

Carolyn Walker

From: David Ray
Sent: Thursday, October 15, 2015 5:36 PM
To: Carolyn Walker
Cc: Ron Wampler
Subject: 3743 Donald Ave.

Carolyn, SALINERO CONSTRUCTION, LLC (POOL) and or both SALINERO CONSTRUCTION, LLC will need to be scheduled for the Contractors Board for violation of city ordinance Sec. 18-117 Item 4.

The Building Department received a request from the Department of Business and Professional Regulation, to investigate a complaint of a pool installation at 3743 Donald Ave.

Finding listed below

- 1) Pool not level**
- 2) Wet deck around pool cracked**
- 3) The Hayward salt generator was installed incorrectly per Hayward tech.**
- 4) Florida Statutes and code of ordinances violations are listed below**

Sec. 18-117. - Acts declared unlawful.

It shall be unlawful for any contractor, as defined in [section 18-116](#), operating anywhere within the city, licensed individually or as a firm contractor, or any officers, directors or qualified representatives of a firm contractor to commit any one or more of the acts or omissions set forth in this section. It shall also be unlawful for any property owner to commit any one or more of the acts or omissions set forth in this section as it may pertain to a property owner who directly employs others to perform construction work at a property. Violations of this section by a property owner shall be subject to the authority of the special master. The following acts are declared unlawful:

- (1) Contract or do any work outside the scope of operation, as set out in the definition of the particular type of contractor for which he is qualified, or to perform or offer to purport to perform any architectural or engineering or surveying services in violation of state statutes.
- (2) Abandon without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.
- (3) Divert funds or property received for the execution or completion of a specific construction project or operation or for a specified purpose to any other use whatsoever.
- (4) Depart from or disregard in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.
- (5)

Disregard or violate, in the performance of his contracting business, any of the building, safety, health insurance or worker's compensation laws of the state or resolutions of the city commission concerning such.

(6)

Misrepresent any material fact in his application and supporting papers in obtaining a license under this article.

(7)

Fail to fulfill his contractual obligation through inability to pay all creditors for material furnished or work or services performed in the operation of his business for which he is licensed under this article.

(8)

Aid or abet an unlicensed person to evade the provisions of this article or allow his license to be used by any unlicensed person or to act as an agent of an unlicensed person with the intent to evade this article.

(9)

Commit any fraudulent act as a contractor by which another is substantially injured.

• **Sec. 18-116. - 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:

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.

Alarm system contractor 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, including but not limited to all types of alarm systems for all purposes. The term is further defined as follows:

(1)

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

(2)

Alarm system contractor II means an alarm system contractor whose business includes all types of alarm systems other than fire, for all purposes, except as provided in this article.

Apprentice means a person learning a craft under a skilled worker; hence, a beginner, and as such must have at least three years' experience before taking a journeyman exam.

Certificate means a certificate of competency issued by the state department of business and professional regulation as provided in this article.

Certified contractor means any contractor who possesses a certificate of competency issued by the state department of business and professional regulation and who shall be allowed to contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.

Contracting means, except as exempted in this article, engaging in business as a contractor and includes but is not limited to performance of any of the acts as set forth in the definition of the term "contractor" 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 article 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 article, the person who, for compensation, undertakes to, submits a bid to, or does himself 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 subsections of this definition. For the purposes of regulation under this article, the term "demolish" applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. Contractors are subdivided into two divisions, division I, consisting of those contractors defined in subsections (1) through (3) of this definition, and division II, consisting of those contractors defined in subsections (4) through (17) of this definition:

- (1) *General contractor* means a contractor whose services are unlimited as to the type of work which he may do, who may contract for any activity requiring licensure under this article, and who may perform any work requiring licensure under this article, except as otherwise expressly provided in F.S. § 489.113.
- (2) *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 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.
- (3) *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 habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.
- (4) *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 air-handling equipment, the balancing of air-handling systems, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system.
- (5) *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.
- (6) *Class A air conditioning contractor* means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to:
 - a. Install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including ductwork in connection with a complete system only to the extent such ductwork 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;
 - b. 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;
 - c. 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
 - d.

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.

(7)

Class B air conditioning contractor means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to:

a.

