

ORDINANCE NO. 07- 32

AN ORDINANCE AMENDING ORDINANCE NO. 00-12 ENTITLED THE OKALOOSA COUNTY CONSTRUCTION INDUSTRY CODE ATTACHED HERETO AS EXHIBIT A; REPEALING ALL ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH; PROVING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

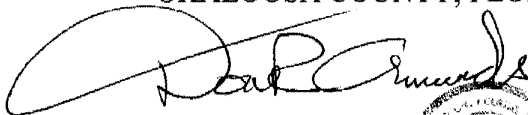
Section 1. This Ordinance shall be known as the "Amended Okaloosa County Construction Industry Code Ordinance."

Section 2. Ordinance No. 00-12 is hereby amended as shown and described in attached Exhibit A and adopted herein by reference.

Section 3. This Ordinance shall become effective as provided by law and does hereby repeal any ordinances, or portions thereof, in conflict herewith. Should any word, phrase, sentence subsection, section or other part of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional then the part so held shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

DULY PASSED AND ADOPTED in regular session this the 19th day
of
June, 2007

BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA



Don R. Amunds
Chairman



ATTEST:



DON W. HOWARD
Clerk of Court

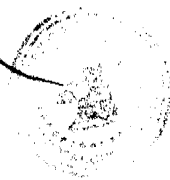


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CONSTRUCTION INDUSTRY CODE

SECTION 1. GENERAL

Section 1-1. Short Title.

This article shall be known and may be cited as “The Okaloosa County Construction Industry Code.”

Section 1-2. Authority and Purpose.

This article is adopted pursuant to the general laws of the state to protect the health, safety and welfare of persons and property by requiring the certification of persons engaged in or desiring to engage in the business of construction industry contracting.

Section 1-3. Technical Codes.

The following specific codes and subsequent amendments are adopted to be the minimum standards to be complied with in the construction of any improvements in Okaloosa County, Florida;

- a. Permittee will be responsible for the compliance of all codes and ordinances adopted by local, state, and federal agencies.
- b. The Building Code shall be the 2004 edition of the Florida Building Code Residential and the 2004 edition of the Florida Building Code Building.
- c. The Electrical Code shall be the 2005 edition of NFPA 70.
- d. The Plumbing Code shall be the 2004 edition of the Florida Building Code Plumbing.
- e. The Mechanical Code shall be the 2004 edition of the Florida Building Code Mechanical.
- f. The Gas Code shall be the 2004 edition of the Florida Building Code Fuel Gas.
- g. The Irrigation and Lawn Sprinkler Code shall be the 2005 edition of the Florida Irrigation Society Standards.

Section 1-4. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the Okaloosa County Construction Competency Board, the Okaloosa County Plumbing Competency Board, or the Okaloosa County Mechanical Competency Board.

Building Contractor 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 (3) 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.

Certificate means a Certificate of Competency issued by Okaloosa County Department of Growth Management.

Class 'A' Air Conditioning Contractor means a contractor 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 disassembling 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 replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; 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, except for disconnecting or reconnecting change outs of liquefied petroleum or natural gas appliances, within buildings, potable waterlines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

Class 'B' Air Conditioning Contractor means a contractor whose services are limited to twenty-five (25) tons of cooling and five hundred thousand (500,000) Btu's 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 disassembling 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 replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; 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, except for disconnecting or reconnecting change outs of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

Commercial Pool/Spa Contractor 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.

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 this code which defines 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.

Contractor means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others 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; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, "demolish" applies only to demolition of steel tanks over fifty (50) feet in height; towers over fifty (50) feet in height; other structures over fifty (50) feet in height, other than buildings or residences over three (3) stories tall; and buildings or residences over three (3) stories.

Demolition and Site Removal Contractor (local specialty) means a person who is qualified and demonstrates the experience, skill and expertise to demolish, remove and appropriately dispose of portions of, or complete structures, such as commercial and residential buildings, site improvements, paving and foundations.

Department means the Okaloosa County Department of Growth Management.

Exterior Applications Contractor (local specialty) means a person who is qualified and whose services are limited to the installation, replacement, and minor repairs on components of existing buildings in connection with the maintenance and replacement of windows and doors, siding, coatings, sealants, caulking, hurricane shutters, exterior insulating finishing systems (EIFS),

stucco and other non-structural components of a buildings exterior envelope. This encompasses buildings in heights of two (2) stories or less only.

General Contractor means a contractor whose services are unlimited as to the type of work which he or she may do, and who may contract for any activity requiring licensure under this part, except as otherwise expressly provided in Florida Statute Chapter 489.113.

House Moving Contractor (local specialty) means a person who is qualified to plan, permit, deconstruct, prepare and remove an existing structure from one permanent site and transport it on temporary supports to another site for permanent installation.

Irrigation and Lawn Sprinkler Contractor (local specialty) means a person who is qualified to install, maintain, repair, alter or extend all piping and sprinkler heads for irrigation of yards, including the connection to a water pump or to a potable water system by way of code compliant connections provided by licensed plumbing contractors.

Landscape Structure Contractor (local specialty) means a person who is qualified and demonstrates the experience, skill, and expertise to construct, install, repair, and extend structures for exterior site and yard use. This includes fencing, railings, gates, decking at grade (30" or below), boardwalks, utility structures (not to exceed two hundred (200) square feet), and other similar types of construction. Does not include garages or habitable structures.

Marine Contractor means a person who is qualified and demonstrates the experience, skill and expertise to construct, install, repair, and extend seawalls, bulkheads, docks, piers, wharves, and other marine structures, including pile driving, shoring, and under-pinning.

Master Gas Fitter Contractor (local specialty) means a person who is qualified to install, maintain, repair, alter or extend natural gas, gas piping, appliances, gas mains, lines, laterals, tanks and other appurtenances in connection therewith excludes liquid petroleum gas.

