for in Section 2.6 of this Ordinance.

2.3. Contractor Applications - Business Organizations.

If the applicant proposes to engage in contracting as a partnership, corporation, business trust, or other legal entity, the applicant shall apply through a qualifying agent and comply with all requirements and responsibilities contained in Sections 489.119 and 489.1195, Florida Statutes.

Any business organization desiring a Certificate of Competency in Collier County shall submit the following information on forms provided by the Collier County Contractor Licensing Supervisor.

2.3.1. Business organization name;

2.3.2. Business address and telephone number. A business organization must have an office in Collier County or have an agent in Collier County for purposes of receiving notices pursuant to this Ordinance.

2.3.3. Qualifying agent;

2.3.4. Proposed contracting business;

2.3.5. Type of Certificate of Competency for which application is made;

2.3.6. Names and addresses of all partners, directors and officers;

2.3.7. Where applicable, a copy of a certificate of incorporation or proof of recorded fictitious name;

2.3.8. A list of all contracting businesses owned by the business organization during the last five years;

2.3.9. A credit report from a nationally recognized credit agency if the business organization has been in existence for more than one (1) year. If the business organization has been in existence for less than one (1) year, a credit report on every business organization in which the Applicant/Qualifier was an agent is required. If neither of the above is applicable a personal credit report on the applicant/qualifier is required.

2.3.10. A complete list of all outstanding debts related to the business organization's contracting business which the business organization has not paid or refuses to pay and a statement of the reasons for nonpayment;

2.3.11. The signature of an authorized officer of the business organization;

2.3.12. Qualifier information:

- a. The name of the qualifying agent and date of birth;
- b. The name of the business organization to be qualified;
- c. Type of Certificate of Competency for which application is made;
- d. The home address of the qualifying agent;
- e. The names and telephone numbers of two persons who will always know the qualifying agent's whereabouts;
- f. Scores on any approved examination; including the area of competency tested, the date of testing and the place of testing;
- g. Affidavits as to the qualifier's honesty, integrity, good business reputation and competence in the trade category for which application for a Collier County/City Certificate of Competency has been made;

- h. A statement whether the qualifying agent has ever been convicted of a crime related to contracting and any crime of moral turpitude;
- i. A complete list of all outstanding debts related to the qualifying agent's contracting business which the qualifying agent has not paid or refuses to pay and a statement of the reasons for nonpayment;
- j. A statement of the qualifying agent's business and work experience during the previous five years;
- k. A statement of any formal training possessed by the qualifying agent in the trade category for which application is made for a competency card;
- l. Proof that the qualifying agent is legally qualified to act for the business organization in all matters connected with its contracting business and that said qualifying agent has the authority to supervise construction undertaken by such business organization. Proof that a qualifying agent is legally qualified to act for the business organization includes, but is not limited to, authority to sign checks for the business organization, training and supervision of employees, hiring and firing of employees or other actions indicating active involvement in the business organization.

2.4. Master or Journeyman Applications.

- a. The name of the applicant and date of birth;
- b. Home address and telephone number;
- c. Business address and telephone number;
- d. Type of Certificate of Competency for which application is being made;
- e. The names and telephone numbers of two persons who will always know the applicant's whereabouts;
- f. Scores on any approved examination, including the area of competency tested, the date of testing and the place of testing. Prior to taking the tests required by this Ordinance, an applicant must provide verification that he or she has complied with the experience requirements.
- g. A statement of the applicant's business or work experience during the past ten years;
- h. A statement of any formal training in the trade categories for which application is made for a competency card.

2.5. Standards for the Issuance or Denial of a Certificate of Competency.

2.5.1. Contractors.

The Contractor Licensing Supervisor or his/her designee, shall issue a Certificate of Competency to the applicant if it appears, on the face of the application, as submitted by the applicant, that:

- a. The application is complete in accordance with the requirements of this Ordinance;
- b. The applicant possesses the experience required by Sections 1.6 and 1.8 of this Ordinance;
- c. The credit report submitted indicates no facts and circumstances which show a failure to pay contracting related bills promptly;
- d. The applicant or qualifier meets the requirements for financial responsibility set forth in Rules 61G4-15.005 and 61G4-15.006, Florida Administrative Code, as they may be amended from time to time;
- e. The applicant meets one of the following criteria:
 - 1) The applicant has taken and passed an examination approved and recognized throughout the State of Florida, as provided for in Section 2.6 of this Ordinance, for the area of competency for which application has been made, or
 - 2) The applicant meets all licensing requirements provided for by this Ordinance.
- f. All required affidavits have been submitted;
- g. All required fees have been paid;
- h. The applicant possesses a current Collier County occupational license; and
- i. The applicant or the qualifying agent is at least 18 years of age.

2.5.2. Referral of Application to Contractors' Licensing Board for Decision.

If it does not appear on the face of the application that the applicant has complied with the requirements of this Ordinance so as to be eligible for a Certificate of Competency, then the Contractor Licensing Supervisor shall refer the application to the Contractors' Licensing Board for a decision regarding approval or denial of the application.