Install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including ductwork in connection with a complete system only to the extent such ductwork 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;

b.

Install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts;

c.

Replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch;

d.

Install, disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and

e.

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.

(8)

Class C air conditioning contractor means a contractor whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system, and whose certification or registration, issued pursuant to this article, was valid on October 1, 1988. No person not previously registered or certified as a class C air conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board of examiners shall continue to license and regulate those class C air conditioning contractors who held class C licenses prior to October 1, 1988.

(9)

Mechanical contractor means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to:

a.

Install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including ductwork in connection with a complete system only to the extent such ductwork 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;

b.

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 such, 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;

c.

Replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch;

d.

Install, disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and

e.

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.

(10)

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.

(11)

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.

(12)

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.

(13)

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 (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 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 in this article 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 F.S. § 489.113(6). Nothing in this definition shall be construed to require certification or registration under this article of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the state public service commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater.

(14)

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 the 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 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 such 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 F.S. § 633.021 beginning at the point where the piping is used exclusively for such system.

(15)

Solar contractor means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to the provisions of this article, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide any services enumerated in this definition that are within the scope of the services such contractors may render under this article.

(16)

Pollutant storage systems contractor means a contractor whose services are limited to 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 pollutant storage tanks. Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to F.S. § 376.303.

(17)

Specialty contractor means a contractor whose scope of work and responsibility is limited to a particular phase of construction and whose scope is limited to a subset of the activities described in the categories established in one of the subsections of this definition. The following is a list of specialty skills with the scope of work that may be performed under each certificate:

a.

Acoustical ceiling contractor means a contractor who is qualified to install, repair, alter or extend any acoustical or suspended acoustical ceiling.

b.

Aluminum contractor means a contractor who is qualified to fabricate, install, repair, alter or extend aluminum structures, including screen rooms, with solid or screen roofs, metal siding, soffits, gutters and awnings.

c.

Asphalt sealing and coating contractor means a contractor who is qualified to coat an existing asphaltic paving material with a sealer, which may be applied by squeegee, broom or mechanical applicator.

d.

Awning erection contractor means a contractor whose operation consists of the installation and repair of awning, wood, or metal.

e.

Cabinet and millwork contractor means a contractor whose work consists of building and the installation of cabinets of all kinds; also millwork of any kind.

f.

Concrete forming and placing contractor means a contractor who is qualified to construct forms and formwork for the casting and shaping of concrete, including but not limited to columns, beams, decks, and window frames; to place and erect concrete reinforcements; to batch and mix aggregate cement and water to specifications incidental to placing concrete; and to pour, place and finish concrete.

g.

Demolition contractor means a contractor who is qualified to demolish and remove structures, such as dwellings, commercial buildings, and foundations.

h.

Drywall contractor means a contractor who is 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 the 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 trim.

i.

Elevator contractor means a person licensed by the state in F.S. ch. 399.

j.

Fencing contractor means a contractor who is qualified to install, replace or repair fencing including but not limited to wood, metal chain link or masonry fences.

k.

Floor covering contractor means a contractor who is qualified to install, repair and replace subflooring and finish floor coverings, including wood, parquet, resilient tile, sheet vinyl and floor trim.

l.

General engineering contractor means a contractor who is qualified to do work such as but not limited to harbors, docks, excavating, filling and grading, pile driving, levees, pumping stations, and similar types of work in conjunction with water power, water control, waterworks and water supply, paving and sidewalks, curbs and gutter, streets and roads and bridges, overpasses and underpasses in streets; roads and public thoroughfares, underground sewage collection and disposal systems, bulkheading and underground utility line construction, both sanitary and storm sewer systems and similar work.

m.

Glass and glazing contractor means a contractor who is qualified to select, cut, assemble, and install all makes and kinds of glass and glasswork and execute the glazing frames, panels, sash and door and holding metal frames, ornamental decorations, mirrors, tub and shower enclosures.

n.