Mechanical Contractor means a contractor 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 disassembling 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, 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, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; 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 potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

Person means any individual over twenty-two (22) years of age, sole proprietorship, partnership, corporation, association, or any other type of legal business organization.

Plumbing Contractor means a contractor 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, liquefied petroleum gas and related venting, 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 extension 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 law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, 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. Nothing in this definition shall be construed to limit the scope of work of any specialty contractor certified pursuant to section 489.113(6), Florida Statutes. Nothing in this definition shall be construed to require certification or registration under this part of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater.

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 or she is connected; who has the responsibility to supervise, direct, manage and control construction activities on a job for which he or she has obtained the permit; and whose technical and personal qualifications have been determined by investigation and examination, as provided in this ordinance, by the Department, as attested to by the Board; and who has been issued a Certificate of Competency by the Department.

Register means the act of obtaining evidence of registration with the Florida Construction Industry Licensing Board.

Qualify means the act of obtaining a Certificate of Competency from a Board in the name of the applicant and business entity (when applicable) as provided for herein, where the applicant desires to engage in the trades subject to the provisions of this ordinance.

Registrant means a person who has registered with the Florida Construction Industry Licensing Board.

Residential Contractor 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 (2) habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.

Residential Pool/Spa Contractor 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.

Roofing Contractor means a contractor 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, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof.

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 or she 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.

Sheet Metal Contractor means a contractor 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, the balancing of air handling systems, and any duct cleaning and equipment sanitizing which requires partial disassembling of the system.

Sign Specialty Contractor (local specialty) means a person whose scope of certification includes the structural fabrication, erection, alteration, repair and service of signs and billboards. The scope of certification does not include any electrical work.

Specialty Structure Contractor is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers specification in the aluminum, metal, canvas, vinyl and fiberglass screening, doors and windows, hurricane protection devices and allied construction materials. The scope of such work shall include and be limited to fabric coverings on metal substructures, screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, manufactured housing roof-overs, vinyl or acrylic panel window enclosures, guardrails, handrails, aluminum and vinyl fences, the installation or replacement of windstorm protective devices, single story self-contained aluminum utility storage structures not to exceed 720 sq. ft.), residential glass window and door enclosures, sunrooms, siding, soffit, fascia and gutters. The installation or replacement of window and door assemblies certified in accordance with AAMA 101/I.S.2 or Miami Dade TAS 201.202.203 as specified by the Florida Building Code in Group R occupancy buildings, as defined by the Florida Building Code, up to three stories or thirty feet in height. The installation or replacement of windstorm protective devices, except for impact resistant glazing, shall be unlimited. Division I Contractors shall be permitted to subcontract with Specialty Structure Contractors for the installation or replacement of window and door assemblies certified in accordance with AAMA 101/I.S.2 or Miami Dade TAS 201.202.203 as specified by the Florida Building Code in buildings of Group R occupancy, as defined by the Florida Building Code, of any height. The scope of such work shall include wood work incidental to the aluminum and allied materials construction work. It shall be limited to the construction of wood framing for the walls of uninhabitable utility storage structures, raised wood decks for enclosures, and the repair and/or replacement of wood incidental to the installation of glass windows and doors, installation of siding, soffit, fascia, gutters and preformed panel-post and beam roofs. The scope of such work shall comply with all plans, specifications, codes, laws and regulation applicable. The scope of such work shall include masonry concrete work and be limited to foundations, slabs and block kneewalls incidental to the aluminum and allied construction materials construction work. The specialty structure contractor, whose services are limited, shall not perform any work that alters the structural integrity of the building including, but not limited to roof trusses, lintels, load bearing walls and foundations. The specialty structure contractor shall subcontract, with a licensed qualified contractor in the field concerned, all other work incidental to that which is defined herein but which is the work of a trade other than that of a specialty structure contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of work of any specialty contractor certified pursuant to Sections 489.105(3) and 489.113(6), F.S .

State Board means the Construction Industry Licensing Board created by Chapter 489, Florida

Statutes.

Swimming Pool/Spa Servicing Contractor 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.

Underground Utility and Excavation Contractor means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, 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. However, an underground utility and excavation contractor 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 that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021(8) beginning at the point where the piping is used exclusively for such system.

Section 1-5. Okaloosa County Business Tax Receipts.

Any existing or newly established business located within Okaloosa County must purchase an Okaloosa County Business Tax Receipt. This license must be on file with the Okaloosa County Department of Growth Management Department before a competency card can be issued.

Specialty Contractor's who are not regulated by the Department of Business and Professional Regulation, must have a current Okaloosa County Business Tax Receipt on file with the Okaloosa County Growth Management Department.

Contractors who are regulated by the Department of Business and Professional Regulation and their permanent place of business is outside of Okaloosa County and are performing work or services on a temporary or transitory basis in Okaloosa County are exempt from obtaining an Okaloosa County Business Tax Receipt. A copy of the Business Tax Receipt from the county or municipality in the state where the person's permanent business location or branch office is maintained is acceptable and must be filed with the Okaloosa County Growth Management Department.

Section 1-6. Reserved

Section 1-7. Illegal Advertising.