2.5.3. When an application is referred to the Contractors' Licensing Board, the Board shall take testimony from the applicant and shall consider other relevant evidence regarding whether the application meets the requirements of this Ordinance. Upon the evidence presented by the applicant and the Contractor Licensing Supervisor, the Contractors' Licensing Board shall determine whether the applicant is qualified or unqualified for the trade in which application has been made. Findings of fact and conclusions of law regarding the approval or denial of the application shall be made by the Contractors' Licensing Board. The Board may consider the applicant's relevant recent experience in the specific trade and based upon such experience may waive testing requirements if convinced that the applicant is qualified by experience whereby such competency testing would be superfluous.

2.5.3.1. If the Contractors' Licensing Board determines that an applicant is qualified for a particular type of Certificate of Competency, a competency card shall be issued by the Contractor Licensing Supervisor or his/her designee.

2.5.4. Additional Requirements.

In addition to the foregoing requirements, each applicant shall submit the following information as a prerequisite to the issuance of a Collier County competency card:

2.5.4.1. The applicant's state registration number or a statement that the applicant has made application for a state registration number (anyone not required to have a state registration number by Chapter 489, Florida Statutes, is exempted from this Subsection);

2.5.4.2. The applicants' individual or business organization's United States Internal Revenue Tax number;

2.5.4.3. Proof of insurance as required by Section 2.8 of this Ordinance;

2.5.4.4. A statement that the applicant has or will comply with all Workers' Compensation laws of the State of Florida prior to contracting in the City and in Collier County;

2.5.4.5. Where applicable, a statement that the applicant has registered his fictitious name with the Florida Department of State, Fictitious Name Filing Section, as required by Section 865.09, Florida Statutes;

2.5.4.6. When a Certificate of Competency is issued in the name of a business organization, the certificate shall be in the name of the business organization and the name of the qualifying agent shall be noted thereon. The requirements of this Section shall be deemed to be a portion of the application and any false statement made by an applicant as to information required by this Section shall be grounds for discipline as provided for in Section 4.3 of this Ordinance.

2.6. Approved Examiners.

The approved examiners for the purpose of administering proctored exams as required by this Ordinance ~~are is~~ “Experior”, 2100 N. W. 53rd Avenue, Gainesville, Florida, 32653, and any other testing agency with ~~comparable~~ testing standards recognized and approved throughout the State of Florida and also approved by the Collier County Contractors' Licensing Board.

2.7. Examinations.

A minimum passing grade of 75% shall be required on all examinations. Examinations shall be specific to the trade category for which application for a Certificate of Competency has been made. Said examinations shall be proctored and graded by a testing agency meeting all the requirements of Section 2.6 of this Ordinance. When a Certificate of Competency becomes void pursuant to Section 1.4.9 herein, all previous examination scores shall be disregarded except when the most recent relevant examination was taken and passed within three (3) years of the date of receipt of the new application, pursuant to Chapter 489, *Florida Statutes.*

2.8. Insurance.

All licensed contractors shall maintain liability and other categories of insurance, as required by Florida law, at all times. Such insurance shall be with an insurance company authorized to do business in the State of Florida. The minimum limits of liability insurance required shall be not less than \$100,000 for bodily injury and \$25,000 for property damage or any higher minimums as required by Florida law. All licensed contractors shall maintain applicable Workers' Compensation insurance as required by Florida law and/or federal law, including, but not limited to, the provisions of the Federal Employers' Liability Act, the Longshoremen's & Harbor Workers' Compensation Act, the Defense Base Act, or the Jones' Act.

2.9. Dormant Status.

2.9.1. Any person or firm that holds a valid Collier County/City Certificate of Competency may place the Certificate of Competency on dormant status during which time said person or firm/entity shall not engage in contracting in Collier County, but may retain the certificate on a dormant status basis provided timely payment is made of an annual renewal fee as set forth in Section 2.1.5 of this Ordinance and applicable resolutions enacted by the Collier County Board of County Commissioners.

2.9.2. Persons or business organizations desiring to renew dormant certificate may do so by complying with the requirements of Section 1.4 of this Ordinance relating to renewals.

2.10. Restricted Certificates of Competency.

The Contractors' Licensing Supervisor or designee may issue a Restricted Certificate of Competency to an applicant for a certificate in a particular trade, which Certificate is restricted to certain aspects of that trade where the applicant has satisfactorily demonstrated that he/she is qualified under this Ordinance in certain aspects of that trade, but lacks the required experience in other aspect(s) of that trade. For example, an applicant for a Certificate as a Floor Covering Installation Contractor may have the required experience in laying carpets and/or tiles, but not wood flooring. Each staff level decision to restrict a Certificate shall be final unless reversed or modified by the CLB upon appeal by the certificate holder.

2.11. Emergency Restricted Certificates of Competency.

In the event of a declaration of a state of emergency in Collier County by the Collier County Board of County Commissioners or in the City by the City Council, in which substantial damage has occurred to buildings and structures so as to cause a shortage of available persons and firms/entities in the contracting trades for which there are Collier County/City Certificates of Competency, the Contractors' Licensing Board is hereby authorized to:

2.11.1. Declare an emergency contracting trade shortage of designated categories of contractors and/or sub-contractors listed in this Ordinance. This declaration shall be for a period of time not to exceed six (6) months.