- Insulating contractor* means a contractor whose work is limited to the placing of any approved insulation in any type structure.
- o. *Irrigation sprinkler contractor* means a contractor who is qualified to install, maintain, repair, alter, or extend all piping and sprinkler heads for the irrigation of lawns, including the connection to a water pump.
- p. *Low voltage contractor* means a contractor who is qualified to install, maintain, repair, alter or extend any low voltage electrical construction less than 50 volts or equivalent rms.
- q. *Masonry contractor* means a contractor who is qualified to select, cut, and lay brick and concrete block or any other unit masonry products, lay brick and other baked clay products, rough cut and dress stone, artificial stone, and precast block, structural glass brick or block and insulated concrete wall units. This work includes placement of reinforcing steel and concrete forming and placing incorporated into the masonry work.
- r. *Metal decking and siding contractor* means a contractor who is qualified to install metal decking or siding.
- s. *Plastering/stucco contractor* means a contractor who is qualified to coat surfaces with a mixture of sand or other aggregate gypsum plaster, Portland cement or quick-lime and water, or any combination of such material as to create a permanent surface coating. Such contractor may apply and affix gypsum or metal lath or any other product prepared or manufactured, including the placing of metal studs and runners to which lath is to be applied, to provide key or suction bases for the support of the plaster coating.
- t. *Reinforcing steel placing contractor* means a contractor who is 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 or structures in such a manner that under all agreed specification, steel reinforcing bars (rods) for concrete buildings and structures can be fabricated, placed, and tied.
- u. *Roof waterproofing contractor* means a contractor who is qualified to paint and waterproof roofs.
- v. *Sandblasting contractor* means a contractor who is qualified to operate a sandblasting equipment for the purpose of cleaning or preparatory to repainting surfaces of structures.
- w. *Sign contractor, nonelectrical*, means a contractor who is qualified to install, repair, add or change nonelectrical signs according to the building code.
- x. *Structural steel/structural framing contractor* means a contractor who is 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, including metal decking, siding, joists, riveting, welding, and rigging, only in connection therewith.
- y. *Swimming pool maintenance repair contractor* means a contractor who is qualified to maintain and treat the water in existing swimming pools, both public and private, make minor repairs to existing pool masonry, such as patching cracks in pool bottoms and walls, repaint or resurface the walls and bottoms of pools, and do preventative maintenance to equipment such as filters and chlorinators.
- z. *Tile, terrazzo and marble contractor* means a contractor who is qualified to mix, prepare, and finish terrazzo, prepare the base, set tile and marble.
- aa. *Unlimited painting contractor* means a contractor who performs all work related to industrial facilities and other superstructures including bridges, and both water and communication towers and shall include all commercial and residential buildings. This work shall include sandblasting, water/moisture proofing and pressure washing of exterior surfaces and related repairs to already installed surfaces both interior and exterior. This work includes both paper and fabric wall coverings and the necessary surface preparation.

bb.

Welding contractor means a contractor who is qualified to fabricate and install assembled accessories and sections of structural and ornamental metals.

cc.

Well drilling contractor means a person licensed pursuant to F.S. § 373.323.

Electrical contractor and *unlimited electrical contractor* mean 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, 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 who engages in the business of electrical contracting under an express or implied contract; or who undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or who does himself or by or through others engages in the business of electrical contracting.

Electrician means a person who is engaged in the trade or business of electrical construction and who is qualified under the terms and provisions of this article.

Engage in business means doing a trade for any owner or any tenant of land or of a building or of any part thereof, or for any person in possession or in charge of the land or building or any part thereof, or entering into a contract with any such owner, tenant, person, firm or corporation for the doing of a trade.

Maintenance electrician means a person who has qualified for a journeyman electrician, but who must be regularly employed to maintain and make minor repairs to the electrical wiring, apparatus and equipment which is installed, contained and used upon premises or in buildings owned, occupied or controlled by the person by whom the maintenance electrician is employed.

Qualified person means any person qualified under the terms and provisions of this article, including any bona fide owner who desires to perform work on his premises in accordance with the terms and provisions of this Code.

Registered contractor means any contractor who has registered with the state department of business and professional regulation pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. Registered contractors may contract only in such jurisdictions.

Registration means registration with the state department of business and professional regulation as provided in F.S. ch. 489.

Subcontractor means one who contracts with a contractor to perform part of the latter's work.

Trade includes but is not limited to plumbing, electrical work, plastering, construction, repair or removal of buildings, and any other similar occupation connected with the construction industry.