No person, firm, corporation or other legal entity shall knowingly publish an advertisement in any publication that is primarily circulated, displayed, distributed or marketed within Okaloosa County, which advertisement identifies a contractor offering services regulated by Chapter 489.119(6) (a) (b) (c) (d) Florida Statutes, or this article, as amended, unless the advertisement includes the certification or registration number issued by the Department of Business and Professional Regulation to that contractor or unless the publisher has obtained an affidavit from the advertiser stating that a certification or registration number is not required. The registration or certification number of a contractor shall be stated in each offer of services, business proposal, or advertisement, regardless of medium, used by that contractor. For the purposes of this part, the term "advertisement" does not include business stationery or any promotional novelties such as balloons, pencils, trinkets, or articles of clothing. The Board shall assess a fine of not less than \$100.00 or have a citation issued to any contractor who fails to include that contractor's certification or registration number when submitting an advertisement for publication, broadcast, or printing. In addition, any person who claims in any advertisement to be a certified or registered contractor, but who does not hold a valid state certification or registration, commits a misdemeanor of the second degree, punishable as provided in sections 775.082 and 775.083, Florida Statutes.

Section 1-8. Department of Growth Management: Building Division and Building Official

There is hereby established a Building Division of the Okaloosa County Department of Growth Management, hereafter referred to as the Building Division, and the person in charge shall be known as the Building Official.

Section 1-9. Code Interpretation; Appeals.

In the event a dispute arises concerning the interpretation of any code or provision hereby enacted, the party objecting to the interpretation of the Inspector of the particular field involved shall make written appeal of the decision to the Building Official. If the matter is not resolved, to the satisfaction of the party concerned by the Building Official, further appeal may be made to the Construction Board of Adjustments and Appeals. The appointment, membership, terms, quorum, powers and procedures of the Construction Board of Adjustments and Appeals are provided in Chapter 1 of the Florida Building Code.

Section 1-10. Owner’s Privilege.

Nothing herein shall prohibit a bona fide homeowner from contracting for the construction of his own residence. If the owner offers for sale or lease such structure within twelve (12) months after completion, such person shall not thereafter obtain a building permit as a bona fide homeowner. Such privilege does not convey the right to violate any of the provisions of this ordinance, nor is it to be construed as exempting any such property owner from obtaining a permit and paying required fees thereof. The homeowner shall comply with the following:

- a. File plans and specifications and prove qualifications under this section. Specifications and qualifications must be approved by the Okaloosa County Building Official or his or hers designees.
- b. Apply for and secure applicable permits.
- c. Do the work in accordance with applicable codes.
- d. Call for inspections and receive the approval of construction by the Okaloosa County Department of Growth Management.
- e. Obtain a Certificate of Insurance holding the County harmless from liability or supply certificates from the owner holding the County harmless from liability to the owner and members of his family, or others who live in the owner’s residence.

The owner exercising this privilege shall not, by reason thereof, set himself or herself up as a contractor without complying with the provisions to obtain a Certificate of Competency as a contractor.

Section 1-11. Tampering With Installation.

It shall be unlawful for any person to in any way tamper with permitted installation, and thereby increase the hazard to life and property. Any person violating this provision who is regulated by the Board shall be punished as provided in this code. Any person violating this provision who is not regulated by the Board commits a misdemeanor of the second degree, punishable as provided in sections 775.082 and 775.083, Florida Statutes.

Section 1-12. Unlawfully Acting as Contractor.

It is unlawful for any person to engage in the business or act in the capacity of a contractor in Okaloosa County without having been duly certified or registered as required under the provisions of this ordinance. It is further a violation of this ordinance for any person in Okaloosa County to:

- a. Falsely hold himself or herself or a business organization out as one duly certified as required by the provisions of this ordinance.
- b. Falsely impersonate one duly certified or registered as required by the provisions of this ordinance.
- c. Present as his or her own the certificate, registration or Certificate of Competency of another.
- d. Knowingly give false or forged evidence to the Department or the Board for the purpose of obtaining a certificate or registration.
- e. Use or attempt to use a registration or Certificate of Competency that has been suspended, revoked or placed on inactive or retired status.

Any person violating this section commits a misdemeanor of the second degree, punishable as provided in sections 775.082 and 775.083, Florida Statutes.

Section 1-13. Violations; Penalties – Persons Certified or Registered as Contractors.

It is a violation of this ordinance for any person duly certified or registered under the provisions of this ordinance to commit any act that may be cause for warning or suspension or revocation of a Certificate of Competency or which may be cause for disciplinary action pursuant to penalties as provided in this ordinance. The acts or circumstances that constitute cause for warning or suspension or revocation of a Certificate of Competency include, but are not limited to, as follows:

- a. Operating a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent, except as provided in sections 489.119 and 489.1195, Florida Statutes.
- b. Willfully or deliberately disregarding and violating the applicable building codes or laws of the State or any municipalities, cities or counties thereof.
- c. Commencing or performing work for which a permit is required pursuant to the adopted state minimum building code without such permit being in effect.
- d. Aiding or abetting any uncertified or unregistered person to evade any provision of this ordinance.
- e. Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificate holder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.
- f. Knowingly combining or conspiring with an uncertified or unregistered person by allowing one's certificate, registration or certificate of authority to be used by any uncertified or unregistered person with intent to evade the provisions of this ordinance. A certificate holder or registrant allowing his or her certificate or registration to be used by one or more business organizations without having any active participation in the operations, management or control of said business organization, constitutes prima facie evidence of an intent to evade the provisions of this ordinance.
- g. Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificate holder or registrant as set forth on the issued certificate or registration or in accordance with the personnel of the certificate holder or registrant