2.11.2. Authorize the Contractor Licensing Supervisor to prepare and regulate the selection of contractors and/or sub-contractors from other jurisdictions whose licensing requirements are substantially comparable to those licensed in Collier County and issue temporary licenses to those contractors for a period of time not to exceed the declaration of emergency. The contractors selected must be licensed in jurisdictions whose testing and licensing requirements have been predetermined by the Contractors' Licensing Board to be substantially comparable to the Collier County requirements.

2.12. The County will provide active field supervision within the City of licensed and unlicensed activity through its investigation and citation authority.

2.12.1. The County shall be responsible for issuing licenses in accordance with this Ordinance to authorize contractors to work within the geographic boundaries of County and the City. The County shall collect the fees for those contractors licensed to work within the County and City.

2.13. Contractors who operate in Collier County shall maintain complete financial and business records for the immediately preceding 3 years at their licensed place of business. The business and financial records to be maintained shall include minutes of corporate meetings, business contacts, telephone records, insurance policies, letters of complaint, notices received from government entities, bank statements, canceled checks, records of accounts receivable and payable, financial statements, loan documents, tax returns, employee records and all other business and financial records the contractor maintains in the course of business. The contractor shall allow the Contracting Licensing Supervisor, or his designee, access to all documents referenced in this section upon demand and during normal business hours. Copies of any documents requested by the Contractor Licensing Supervisor, or his designee shall be provided by the Contractor upon payment of reasonable reproduction costs, which shall not exceed the Contractor's actual reproduction costs, by the Contractor Licensing Supervisor or his designee.

PART THREE: THE CONTRACTORS' LICENSING BOARD.

3.1. Composition.

3.1.1. The Contractors' Licensing Board, being Collier County's "local construction licensing board", is composed of nine (9) members who shall be appointed by the Board of County Commissioners. A minimum of two (2) of these members shall reside within corporate city limits or shall be recommended to the Board of County Commissioners by the City Council. The Board of County Commissioners may also appoint alternate members as it deems appropriate. Three (3) members of the CLB shall be consumer representative members. No such member shall be, or shall have ever been, a member or practitioner of any profession regulated by the CLB or any profession closely related to any such profession regulated by the CLB. The members of the CLB who are not consumer representative members should be either a licensed

architect, a licensed general contractor, a licensed engineer, a licensed electrical contractor, a licensed plumbing contractor, a licensed mechanical contractor, a licensed roofing contractor, a licensed residential, or a licensed building contractor. Except for consumer representative members, this provision is merely directory and failure to have members appointed from these trades shall not be grounds for voiding or otherwise affecting any action of the Board.

3.1.2. Collier County Ordinance No. 86-41, as now or hereafter amended (or any ordinance that is a successor in function thereto) shall be applicable to every member appointed or reappointed to the CLB after the effective date of this Ordinance, except the following: each initial full-term appointment of a member to the CLB shall be for a term of three (3) years.

3.2. Internal Operating Procedures.

3.2.1. The Contractors' Licensing Board shall elect a chairperson and vice chairperson from its membership.

3.2.2. Meetings.

3.2.2.1. The Contractors' Licensing Board shall hold at least four meetings per year.

3.2.2.2. Upon the request of the Contractor Licensing Supervisor, or his designee, or at such other times as may be necessary, the chairperson of the Contractors' Licensing Board (and, in his absence, the vice chairperson or, in the vice chairperson's absence, the temporary chairperson elected by majority vote of the members of the Contractors' Licensing Board) may call hearings of the Contractors' Licensing Board. Hearings may also be called by written notice signed by at least three (3) members of the Contractors' Licensing Board. At any hearing, the Contractors' Licensing Board may set a future hearing date. Minutes shall be kept of all meetings and hearings and all meetings and proceedings shall be open to the public.

3.2.2.3. Five members shall constitute a quorum for any meeting, and a majority vote of those present shall be required to make any decision.

3.2.2.4. The Collier County Board of County Commissioners shall provide such clerical and administrative personnel and legal services as may be reasonably required by the Contractors' Licensing Board for the proper performance of its duties.

3.2.2.5. The County Attorney, or his designee, shall either be counsel for the Contractors' Licensing Board or shall represent the County by presenting cases before the Contractors' Licensing Board, but in no case shall the County Attorney or his designee serve in both capacities for the same case or at the same time.

3.3. Duties and Powers of the Contractors' Licensing Board.

3.3.1. Upon reference by the Contractor Licensing Supervisor or petition by an applicant, the Board shall have the power to determine the qualifications of applicants for the various categories of contractors' Certificates of Competency as measured by standards stated in this Ordinance.

3.3.2. The Board shall have the power to hold hearings to determine if a contractor or a journeyman possessing a Collier County/City Certificate of Competency, or a State certified contractor doing business in Collier County, should be disciplined pursuant to Part Four of this Ordinance. It shall be the duty of the Contractor Licensing Supervisor to initiate disciplinary proceedings. No member of the Contractors' Licensing Board shall have the power to initiate disciplinary proceedings in his/her capacity as a member of the Contractors' Licensing Board.

3.3.3. The Contractors' Licensing Board shall have the power to adopt such policies, rules and regulations as it deems necessary to carry out the duties of the Board in accordance with the provisions and intent of this Ordinance. Said policies, rules and regulations, when and if reduced to writing, shall be filed with the Clerk to the Board of the Collier County Board of County Commissioners.