(Code 1986, §§ 31.063, 33.01)

The 2015 Florida Statutes

Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553

BUILDING CONSTRUCTION STANDARDS

553.781 Licensee accountability.—

(1) The Legislature finds that accountability for work performed by design professionals and contractors is the key to strong and consistent compliance with the Florida Building Code and, therefore, protection of the public health, safety, and welfare. The purpose of this section is to provide such accountability.

(2)(a) Upon a determination by a local jurisdiction that a licensee, certificateholder, or registrant licensed under chapter 455, chapter 471, chapter 481, or chapter 489 has committed a material violation of the Florida Building Code and failed to correct the violation within a reasonable time, such local jurisdiction shall impose a fine of no less than \$500 and no more than \$5,000 per material violation.

(b) If the licensee, certificateholder, or registrant disputes the violation within 30 days following notification by the local jurisdiction, the fine is abated and the local jurisdiction shall report the dispute to the Department of Business and Professional Regulation or the appropriate professional licensing board for disciplinary investigation and final disposition. If an administrative complaint is filed by the department or the professional licensing board against the certificateholder or registrant, the commission may intervene in such proceeding. Any fine imposed by the department or the professional licensing board, pursuant to matters reported by the local jurisdiction to the department or the professional licensing board, shall be divided equally between the board and the local jurisdiction which reported the violation.

(3) The Department of Business and Professional Regulation, as an integral part of the automated information system provided under s. 455.2286, shall establish, and local jurisdictions and state licensing boards shall participate in, a system of reporting violations and disciplinary actions taken against all licensees, certificateholders, and registrants under this section that have been disciplined for a violation of the Florida Building Code. Such information shall be available electronically. Any fines collected by a local jurisdiction pursuant to subsection (2) shall be used initially to help set up the parts of the reporting system for which such local jurisdiction is responsible. Any remaining moneys shall be used solely for enforcing the Florida Building Code, licensing activities relating to the Florida Building Code, or education and training on the Florida Building Code.

(4) Local jurisdictions shall maintain records, readily accessible by the public, regarding material violations and shall report such violations to the Department of Business and Professional Regulation by means of the reporting system provided in s. 455.2286.

For purposes of this section, a material code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided in subsection (2), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificateholder's, or registrant's ability to obtain permits within this state until such time as the fine is paid. Such suspension shall be reflected on the automated information system under s. 455.2286.

History.—s. 47, ch. 98-287; ss. 80, 81, ch. 2000-141; ss. 34, 35, ch. 2001-186; ss. 3, 4, ch. 2001-372.

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Title XXXII

REGULATION OF PROFESSIONS AND OCCUPATIONS

489.117 Registration; specialty contractors.—

(1)(a) Any person engaged in the business of a contractor as defined in s. 489.105(3)(a)-(o) must be registered before engaging in business as a contractor in this state, unless he or she is certified. To be initially registered, the applicant shall submit the required fee and file evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. An examination is not required for registration.

(b) Registration allows the registrant to engage in contracting only in the counties, municipalities, or development districts where he or she has complied with all local licensing requirements and only for the type of work covered by the registration.

(c) Each registrant shall report to the board each local jurisdiction and each category of registration in which the registrant holds a certificate of competency or license, or where the registrant has been granted a certificate of competency or license by reciprocal agreement, for which registration is required by this part, within 30 days after obtaining such certificate or license.

(2) No new registration may be issued by the board after July 1, 1993, based on any certificate of competency or license for a category of contractor defined in s. 489.105(3)(a)-(o) which is issued by a municipal or county government that does not exercise disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in s. 489.131(7). For purposes of this subsection and s. 489.131(10), the board shall determine the adequacy of such disciplinary control by reviewing the local government's ability to process and investigate complaints and to take disciplinary action against locally licensed contractors.

(3)(a) Upon findings of fact supporting the need therefor, the board may grant a limited nonrenewable registration to a contractor not domiciled in the state, for one project. During the period of such registration the board may require compliance with this and any other statute of the state.

(b) The application for a temporary registration shall constitute appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of contracting for which the temporary license was issued.

(4)(a) A person holding a local license whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board to perform contracting activities within the scope of such specialty license.