- as set forth in the application for the certificate or registration, or as later changed as provided in this ordinance.
- h. Engaging in the business or acting in the capacity of a contractor or advertising himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified or having a certificate of authority.
 - i. The revocation or suspension of a certificate holder's registration with the Florida Construction Industry Licensing Board or of a certificate holder's Certificate of Competency from some other jurisdiction.
 - j. Abandonment of a construction project in which the contractor is engaged or under contract as a contractor. A project is to be considered abandoned after ninety (90) days if the contractor terminates the project without just cause or proper notification to the prospective owner or fails to perform work without just cause for ninety (90) consecutive days.
 - k. Aiding and abetting a homeowner or other building owner in obtaining a permit for the purpose of avoiding his or her responsibilities as a contractor and without advising the homeowner of the legal responsibilities he or she assumes on taking out a permit.
 - l. Allowing his or her name, certificate, registration or license to be used by another contractor or any other person, either for the purpose of obtaining permits, or for doing business or work under his or her license.
 - m. Being convicted of fraud, gross negligence, repeated negligence, negligence which results in significant danger to life and property, incompetency or misconduct in the practice of contracting.
 - n. Violating and/or concealing information of violations of any provision of this ordinance.
 - o. Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Mismanagement or misconduct occurs when 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 at 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 thirty (30) days after the date the job is abandoned.
 - p. Failing in any material respect to comply with the provisions of this part of violating a rule or lawful order of the Board.
 - q. 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 all subcontracted work, labor, and 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.
 - r. Proceeding on any job without obtaining applicable permits and inspections.

For the purposes of this section, construction is considered commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

For the purposes of this section, a person or business organization operating on an inactive or suspended certificate, registration, or certificate of authority is not duly certified or registered and is considered unlicensed. A Business Tax Receipt issued under the authority of Chapter 205, Florida Statutes, is not a license for purposes of this part.

DIVISION 2. COMPETENCY BOARDS

Section 2-1. Composition; Appointment of Members.

The Board of County Commissioners shall appoint members to the three (3) boards addressed in this ordinance division, namely, the Construction Competency Board, the Plumbing Competency Board and the Mechanical Competency Board. The membership shall be as follows:

- a. The Construction Competency Board shall consist of twelve (12) members, with nine (9) who are engaged in business as marine, general, residential, or building contractors, specialty contractors such as specialty structures, exterior applications, landscape, demolition, site removal and house moving, and three (3) who are consumer representatives.
- b. The Plumbing Competency Board shall consist of eight (8) members, with five (5) who are engaged in the business either as a plumbing contractor, a pool contractor, irrigation contractor, or a master gas contractor, and three (3) who are consumer representatives.
- c. The Mechanical Competency Board shall consist of eight (8) members, with five (5) who are engaged in business either as a mechanical contractor, an air conditioning contractor, a sheet metal contractor, or a master gas fitter, and three (3) who are consumer representatives.

The County Building Official shall be an ex-officio member of each of these Boards, but he or she shall have no vote.

Section 2-2. Qualifications for Appointment.

To be eligible for appointment to an Okaloosa County Competency Board, each member shall be actively engaged in the construction business and have been so engaged for a period of not less than five (5) consecutive years before the date of such appointment; and be a citizen and resident of Okaloosa County. The Board of County Commissioners may waive any of these requirements of qualifications.

Section 2-3. Members Terms.

Terms of members shall be staggered. New terms shall be set for three (3) year periods.

Section 2-4. Meetings; Removal of Members.

Each Board shall meet regularly bi-monthly or as required. Special meetings of a Board may be held as needed. A quorum of the Construction Competency Board shall consist of seven (7) voting members. A quorum of each the Plumbing and the Mechanical Competency Boards shall consist of five (5) voting members. Unexcused absences for three (3) consecutive meetings shall be deemed a voluntary resignation from the Board. Upon motion passed by two-thirds (2/3) of the membership of a Okaloosa County Competency Board, the Competency Board may recommend to the Board of County Commissioners the removal of any one of its members for cause. The cause for such recommendation shall be stated within the motion for removal.

Section 2-5. Officers.

The appointed members of each Okaloosa County Competency Board shall elect a chairman, and vice-chairman. Minutes shall be kept of all hearings by each board, and all hearings and proceedings shall be open to the public. The Department of Growth Management shall provide

clerical and administrative personnel as may be reasonably required by each Board for the proper performance of its duties.

Section 2-6. Duties, Generally.

It shall be the duty of each Okaloosa County Competency Board to adopt by-laws governing its procedures; to correspond with other county board procedures; to determine compliance with the qualifications for, and to authorize the issuance of, Certificates of Competency on a permanent or probationary basis, by the Department of Growth Management; to conduct hearings for discipline of contractors holding Certificates of Competency, and to levy discipline against contractors holding such Certificates of Competency or take such other action as is authorized and deemed necessary for the public health, safety and welfare.

Section 2-7. Complaints

Any citizen who has knowledge of a violation of this ordinance or any other County ordinance may file a notarized Affidavit of Complaint using the form provided by the Department of Growth Management. The affidavit can be mailed, faxed, or hand delivered to the Department of Growth Management.

Complaints from citizens or a legitimate business shall be investigated upon notice in a form that includes legible name, signature, address or any other means where the complainant is identifiable. This is in lieu of the required notarized affidavit.

Investigations should be as a result of an identifiable complainant as prescribed above. Aesthetics alone shall not be a case where county officials shall act/enforce upon private property without a complaint. The County shall enforce violations in cases where health and safety are issues. The County shall provide the respondent with a copy of the alleged Complaint.

Upon receipt of a complaint from an interested party, or as a result of an investigation by a Code Enforcement Officer, each Okaloosa County Competency Board may conduct hearings on the question of whether a Certificate of Competency holder shall be disciplined. Three valid consumer complaints or three violations of County Ordinances related to Contracting within a twelve (12) month period shall constitute grounds for a mandatory Board hearing.

Any person, firm, corporation, or other business entity that violates any provision of this ordinance shall be prosecuted and punished as provided by code.

Section 2-8. Probable Cause Hearing

A hearing shall be held only upon notice to the holder of the Certificate of Competency sought to be disciplined and the complainant. "Notice" shall be defined as written notice sent by certified mail to the last known address of the holder of the Certificate of Competency sought to be disciplined or hand delivered not less than thirty (30) days prior to a hearing.