3.3.4. The Contractors' Licensing Board shall further have the power to:

- a. Hold hearings;
- b. Take testimony under oath;
- c. Adopt rules and regulations for the conduct of its hearings;
- d. Discipline contractors or journeymen holding Collier County/City Certificates of Competency or State certified contractors doing business in Collier County or the City pursuant to Part Four of this Ordinance;
- e. Issue decisions, findings of fact, conclusions of law, impose disciplinary sanctions, and issue orders to carry out the provisions of this Ordinance.

3.3.5. The Contractors' Licensing Board shall also have all other powers granted to said Board or otherwise by Florida law.

3.3.6. The Contractors' Licensing Board shall have the power to make recommendations to the Board of County Commission regarding amendments to this Ordinance and shall review amendments to the Ordinance proposed by County staff.

PART FOUR: STANDARDS OF CONDUCT AND DISCIPLINE.

4.1. Misconduct - Collier County/City Certificate of Competency

The following actions by a holder of a Collier County/City Certificate of Competency shall constitute misconduct and grounds for discipline pursuant to Section 4.3 of this Ordinance:

4.1.1. Knowingly combining or conspiring with an unlicensed contractor by allowing one's Certificate of Competency to be used by an unlicensed contractor with intent to evade the provisions of this Ordinance. When a licensed contractor acts as the qualifying agent for any firm without first making application under this Ordinance to represent said firm, such act shall constitute prima facie evidence of intent to evade the provisions of this Ordinance. When a certificate holder allows his certificate to be used by one or more companies without having any active participation in the operations, management, and control of such companies, such act

constitutes prima facie evidence of an intent to evade the provisions of this Ordinance. Active participation requires job site supervision, knowledge of and participation in the business operations of the company(s), including all contractual matters.

4.1.1.1. If any individual qualifying any business organization ceases to be affiliated with such business organization, he shall so inform the Board. In addition if such individual is the only certified individual affiliated with the business organization, the business organization shall notify the Board of the individual's termination and shall have no more than sixty (60) days from the date of termination of the individual's affiliation with the business organization in which to affiliate with another person certified under the provisions of this article. In any event, the business organization shall not enter into any new contracts and may not engage in any new contracting until such time as a qualifying agent is employed.

4.1.2. Contracting to do any work outside of the scope of his/her competency as listed on his/her competency card and as defined in this Ordinance or as restricted by the Contractors' Licensing Board.

4.1.3. Abandoning a construction project in which he/she is engaged or under contract as a contractor. A project may be presumed abandoned if the contractor terminates the project without just cause, or fails to notify the owner in writing of termination of the contract and basis for same, or fails to perform work for ninety (90) consecutive days without just cause and no said notice to the owner.

4.1.4. Diverting funds or property received for the execution of a specific contract project or operation or diverting funds earmarked for a specified purpose to any other use whatsoever.

4.1.5. Departing from or disregarding in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.

4.1.6. Disregards or violates, in the performance of his contracting business in Collier County, any of the building, safety, health, insurance or Workers' Compensation laws of the State of Florida or ordinances of this County.

4.1.7. Falsifying or misrepresenting any material fact in his application and supporting papers for the purpose of obtaining a Certificate of Competency under this Ordinance.

4.1.8. Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct includes, but is not limited to, any of the following:

4.1.8.1. The contractor fails to fulfill his/her contractual obligations to a customer because of inability, refusal or neglect to pay all creditors for material furnished or work or services performed in the operation of the business for which he/she is licensed, under any of the following circumstances:

a. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 30 days after the date of such liens;

b. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned;

c. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

4.1.8.2. The contractor's job been completed, and it is shown that the customer has incurred financial harm by having to seek a variance or other administrative remedy because of actions by the contractor.

4.1.9. Performing any act which assists a person or entity in engaging in the prohibited unlicensed practice of contracting, if the licensed contractor knows or should have known that the person or entity was unlicensed.

4.1.10. Failing to promptly correct faulty workmanship or promptly replace faulty materials installed contrary to the provisions of the construction contract. Faulty workmanship means work that is not commenced, not continued, or not completed in accordance with all specifications of the applicable written agreement. Faulty workmanship includes any material flaw(s) in the quality and/or quantity of the unfinished or finished work product, including any item that does not function properly as a part of the entire project. If there is no written agreement provision regarding the specific faulty workmanship issue, faulty workmanship exists if the work, process, product or part thereof does not meet generally accepted standards in Collier County in relation to the entire project. Faulty workmanship does not include matters of esthetics unless the esthetically related item clearly violates a written contract specification directly related thereto.

4.1.11. Failure to maintain at all times, with an insurance company authorized to do business in the State of Florida, the limits of liability and other categories of insurance as required by this Ordinance.

4.1.12. Failing to claim or refusing to accept certified mail directed to the contractor by the Contractors' Licensing Board, or its designee.