(b) The local jurisdictions are responsible for providing the following information to the board within 30 days after licensure of, or any disciplinary action against, a locally licensed contractor who is registered under this part:

1. Licensure information.
2. Code violation information pursuant to s. 553.781.
3. Disciplinary information.

The board shall maintain such licensure and disciplinary information as it is provided to the board and shall make the information available through the automated information system provided pursuant to s. 455.2286.

(c) Providing discipline to such locally licensed contractors is the responsibility of the local jurisdiction.

(d) Any person who is not required to obtain registration or certification pursuant to s. 489.105(3)(d)-(o) may perform contracting services for the construction, remodeling, repair, or improvement of single-family residences, including a townhouse as defined in the Florida Building Code, without obtaining a local license if such person is under the supervision of a certified or registered general, building, or residential contractor. As used in this paragraph, supervision shall not be deemed to require the existence of a direct contract between the certified or registered general, building, or residential contractor and the person performing specialty contracting services.

History.—ss. 8, 17, ch. 79-200; ss. 2, 3, ch. 81-318; ss. 9, 20, 21, ch. 88-156; s. 4, ch. 91-429; s. 2, ch. 92-55; s. 61, ch. 92-149; s. 3, ch. 93-154; s. 12, ch. 93-166; s. 262, ch. 94-119; s. 483, ch. 97-103; s. 22, ch. 98-287; s. 1, ch. 99-254; s. 5, ch. 2003-257; s. 30, ch. 2009-195.

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Title XXXII REGULATION OF PROFESSIONS AND OCCUPATIONS

Chapter 489 CONTRACTING

[View Entire Chapter](#)

489.131 Applicability.—

- (1) This part applies to all contractors, including, but not limited to, those performing work for the state or any county or municipality. Officers of the state or any county or municipality shall determine compliance with this part before awarding any contract for construction, improvement, remodeling, or repair.
- (2) The state or any county or municipality shall require that bids submitted for construction, improvement, remodeling, or repair on public projects be accompanied by evidence that the bidder holds an appropriate certificate or registration, unless the work to be performed is exempt under s. 489.103.
- (3) Nothing in this part limits the power of a municipality or county:
- (a) To regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which is designed to secure compliance with and aid in the implementation of state and local building laws.
- (b) To enforce other laws for the protection of the public health and safety.
- (c) To collect business taxes, subject to s. 205.065, and inspection fees for engaging in contracting or examination fees from persons who are registered with the board pursuant to local examination requirements and issue business tax receipts. However, nothing in this part shall be construed to require general contractors, building contractors, or residential contractors to obtain additional business tax receipts for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.
- (d) To adopt any system of permits requiring submission to and approval by the municipality or county of plans and specifications for work to be performed by contractors before commencement of the work.

- (e) To require one bond for each contractor in an amount not to exceed \$5,000, which bond shall be conditioned only upon compliance with the Florida Building Code adopted pursuant to s. 553.73. Any such bond must be equally available to all contractors without regard to the period of time a contractor has been certified or registered and without regard to any financial responsibility requirements. Any such bonds shall be payable to the Florida Homeowners' Construction Recovery Fund and filed in each county or municipality in which a building permit is requested. Bond reciprocity shall be granted statewide. All such bonds shall be included in meeting any financial responsibility requirements imposed by any statute or rule. Any contractor who provides a third party insured warranty policy in connection with a new building or structure for the benefit of the purchaser or owner shall be exempt from the bond requirements under this subsection with respect to such building or structure.
- (f) To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the board and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least \$1,000, or probation; or to issue permits with specific conditions to a contractor who, within the previous 12 months, has had disciplinary action other than a citation or letter of guidance taken against him or her by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (6)(c), for engaging in the business or acting in the capacity of a contractor without a license. However, this subsection does not supersede the provisions of s. 489.113(4), and no county or municipality may require any certificateholder to obtain a local professional license or pay a local professional license fee as a condition of performing any services within the scope of the certificateholder's statewide license as established under this part.
- (4) Nothing in this part shall be construed to waive any requirement of any ordinance or resolution existing on October 1, 1979, of a board of county commissioners regulating the type of work required to be performed by a specialty contractor.
- (5) Any official authorized to issue building or other related permits shall, before issuing a permit, ascertain that the applicant contractor is certified or is registered in the area where the construction is to take place.
- (6)(a) No municipality or county may require the holder of a certificate issued pursuant to this part to sit for examination to operate within the scope of such certificate.
- (b) To engage in contracting in the territorial area, an applicant shall also be registered with the board, as required by s. 489.117.
- (c) Each local board or agency that licenses contractors must transmit quarterly to the board a report of any disciplinary action taken against contractors and of any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor including any cease and desist orders issued pursuant to s. 489.113(2)(b) and any fine issued pursuant to s. 489.127(5).
- (7)(a) It is the policy of the state that the purpose of regulation is to protect the public by attaining compliance with the policies established in law. Fines and other penalties are provided in order to ensure compliance with state laws and local jurisdiction ordinances.
- (b) The local governing body of a county or municipality, or its local enforcement body, is authorized to enforce the provisions of this part as well as its local ordinances against locally licensed or registered contractors, as appropriate. The local jurisdiction enforcement body may conduct disciplinary proceedings against a locally licensed or registered contractor and may require restitution, impose a suspension or revocation of his or her local license, or a fine not to exceed \$5,000, or a combination thereof, against the locally licensed or registered contractor, according to ordinances which a local jurisdiction may enact. In addition, the local jurisdiction may assess reasonable investigative and legal costs for the prosecution of the violation against the violator, according to such ordinances as the local jurisdiction may enact.
- (c) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for 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 board, or a