The Board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental procedural due process shall be observed and shall govern the proceedings.

Each case before a Board shall be presented by a member of the administrative staff of the local governing body. If the local governing body prevails in proving probable cause before the Board, it shall proceed to a disciplinary proceeding.

Section 2- 9. Disciplinary Proceedings.

A hearing shall be held only upon notice to the holder of the Certificate of Competency sought to be disciplined and the complainant. "Notice" shall be defined as written notice sent by certified mail to the last known address of the holder of the Certificate of Competency sought to be disciplined or hand delivered not less than thirty (30) days prior to a hearing.

The Board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental procedural due process shall be observed and shall govern the proceedings.

Each case before a Board shall be presented by a member of the administrative staff of the local governing body.

Each Board may take any of the following actions against any certificate holder or registrant: found guilty of, but not limited to, any of the acts listed in Sections 1-7, 1-12, or 1-13 above: place on probation, reprimand, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed five thousand dollars (\$5,000) per violation, require continuing education, and/or assess costs associated with investigation and prosecution.

No suspension imposed by a Board shall be for a period exceeding one (1) year in duration. The effective period of revocation of a contractor's Certificate of Competency shall be for a period of not less than one (1) year nor more than five (5) years, except as provided below. Any contractor whose Certificate of Competency has been revoked as provided for in this subsection, in order to gain reinstatement shall have to take the appropriate examination and meet all the same requirements as a person who is seeking to receive a Certificate of Competency for the first time.

When a Board is presented with a case or conduct constituting egregious circumstances whereby the Board is convinced that the safety of the public demands permanent revocation, then the Board may permanently revoke a contractor's Certificate of Competency by unanimous vote at a meeting with not less than four-fifths (4/5) of the Board membership in attendance.

If a certificate holder disciplined under this section is a qualifying agent or financially responsible officer for a business organization and the violation was performed in connection with a construction project undertaken by that business organization, a Board may impose an additional administrative fine not to exceed five thousand dollars (\$5,000) per violation against the business organization or against any partner, officer, director, trustee, or member if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.

A Board shall not reinstate the certificate of, or cause a certificate to be issued to, a person who or business organization which a Board has determined is unqualified or whose certificate a Board has suspended until it is satisfied that such person has complied with all the terms and conditions set forth in the final order of suspension and is capable of competently engaging in the business of contracting.

Each Board may assess a penalty on all fines imposed under this section against any person or business organization that has not paid the imposed fine by the due date established by rule or

final order. Each Board will establish the penalty.

A Board shall not issue or renew a certificate or registration to any person or business organization that has been assessed a fine, interest, or costs associated with investigation and prosecution, or has been ordered to pay restitution, until such fine, interest, or costs associated with investigation and prosecution or restitution are paid in full or until all terms and conditions of the final order have been satisfied.

If a Board finds any certificate holder guilty of a violation, each Board may, as part of its disciplinary action, require such certificate holder to obtain continuing education in the areas of contracting affected by such violation.

If a business organization or any of its partners, officers, directors, trustees, or members or has previously been fined for violating this ordinance or section 489.132, Florida Statutes, each Board may, on that basis alone, revoke, suspend, place on probation, or deny issuance of a certificate or registration to a qualifying agent or financially responsible officer of that business organization.

Any person aggrieved by any decision or action of a County Contractor Competency Board may petition for writ of certiorari filed in the Okaloosa County Circuit Court within sixty (60) days of the entry of the order to be appealed. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Board.

In addition to any action taken on the individual's local license, the Board shall issue a recommended penalty to be imposed by the State Construction Industry Licensing Board. This recommended penalty may include a recommendation for no further action or a recommendation for suspension, revocation, or restriction of the registration or imposition of a fine to be levied by the State Board, or a combination thereof. The Board shall inform the license holder or registrant and the complainant of the local penalty imposed, the rights to appeal, and the consequences should the contractor decide not to appeal. The Board shall, upon reaching adjudication or having accepted a plea of nolo contendere, immediately inform the State Board of its action.

DIVISION 3. CERTIFICATE OF COMPETENCY

Section 3-1. Certificate of Competency.

No person other than a state certified contractor as defined by section 489.105, Florida Statutes, shall engage, directly or indirectly, in the business of or act in the capacity of a contractor within Okaloosa County unless such person is the holder of a Certificate of Competency issued by the County in the particular field of work being performed. Each Certificate of Competency, when issued, shall grant the holder the right to secure permits for and to execute work in the particular field for which the Certificate of Competency was issued, providing the holder has purchased the required County license, is in good standing with the Department and has the required insurance.

Section 3-2. Fields of Competence.

Certificates of competency shall be issued to qualified applicants in the following fields of expertise or competence:

- a. Building Contractor

- b. Class A Air Conditioning Contractor
- c. Class B Air Conditioning Contractor
- d. Commercial Pool/Spa Contractor
- e. General Contractor
- f. Mechanical Contractor
- g. Master Plumbing with Gas Contractor
- h. Residential Contractor
- i. Residential Pool/Spa Contractor
- j. Roofing Contractor
- k. Sheet Metal Contractor
- l. Swimming Pool/Spa Servicing Contractor
- m. Underground Utility and Excavation Contractor
- n. Specialty Structure Contractor
- o. Local Specialty:
 - 1. Demolition and Site Removal Contractor
 - 2. Exterior Applications Contractor
 - 3. House Moving Contractor
 - 4. Irrigation and Lawn Sprinkler Contractor
 - 5. Landscape Structure Contractor
 - 6. Marine Contractor
 - 7. Master Gas Fitter Contractor
 - 8. Sign Specialty Contractor (Non-Electrical)

Section 3-3. Eligibility, Licensure by Examination.