- 4.1.13. Failing to maintain a current mailing address.
- 4.1.14. Failing to appear in person or through a duly authorized representative at any scheduled hearing on a complaint filed against the contractor.
- 4.1.15. Being convicted or found guilty, regardless of adjudication, of a crime in Collier County which directly relates to the practice of contracting or the ability to practice contracting.
- 4.1.16. Allowing another to take a qualifying examination on the applicant's behalf.
- 4.1.17. Engaging in contracting business in Collier County or the City when prohibited from doing so by the Contractors' Licensing Board of Collier County.
- 4.1.18. Proceeding on any job without obtaining applicable permits or inspections from the City building and zoning division or the county building review and permitting department.
- 4.1.19. Failing in any material respect to comply with the provisions of this Ordinance as a contractor or as a qualifying agent for a business entity engaging in contracting.
- 4.1.20. Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for subcontracted work, labor, or materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that Workers' Compensation and public liability insurance are provided.
- 4.1.21. Failure of a qualifying agent for a firm/legal business entity to comply with the requirements set forth in Sections 489.119 and 489.1195, *Florida Statutes*.
- 4.1.22. Falsifying or misrepresenting any material fact to another person with the intent or for the purpose of engaging in the contracting business, providing materials or services, or soliciting business for an employer, as a contractor, or as an employee, regardless of any financial consideration.
- 4.1.23. Failing or refusing to provide proof of public liability and property damage insurance coverage and workers compensation insurance coverage.
- 4.1.24. Misconduct in the practice of contracting (See section 4.2, below).

4.2. Misconduct - State Certified Contractors

The following actions by State Certified Contractors shall constitute misconduct and grounds for discipline pursuant to Section 4.3 of this Ordinance.

- 4.2.1. Failing or refusing to provide proof of public liability and property damage insurance coverage and workers compensation insurance coverage as required by *Florida Statutes*.
- 4.2.2. Willfully violating the applicable building codes or laws of the state, City or Collier County.
- 4.2.3. If the CLB finds through its public hearing process that the contractor was found by another county or municipality within the past twelve (12) months, to have committed fraud or a willful building code violation and the CLB finds that such fraud or other willful violation

would have been fraud or a willful violation if committed in Collier County or within the respective City.

4.2.4. Fraud.

4.3. Disciplinary Proceedings, including Minor Violations.

4.3.1. There are three (3) categories of violations: (i) Violations of subsection 489.127(1), *Florida Statutes*; Violations of subsection 489.132(1), *Florida Statutes*; and (iii) other violations within the jurisdiction of the Contractor's Licensing Board.

a. Subsection 489.127(1), *Florida Statutes*, is incorporated herein. (Lack of required license, certificate, or registration). The following are designated to enforce subsection 489.127(1), *Florida Statutes*: Collier County Building Official, all License Compliance Officers, the Chief Building Inspector, Chief Electrical Inspector, Chief Plumbing/Mechanical, and/or other inspectors authorized from time-to-time by the Building Official. Procedures specified in this Ordinance shall apply except to the extent, if any, that Section 489.127 or Section 489.132, may require different procedure(s). The penalties for each uncontested violation of subsection 489.127(1) and/or 489.132(1), *Florida Statutes*, are three hundred dollars (\$300.00) for the first uncontested violation and five hundred dollars (\$500.00) for each subsequent uncontested violation by the same individual or entity. Penalties for contested violations of subsection 489.127(1), *Florida Statutes*, are as now or hereafter specified in Section 489.127, *Florida Statutes*. Penalties for contested violations of subsection 489.132(1), *Florida Statutes*, are as now or hereafter specified in Section 489.132, *Florida Statutes*. The Citation form attached hereto as exhibit "A" is approved, which form may be amended from time-to-time by Resolution of the Board of County Commissioners.

b. Minor Violations: The Contractor Licensing Supervisor or designee shall issue a "Notice of Noncompliance" as the County's first response to a minor violation of any provision of any regulatory law, including this Ordinance, when (i) it is reasonable for Staff to assume that the violator, at the time of violation, was not aware of the provision that was violated or it can be assumed that it was not clear to the violator how to comply with the violated provision; and (ii) that violation has not then resulted in economic harm or physical harm to any person; and (iii) the violation has neither adversely affected the public health, safety, or welfare, nor created any significant threat of any such adverse affect. The Notice of Noncompliance should identify the specific provision that was violated, should provide information on how to comply with that provision and should specify a reasonable time for full compliance. The Notice of Noncompliance shall not be accompanied with any immediate threat of any monetary fine or any other disciplinary penalty, but may specify that failure of the violator to correct the violation within the time specified in the Notice for Compliance may result in disciplinary proceedings. Each violation that is not a "minor" violation is a "major" violation.

c. Major Violations. The Contractor Licensing Supervisor, or his designee, may initiate disciplinary proceedings against a licensed contractor for major violations of this Ordinance by filing a sworn complaint with the Clerk to the Collier County Board of County Commissioners.

d. Failure of Non-State Certified Individual to Promptly Pay Penalty to County. The Collier County Building Department should not issue any permit or any other required authorization to any Collier County Certified individual who then has an obligation to pay a penalty to the County imposed with finality under this Ordinance for any violation of this Ordinance (including a citation that is not contested) and that individual has not paid that penalty in full by the applicable deadline date, plus reimbursement of the County's costs, such as recording fees and court costs. An appeal of uncontested citations stays all such withholdings.

e. Failure of Non-State Certified Individual to Meet Permit Conditions. The County's Building Department may withhold issuance of any further permit(s) or any other authorization(s) to any individual who, or entity that, has not then complied with any condition of all County-issued permit(s) issued to that individual or entity, including every follow-up inspection or any other act then capable of being complied with, although late in time.

f. Withholding Permit Pulling Privileges of State Certified Contractor. Before the CLB may withhold any permit pulling privilege(s) of a State Certified Contractor, the CLB, after public hearing, must find that the Contractor violated a provision of Section 4.2 of this Ordinance.