combination thereof. The local jurisdiction enforcement body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the board penalty recommended, his or her rights to appeal, and the consequences should he or she decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the board of its action and the recommended board penalty.

(d) The department, the disciplined contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Construction Industry Licensing Board. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(e) Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by board rule without further board action. The disciplined contractor may appeal this board action to the district court.

(f)1. The department may investigate any complaint which is made with the department. However, the department may not initiate or pursue any complaint against a registered contractor who is not also a certified contractor where a local jurisdiction enforcement body has jurisdiction over the complaint, unless summary procedures are initiated by the secretary pursuant to s. 455.225(8), or unless the local jurisdiction enforcement body has failed to investigate and prosecute a complaint, or make a finding of no violation, within 6 months of receiving the complaint. The department shall refer the complaint to the local jurisdiction enforcement body for investigation, and if appropriate, prosecution. However, the department may investigate such complaints to the extent necessary to determine whether summary procedures should be initiated.

2. Upon a recommendation by the department, the board may make conditional, suspend, or rescind its determination of the adequacy of the local government enforcement body's disciplinary procedures granted under s. 489.117(2).

(g) Nothing in this subsection shall be construed to allow local jurisdictions to exercise disciplinary authority over certified contractors.

(8) A local enforcement board may petition the secretary of the department for issuance of a summary order against a certificateholder or registrant for any violation of this part.

(9) The right to create local boards in the future by any municipality or county is preserved.

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in subsection (7). Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the board has seven or more members, at least three of those members must be consumer representatives. The consumer representative may be any resident of the local jurisdiction who is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(3)(a)-(o), shall file a certified copy of such agreement with the board not later than 60 days after July 1, 1993, or 30 days after the effective date of such agreement.

(12) Unless specifically provided, the provisions of this part shall not be construed to create a civil cause of action.

History.—ss. 10, 17, ch. 79-200; s. 372, ch. 81-259; ss. 2, 3, ch. 81-318; s. 1, ch. 87-152; ss. 15, 20, 21, ch. 88-156; s. 30, ch. 89-289; s. 35, ch. 89-374; s. 40, ch. 91-137; s. 4, ch. 91-429; s. 6, ch. 92-55; ss. 64, 70, ch. 92-149; s. 19, ch. 93-166; s. 265, ch. 94-119; s. 4, ch. 95-240; s. 10, ch. 96-298; s. 73, ch. 96-388; s. 51, ch. 97-98; s. 1130, ch. 97-103; s. 13, ch. 97-228; s. 24,

ch. 98-287; s. 10, ch. 98-419; s. 125, ch. 2000-141; s. 36, ch. 2000-154; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 10, ch. 2004-84; s. 119, ch. 2007-5; s. 10, ch. 2013-193.

Thanks

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