A completed application package for examination must be filed at least two weeks prior to the appropriate regularly scheduled County Competency Board meeting for which the applicant seeks to be included on the agenda. The Board shall review the application to determine the applicant's eligibility for examination. The examination shall cover knowledge of basic principles of contracting in the field for which the applicant is applying and basic principles for business and law.

To be eligible for certification by examination, the applicant must meet the following criteria, through information and documentation supplied with the application, prior to taking the exam.

- a. The applicant shall provide a credit report from a Department of Business and Professional Regulation approved credit-reporting agency, demonstrating evidence of financial responsibility as required in section 489.115 (5) (6), Florida Statutes, and by Rules 61G4-15.005 (1) and (2) F.A.C.
- b. The applicant shall have no outstanding judgments or have been convicted of a felony. This requirement can be waived by the Board on a case by case basis with appropriate documentation.
- c. The applicant shall be at least twenty two (22) years of age and must meet the relevant experience requirements for the field in which he or she seeks to obtain a certification, as provided below. For the purposes of experience requirements, one (1) year of experience shall be equivalent to a minimum of 2,000 person-hours.

An applicant shall meet one of the following, as relevant to his or her chosen field:

General, Building, Residential, and Marine Contractors General Requirements:

At least one (1) year of structurally related experience in four (4) or more of the following areas: site work, excavation, footings, piles and pile caps, laying concrete slabs/decks, masonry walls, trusses, wood framing, reinforcement bar, steel erection, column erection and formwork.

The experience requirements for specific license categories shall be:

General Contractors: Four (4) years of construction related experience with at least one (1) year of structurally related experience in commercial construction of four (4) or more stories, or possessing an active building contractor's license for at least the four (4) previous years.

Building Contractor: Four (4) years of construction related experience with at least one (1) year of structurally related experience in commercial, industrial, or multiple dwelling residential construction, or possessing an active residential contractor's license for at least the three (3) previous years.

Residential Contractor: Four (4) years of construction related experience with at least one (1) year of structurally-related experience in residential construction.

Roofing Contractor: Four (4) years of construction related experience with one (1) year of structurally related experience in roofing construction.

Commercial Pool/Spa Contractor: Four (4) years of construction related experience in swimming pool construction.

Residential Pool/Spa Contractor: Three (3) years of construction related experience in swimming pool construction.

Swimming Pool/Spa Servicing Contractor: One (1) year of proven experience related to the scope of work of a swimming pool/spa servicing contractor and has satisfactorily completed sixty (60) hours of instruction as per Rule 61G4-18.003 F.A.C.

Marine Contractor: Four (4) years of construction related experience with at least one (1) year of structurally related experience in marine construction.

Specialty Structure Contractor: Four (4) years of construction related experience in this trade.

Mechanical, Class A Air Conditioning, Class B Air Conditioning and Sheet Metal Contractors in general:

1. Has received a Bachelor's degree from an accredited institution in the appropriate field of engineering, and has one (1) year of proven experience in the mechanical field; or,
2. Has at least four (4) years of active proven experience as a skilled workman in his trade; or,
3. Has a combination of not less than two (2) years of proven experience as a skilled workman and not less than two (2) years of credits from any accredited institution level courses relative to the trade in which the applicant is to be tested.

Master Plumbing with Gas, Underground Utility and Excavation Contractors in general:

1. Has received a Bachelor's degree from an accredited institution in a related field, and has one (1) year of proven experience in the relevant field;
2. Has at least four (4) years of active proven experience as a workman who has learned his trade by serving an apprenticeship or as a skilled workman who is able to command the rate of a mechanic in his particular trade;
3. Has a combination of not less than three (3) years of proven experience as a skilled workman and a diploma or certificate of completion from a bona fide trade school or accredited institution.

Sign (non electrical), Moving, Demolition, Landscape Structure, Irrigation and Lawn, Exterior Application and Gas Contractors: Two (2) years of proven experience in the field of which they are applying.

Educational Credit: For each of the above contractor fields, a Bachelor's degree in a related field from an accredited institution shall be equal to three (3) years experience; a Bachelor's degree in a non-related field shall be equal to two (2) years experience; an Associates degree in related field from an accredited institution shall be equal to one (1) year of experience.

The following information and documents relative to the experience requirements are required in order to process an application. These documents and the requested information are Board approved and cannot be substituted.

1. Past employment must be listed in chronological order, starting with most current employment, and must include a detailed job description.
2. An Experience Affidavit form confirming employment must be completed using an Okaloosa County Verification of Experience Form. An Out of State experience affidavit must be supplemented by verification on the company letterhead of applicant's employer. Explanations must include a timeframe and a description of work duties and functions. A DD214 military form with supporting documentation may be used as proof of experience.

From the date of Board approval, an applicant shall have one (1) calendar year to have taken and scored a grade of at least seventy-five percent (75%) or above on the Standard Business and Law Exam and on an examination in the particular field for which the application is being made; to be prepared, proctored and graded by the approved testing agency. When the passing score is achieved the applicant shall proceed with application for State licensure. Upon receipt of a State license the applicant shall provide to the Department of Growth Management, the State License, business tax receipt, proof of general liability insurance, worker's compensation exemption/insurance and a hold harmless agreement to obtain a Certificate of Competency. The Department shall issue the Certificate of Competency when the above mentioned documentation is provided and all fees are paid in full.

If an applicant fails to take the exam within the one (1) calendar year after Board approval, then the applicant will be required to reapply to the appropriate Board for re-approval.

Applicants who have taken and failed the exam six (6) months prior to the effective date of this ordinance, will be allowed an additional six (6) months after the effective date of this ordinance to continue to take the exam without prior Board approval.

Section 3-4. Eligibility; Certification by Reciprocity.