4.3.2. Any person who believes that a contractor holding a Certificate of Competency has violated this Ordinance may submit a sworn complaint to the Contractor Licensing Supervisor, or his/her designee. The complaint shall be in substantially the form prescribed by the Contractor Licensing Supervisor. ~~The complainant shall pay a fee of \$50.00, to defray the costs of administering the complaint, at the time of filing the complaint.~~ The complaining party shall state with particularity which section(s) of this Ordinance he or she believes has been violated by the contractor and the essential facts in support thereof.

4.3.3. Upon the submission of a sworn complaint, the Contractor Licensing Supervisor, or his/her designee, shall conduct a preliminary investigation and determine whether the complaint submitted warrants the filing of formal charges. If charges are warranted, the Contractor Licensing Supervisor, or his/her designee, shall file the complaint with the Clerk to the Collier County Board of County Commissioners and shall send, by certified mail, return receipt requested, a letter to the licensed contractor at his local address, or if applicable the local agent's address, as shown by the records of the Contractors' Licensing Board, enclosing a copy of the complaint and indicating:

- a. The name of the complainant;
- b. The date(s) of the commission of the alleged offense(s);

- c. The section(s) of this Ordinance alleged to have been violated;
- d. The range of disciplinary sanctions which may be imposed upon any contractor, pursuant to this Ordinance by the Contractors' Licensing Board in the event said Board finds a violation of this Ordinance to have occurred;
- e. The date, time and place at which the contractor shall appear before the Contractor's Licensing Board for a hearing regarding the complaint. The date scheduled shall not be sooner than twenty (20) days from the mailing date of the certified letter.

4.3.3.1. The notice of hearing required by this Section may, in the alternative, be accomplished by hand delivery of said notice to the contractor by the Contractor Licensing Supervisor, or his/her designee, or by leaving said notice at the contractor's business or usual place of residence with some person of his/her family over 15 years of age and informing such person of the contents of the notice.

4.3.3.2. As an alternative to providing notice as set forth above, at the option of the Contractor Licensing Supervisor, notice may be furnished to the contractor by publication as follows:

- a. Such notice shall be published once during each week for four (4) consecutive weeks (four publications being sufficient) in a newspaper of general circulation in Collier County. The newspaper shall meet such requirements as are prescribed under Chapter 50, *Florida Statutes*, for legal and official advertisements;

- b. Proof of publication shall be made as provided in Sections 50.041 and 50.051, *Florida Statutes*. Notice by publication may run concurrently with, or may follow an attempt or attempts to provide notice by hand delivery or by mail as required by this Section.

4.3.3.3. Although not required to prove that notice was provided, evidence that an attempt has been made to hand deliver or mail notice as provided in this Section, together with proof of publication as provided in Subsection 4.3.3.2, shall be sufficient to show that the notice of hearing requirements of this Section have been met, without regard to whether or not the alleged violator actually received such notice.

4.3.4. Conduct of Hearing.

4.3.4.1. A hearing shall be held concerning the complaint and it shall be open to the public.

4.3.4.2. The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript. Any party may have a court reporter present at the hearing at his/her own expense. Neither Collier County nor the Contractors' Licensing Board shall be responsible for any failure of recording equipment during the conduct of the hearing.

4.3.4.3. Each case before the Contractors' Licensing Board shall be presented by the County Attorney, an Assistant County Attorney, or by a member of the County staff. Regarding

matters under the jurisdiction of the Contractor's Licensing Board, the Building Official is authorized to issue subpoenas to the greatest extent then allowed by law, including Section 162.08, *Florida Statutes*.

4.3.4.4. Assuming proper notice of the hearing has been provided to the contractor, or was not received notwithstanding attempts to notify the contractor, as provided for in Section 4.3.3 of this Ordinance, a hearing may proceed in the absence of the contractor. Evidence regarding "notice" shall be received prior to receiving evidence on the merits of the case.

4.3.4.5. The Contractors' Licensing Board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The Contractors' Licensing Board shall hear testimony from the Contractor Licensing Supervisor, or his/her designee, from the contractor alleged to be in violation of this Ordinance, and from such other witnesses as may be called by the respective parties.

4.3.4.6. Formal rules of evidence shall not apply, but fundamental fairness and due process shall be observed and shall govern the proceedings. Irrelevant, immaterial or cumulative evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining any evidence but shall not be sufficient, by itself, to support a finding unless such hearsay would be admissible over objection in civil actions in court. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.

4.3.4.7. Any member of the Contractors' Licensing Board may question any witness before the Board. Each party to the proceedings shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine witnesses; to impeach any witness regardless of which party called the witness to testify and to rebut any evidence presented against the party.

4.3.4.8. The chairperson or, in his/her absence, the vice chairperson, shall have all powers necessary to conduct the proceedings at the hearing in a full, fair and impartial manner and to preserve order and decorum.

4.3.4.9. At the conclusion of the hearing, the Contractors' Licensing Board shall issue findings of fact based on evidence of record and conclusions of law; impose disciplinary sanctions, if warranted; and shall issue whatever order is necessary and proper to dispose of the complaint in accordance with this Ordinance and Florida law. Said findings of fact, conclusions of law, disciplinary sanctions, if any, and any related order shall constitute the decision of the Contractors' Licensing Board on the case heard before the Board.

4.3.4.10. The decision of the Contractors' Licensing Board shall be stated orally at the hearing and shall be reduced to writing and mailed to the parties within 30 days after the

hearing. The findings of fact and conclusions of law, disciplinary sanctions, if any, and any related order shall be made by motion approved by a majority of the members of the Contractors' Licensing Board who are present and voting. The decision of the Board shall be effective upon being stated orally at the hearing, unless the Board orders otherwise. The decision of the Board shall be filed with the Clerk to the Collier County Board of County Commissioners promptly after said decision is reduced to writing.

4.3.4.11. Should the Contractors' Licensing Board be unable to issue a decision immediately following any hearing because of questions of law or other matters of such nature that a decision cannot be immediately made, the Board may withhold issuing its decision until a subsequent meeting. In such case, further discussion of the pending matter and all deliberations relating thereto by members of the Contractors' Licensing Board shall take place only at a public meeting of the Board. The Board shall thereafter issue its decision pursuant to Subsections 4.3.4.9 and 4.3.4.10 of this Ordinance.

4.3.5. Disciplinary Sanctions.

4.3.5.1. Holders of Collier County/City Certificates of Competency. If, after hearing, the Contractors' Licensing Board finds that there has been misconduct by a contractor, within the meaning of Section 4.1 of this Ordinance, said Board may, but shall not be required to, impose any of the following enumerated sanctions, alone or in combination:

- a. Revocation of a Collier County/City Certificate of Competency;
- b. Suspension of a Collier County/City Certificate of Competency;
- c. Denial of the issuance or renewal of a Collier County/City Certificate of Competency;
- d. A period of probation of reasonable length, not to exceed two years, during which the contractor's contracting activities shall be under the supervision of the Contractors' Licensing Board; and/or participation in a duly accredited program of continuing education directly related to the contractor's contracting activities. Any period of probation or continuing education program ordered by the Contractors' Licensing Board may be revoked for cause by said Board at a hearing noticed to consider said purpose. The contents of said notice shall be substantially as provided for in Section 4.3.3 of this Ordinance. Service of said notice shall be as provided in Sections 4.3.3 and 4.3.3.1 of this Ordinance. Evidence that either of these methods of service have been utilized shall be sufficient to show that the notice of hearing requirements of this Section have been met, without regard to whether or not the alleged violator actually received notice;
- e. Restitution;
- f. A fine not to exceed ~~\$5,000~~ Ten Thousand Dollars (\$10,000);
- g. A public reprimand;

- h. Re-examination requirement;
- i. Denial of the issuance of Collier County or City building permits or requiring the issuance of permits with specific conditions;
- j. Reasonable investigative and legal costs for the prosecution of the violation.

4.3.5.2. Holders of State of Florida Certificates of Competency.

a. If, after hearing, the Contractors' Licensing Board finds that there has been misconduct by a State certified contractor, within the meaning of Section 4.2 of this Ordinance, said Board may deny the issuance of Collier County/City building permits or require the issuance of permits with specific conditions.

b. Notification of and information concerning such permit denial shall be submitted to the Florida Department of Business and Professional Regulation within 15 days after the Contractors' Licensing Board decides to deny the permit.

4.3.5.3. When imposing any disciplinary sanction on a contractor or a person holding a Certificate of Competency or a state certified contractor who has been found to have violated this Ordinance, the Contractors' Licensing Board shall consider all the evidence presented at the hearing as well as:

- a. The gravity of the violation;
- b. The impact of the violation on the public health, welfare or safety;
- c. Any actions taken by the violator to correct the violation;
- d. Any previous violations committed by the violator;
- e. Any other evidence presented at the hearing by the parties relevant as to the sanction which is appropriate for the case given the nature of the violation and the violator.

4.3.5.4. Any disciplinary sanctions imposed by the Contractors' Licensing Board shall be effective upon being stated orally at the hearing unless the Board orders otherwise, all in accordance with Section 4.3.4.10 of this Ordinance.

4.3.5.5. In addition to any action the Contractors' Licensing Board may take against the individual's or business organization's local license, and any fine the Contractors' Licensing Board may impose, the Contractors' Licensing Board shall issue a recommended penalty for the State Construction Industry Licensing Board or if the action involves an electrical contractor or an alarm contractor, the State Electrical Contractors' Licensing Board action. This recommended penalty may include a recommendation for no further action, or a recommendation for suspension, revocation, or restriction of the registration, or a fine to be levied by the Construction Industry Licensing Board or Electrical Contractors' Licensing Board, or a combination thereof. The Contractors' Licensing Board body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the penalty recommended, his rights to appeal,

and the consequences should he decide not to appeal. The Contractors' Licensing Board shall, upon having reached adjudication immediately inform the Construction Industry Licensing Board or Electrical Contractors' Licensing Board of its action and the recommended board penalty.