An applicant who is licensed through another county or municipality shall apply as a reciprocal applicant according to the procedures set forth in this section. The applicant shall not be required to test again, but shall be required to complete the Reciprocity procedures below.

Reciprocity procedures are as follows:

- a. The Department of Growth Management must have a letter on file from the reciprocating municipality or county stating acceptance of reciprocity with Okaloosa County. The correspondence must be on letterhead stationary and state the passing score(s) required by the reciprocating county.
- b. The individual must request that a letter be sent from the reciprocating county and the test agency to the Okaloosa County Department of Growth Management, including the following information:
 1. Applicant number.
 2. Applicant test score.
 3. Date of exam.
 4. Type of exam.
 5. State: "The exam was prepared, proctored, and graded by the approved testing organization."
- c. Test score requirements will be the same as for the reciprocating county, but in no case, will less than a minimum of a seventy-five percent (75%) score be accepted.

The applicant shall provide to the Department of Growth Management, the State License, business tax receipt, proof of general liability insurance, worker's compensation exemption/insurance and a hold harmless agreement to obtain a Certificate of Competency. The Department shall issue the Certificate of Competency when the above mentioned documentation is provided and all fees are paid in full.

A reciprocal license holder whose license has been revoked in the reciprocating jurisdiction shall be automatically revoked in Okaloosa County. The effective period of revocation of a contractor's Certificate of Competency shall be for a period of not less than one (1) year nor more than five (5) years or per the reciprocating jurisdiction's Board Order. Any contractor whose Certificate of Competency has been revoked, in order to gain reinstatement, shall have to take the appropriate examination and meet all the same requirements as a new applicant.

A reciprocal license holder whose license has been suspended in the reciprocating jurisdiction shall be automatically suspended in Okaloosa County. The effective period of the suspension shall be for a period not exceeding one (1) year or per the reciprocating jurisdiction's Board Order. Any contractor whose Certificate of Competency has been suspended, in order to gain reinstatement shall have to appear before the appropriate competency board prior to reinstatement.

Section 3-5. Eligibility; Underground Utility and Excavation Certification by Grandfathering.

A completed application package must be submitted to the Department. To be eligible for certification by grandfathering in, the applicant must provide the following documentation.

- a. Current Okaloosa County Business Tax Receipt in the field of underground utility and excavation.
- b. Current general liability insurance.
- c. Worker's compensation exemption/insurance.
- d. Hold Harmless Agreement.

Upon receipt of an active state license in underground utility and excavation, the Department will issue a Certificate of Competency.

The eligibility period for grandfathering underground utility and excavation certification should be one (1) year from the effective date of this ordinance.

Section 3-6. Liability Insurance.

All contractors shall execute a hold harmless agreement and, in addition, shall furnish proof as required by the Okaloosa County Department of Growth Management that the following has been complied with:

That the applicant has a prepaid public liability insurance policy for the ensuing year with a responsible insurance company authorized to do business in Florida in the minimum amount of three hundred thousand dollars (\$300,000) to cover liability for each incident or occurrence of damage or destruction to persons or property. The policy shall name Okaloosa County Department of Growth Management as an additional insured by endorsement (Insurance Services Office Form GL2012 or equivalent) and shall provide for a ten (10) day notice of cancellation to the Okaloosa County Department of Growth Management. If at any time the liability policy becomes canceled or terminated, the certificate issued in reliance thereon shall be voided.

Section 3-7. Issuance of Certificate to Individual or Business.

When an individual proposes to qualify to do business in his own name, or a fictitious name where the individual is doing business as a sole proprietorship, certification when granted, shall be issued only to the qualifying individual, in his name.

If an applicant proposes to qualify to engage in contracting as a partnership, corporation, business trust, or other legal entity, applicant shall state the name of the agent, and the partnership and its partners; the name of the corporation and its officers and directors; the name of the business trust and its trustees; or the name of the other legal entity and its members, and must furnish evidence of statutory compliance if a fictitious name is used, as well as copies of the legal incorporation or partnership documents. The applicant shall be active in, and legally empowered, to act for the business organization in all matters connected with its contracting business; and have authority to supervise construction undertaken by the business organization. The certification, when issued, shall be in the name of the individual and the name of the business organization.

If any individual qualifying a business organization ceases to be affiliated with the business organization, the individual shall inform the Department within ten (10) days. In addition, if the individual is the only certified individual affiliated with the business organization, the business organization shall notify the Department of the individual's termination, within ten (10) days, and shall have sixty (60) days from the termination of the qualifying individual's affiliation with the business organization in which to affiliate with another person certified under the provisions of this article. Failing this, the qualification of the business organization shall be invalid.

The qualifying individual shall inform the Department in writing when proposing to engage in contracting in another name or in affiliation with another business organization; and the new business organization shall supply the same information to the Department as required for applicants under this section.

Section 3-8. Expiration, Renewal and Retired Certificates.

- a. Certificates shall expire annually at midnight on the last day of the birth month of the certificate holder. At renewal, the certificate holder upon request may be issued a two (2) year license that will expire in the same manner except every other year.
- b. Failure to renew the certificate prior to time and date shall cause the certificate to expire and it is unlawful thereafter for any person to engage or offer to engage or hold himself or herself out as engaging in contracting under the certificate unless the certificate is restored or reissued.
- c. A certificate which has expired because of failure to renew may be restored during the two (2) year period immediately following its expiration. The fee for restoration during the three (3) month period immediately following the expiration of the certificate shall be the same as the fee for renewal. The fee for restoration during the nine (9) months thereafter shall be equal to the original annual renewal fee and a penalty fee of \$100.00. The fee for restoration during the twelve (12) months thereafter shall be equal to the original annual renewal fees for the two (2) years, plus a penalty fee of \$200.00. Any person failing to renew an active certificate or obtain an inactive certificate for two (2) years subsequent to the expiration of the certificate shall be required to reapply for a certificate in the same manner as a new applicant, and be required to apply to the board and pass the required test with a score of seventy-five percent (75%) or above.
- d. A person who holds a valid Certificate of Competency may go on Retired Status during which time he or she shall not engage in contracting, but may retain his or her certificate on an retired basis upon payment of an annual renewal fee, as set forth. Additionally he or she must maintain a current active or current inactive registration. (except for Locally Specialty Contractors).
- e. A retired certificate may be activated at any time by payment of the total annual renewal fee for an active certificate, and the active certificate shall expire at midnight on the last day of the birth month of the applicant following the date of activation. To receive an active certificate, the certificate holder shall provide the department the state license, business tax receipt, proof of general liability insurance, worker's compensation exemption/insurance and a hold