4.3.5.6 Fines and all other monetary penalties may be collected and disposed as authorized by and subject to Chapter 489, *Florida Statutes*. Should any monetary penalty imposed by the Board not be paid within the time specified by the Board's Order, the Board may request from the Board of County Commissioners authority to that appropriate legal action to collect the penalty.

PART FIVE: REHEARING AND APPEALS OF DECISIONS OF THE CONTRACTORS' LICENSING BOARD.

5.1. Rehearing.

Each respondent found to be in violation of this Ordinance, any other party, the Chairman of the CLB, the CLB as a body, or the Assistant County Attorney who tried the case may request a rehearing of any decision of the CLB. A request for rehearing shall be in writing and shall be filed with staff and a copy thereof should be delivered to all other parties within twenty (20) days from the date of mailing or other method of delivery to the Respondent(s) of the Board's written decision under this Ordinance. A request for rehearing shall be based only on the ground that fundamental error occurred which resulted in a failure of due process, the decision was contrary to the evidence, or that the hearing involved an error on a ruling of law and/or fact which was fundamental to the decision of the CLB. The written request for rehearing shall specify the precise issue(s) on which the request for rehearing is based. The decision of the CLB which is the subject of the rehearing request shall remain in effect throughout the rehearing procedure unless the County's Licensing Supervisor or the CLB orders otherwise. If any person with standing claims that fundamental error has occurred and such error is capable of being corrected, a request for a rehearing by the CLB must be filed with county staff. The CLB must issue its Final Order on Rehearing before any request for any type of appellate review can be filed with any court.

5.1.2. If the Contractors' Licensing Board determines it will grant a rehearing, it shall:

- a. Conduct a hearing where the parties will be given the opportunity of presenting evidence and/or argument which may be limited by the Board to the specific issues for which the rehearing was granted.
- b. Affirm, modify, or reverse its prior decision, with or without receiving further evidence, providing that the change(s) is/are based on a finding that the prior decision of the Board resulted from fundamental error or a ruling on a question of law or of fact which the Board has been informed by its counsel was fundamental error or an erroneous ruling and that further Board action is required to correct such error(s).

5.2. Appellate-type Review.

5.2.1. Each disciplinary action of the CLB is quasi-judicial. Each person or entity found to be in violation of this Ordinance may appeal a decision of the Contractors' Licensing Board to the Collier County Circuit Court as authorized by subsection 489.127(5)(k), *Florida Statutes*, in conformity with Florida Rules of Appellate Procedure, and subject to mandatory prerequisite rehearing under section 5.1, above, if the error is correctable. Such an appeal shall not be a hearing *de novo* but shall be limited to appellate review of the record created before the CLB in accord with Florida Rules of Appellate Procedure. Any appeal shall be filed with the Circuit Court and be served on the parties within thirty (30) days of the rendition of the effective Final Order of the Board. If there has been a re-hearing request, the appeal shall be filed with the Circuit Court and be served on the parties within thirty (30) days of the rendition of the Board's decision on re-hearing.

5.2.2. In the event the person or entity found to be in violation of this Ordinance should elect to appeal, a verbatim record and transcript relevant to the case shall be as required by Florida Rules of Appellate Procedure. It shall be the sole responsibility of the person or entity seeking such review to ensure that a record is made from which a transcript may be prepared which includes the testimony upon which an appeal may be taken. Neither Collier County nor the CLB shall have any responsibility to provide a verbatim record transcript of the proceedings.

5.2.3. Subpoenas. Any party or the attorney for a party to a proceeding before the CLB may acquire from staff free subpoenas for witnesses and/or for production of tangible evidence, but not for any deposition. Rule 1.410 of Florida Rules of Civil Procedure apply thereto. As used in Rule 1.410, "Court" shall mean "the CLB" and "Clerk" shall mean "county staff." Each subpoena must be issued by the party or by an attorney for that party.

SECTION TWO: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any ordinance of an applicable Municipal Corporation or of Collier County, or with any superseding statutory provision, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: INCLUSION INTO THE CODE OF LAWS AND ORDINANCES.

The provision of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. Provisions of this Ordinance may be renumbered or

relettered to accomplish same, including the word "ordinance" may be changed to "section", "subsection", "article", or other appropriate word.

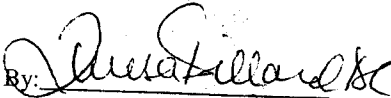
SECTION FOUR: EFFECTIVE DATE.


This Ordinance shall take effect upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 10th day of October, 2006.


ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

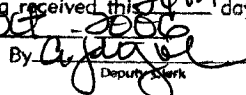
By: 
Deputy Clerk
Attest as to Chairman's
signature only

By: 
FRANK HALAS, Chairman

Approved as to form and
legal sufficiency:


Robert N. Zachary
Assistant County Attorney

H/RNZ/Ord/CLB 2006

This ordinance filed with the
Secretary of State's Office the
14th day of October, 2006
and acknowledgement of that
filing received this 14th day
of Oct, 2006
By: 
Deputy Clerk