- harmless agreement.
- f. An individual may hold an inactive certificate for no longer than two (2) consecutive years. An inactive certificate is defined as a license not renewed in the two year period as stated above. Any person failing to renew an active certificate or obtain an inactive certificate for two (2) years subsequent to the expiration of the certificate shall be required to reapply for a certificate in the same manner as a new applicant and be required to apply to the board and pass the required test with a score of seventy-five percent (75%) or above.
 - g. The Board may give special consideration in purged license cases concerning family illness and military deployment.

Section 3-9. Fees.

Application and testing fees. The fee to initiate an application for the County Competency Board approval for a Certificate of Competency shall be twenty-five dollars (\$25.00). Additionally, testing and reciprocity fees shall be as follows:

a.	Trade Exam with Business and Law*	\$50.00
b.	Business and Law Exam	\$50.00
c.	Examination Retake	\$50.00
d.	Reciprocal Letters (each municipality and county)	\$25.00

*If Business & Law Exam and Trade Exam are taken together, fee charged is for one exam only.

Annual renewal and administrative fees. The annual renewal fee for a Certificate of Competency shall be as follows:

a.	All contractors	\$100.00
b.	Retired	\$ 75.00
c.	Late Fees (excluding State Certified)	\$100.00 or \$200.00
d.	Change of Status (excluding State Certified)	\$100.00
e.	State Certified Administrative Fee	\$ 35.00
f.	Staff Assistance with State License Package (new applicants only)	\$ 35.00

Section 3-10. Emergency Registration Upon the Death of Contractor.

If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. The person shall notify the Department within thirty (30) days after the death of the contractor, of his or her name and address, knowledge of the contract, and ability to complete it. If the Board approves, he or she may proceed with the contract. The Board shall then issue an emergency registration which shall expire upon the completion of the contract. For purposes of this section, and upon written approval of the Board, an incomplete contract may be one which has been awarded to, or entered into, by the contractor before his or her death, or one on which he or she was the low bidder and the contract is subsequently awarded to him or her, regardless of whether any actual work has commenced under the contract before the contractor's death.

Section 3-11. Existing Retired Certificates.

Upon expiration of your five (5) year retirement Certificate of Competency, in order to continue in a retirement status, you must meet the current requirements of this ordinance.

Section 3-12. Undeclared Exam Applicants.

Applicants must declare “active” status in Okaloosa County within twelve (12) months from date of notification. of passing the examination. If active status is not declared within one (1) year from the date of the original notice, the applicant must appear before the Board for approval to retake the examination.

Section 3-13. Existing, Mechanical Residential and Plumbing Residential Certificates.

The existing mechanical residential and plumbing residential contractors will be grandfathered-in as provided for under previous ordinances.

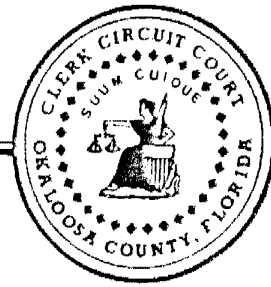
- a. The existing Certificate of Competency under mechanical residential, will be grandfathered as provided for under previous ordinances. Existing requirements for mechanical residential (one through three story buildings) and those services that are required in the execution of contracts to install, maintain, repair, fabricate, alter, extend or design central air conditioning, refrigeration, heating and ventilation systems, excluding combustion systems including repair and service.
- b. The existing Certificates of Competency under plumbing residential, will be grandfathered as provided for under previous ordinances. Existing requirements for plumbing residential are (one through three story buildings) normally a single family dwelling-not to include motels, high-rise apartments or commercial buildings, may include yard lawn sprinkler systems, etc. including plumbing repair and service.

Section 3-14. Effective Date.

This ordinance shall be effective upon becoming law and shall repeal all ordinances or provisions in conflict herewith.

DON W. HOWARD

CLERK OF THE CIRCUIT COURT, OKALOOSA COUNTY, FLORIDA



June 29, 2007


Mrs. Liz Cloud, Program Administrator
Division of Library and Information Services
R. A. Gray Building
500 South Bronough Street, Room 101
Tallahassee, FL 32399-0250

Dear Mrs. Cloud:

Please find enclosed certified copies of Ordinance Number 07-29 through 07-33 to be placed on file in your office. The Okaloosa County Board of County Commissioners adopted these ordinances on June 19, 2007.

Thank you for your assistance.
Sincerely,

DON W. HOWARD
CLERK OF CIRCUIT COURT


Teresa Ward
Deputy Clerk

Enclosure

Certified Mail #7160 3901 9849 4730 2322

REPLY TO:

- 101 E. JAMES LEE BLVD. • P.O. DRAWER 1359 • CRESTVIEW, FLORIDA 32536-1359 • (850) 689-5800 • SUNCOM 698-5800
- SHALIMAR ANNEX • 1250 N. EGLIN PKWY, SUITE B-110 • SHALIMAR, FLORIDA 32579 • (850) 651-7200 • SUNCOM 699-7200