

Building Department

Office Memorandum

Date: July 21, 2008

To: Mark Finigan, Asst. City Manager
Shawn Smith, City Attorney

From: John Woodson, Building Director

Issue:

Update City Code of Ordinance regarding Contractors. Chapter 18
Businesses/Article III. Contractors.

Background:

1. Remove and add trade definitions: The Building Official and the Contractor Examining Board occasionally make trade testing requirement changes that either adds or removes a trade test because of this, the current chapter is outdated. By keeping these trade definitions in the code we would constantly be making changes to add or remove trades. For example, our code currently includes definitions for Class C A/C contractor and Acoustical Ceiling contractor which no longer exist but fails to include Certified Thatched Specialty Structures and Interlocking Pavers which we have added on the past several years. All trades can be located either in Florida Statute or in the Building Department from the current testing agency reference material bulletins.
2. Update language: Some of the language has changed throughout the years. Change language to what is currently used by the State of Florida and City of Key West: Some of the trade names and terms have been updated to different words and classifications.

Options:

1. Update ordinance for clarity.
2. No change: Continue to use outdated, inconsistent, and obsolete language.

Recommendation:

Option #1. Update ordinance. By updating the ordinance, the public and city staff will understand the Building Departments use of Chapter 18. There will be fewer disagreements with contractors and the Contractor Board Members on the definitions for trades and trade tier information.

attachment

ARTICLE III. CONTRACTORS*

***Cross references:** Buildings and building regulations, ch.14.

State law references: Contracting, F.S. ch. 489.

DIVISION 1. GENERALLY

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 /Helper 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 multioccupancy 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.

Journeyman means a person who is engaged in a tier trade or business of 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)

Cross references: Definitions generally, § 1-2.

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.
(Code 1986, § 33.02)

Sec. 18-118. Exceptions.

(a) This article does not apply to any person or transaction exempted by F.S. § 489.103.

(b) An agent shall not be allowed to act on the behalf of a person applying for a homeowner permit to alter, construct, or repair a structure unless a licensed contractor is employed.

(Code 1986, § 33.06)

Sec. 18-119. Penalty for violation.

Any person who shall violate any of the sections of this article, upon conviction thereof, or upon citation for civil infraction shall be punished or penalized as provided in section 1-15. Each day such violation continues shall be deemed a separate offense.

(Code 1986, § 33.07)

Secs. 18-120--18-145. Reserved.

DIVISION 2. LICENSE

Sec. 18-146. License required.

Every person engaged in or who shall engage in the business or capacity of a contractor as defined in section 18-116 shall procure and maintain at all times while so engaged a city business tax receipt.

(Code 1986, § 33.03)

Sec. 18-147. Business tax receipt applicable.

Article IV of chapter 66, insofar as the requirements for a local business tax receipt may be applicable and not in conflict, shall apply to and govern the issuance of any tax receipt under this article.

(Code 1986, § 33.04; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-148. Limit of apprentices in certain trades.

In any and all trades in which a certificate of competency is required, apprentices shall be limited to not more than two apprentices /helper per skilled ~~craftsman~~ Journeyman.

(Code 1986, § 33.05)

Sec. 18-149. Certification requirement, reciprocity.

Every person, who, under the terms of this Code, is required to hold a certificate of competency, and who, upon the effective date of Ordinance No. 80-19, holds a current certificate of competency issued by the city and shall be entitled to a certificate of competency without examination, but such certificate shall be subject to any restrictions and limitations carried by the current city certificate and shall entitle the holder of such certificate to do business only in the city. Evidence to be considered to warrant such entitlement shall include, but shall not necessarily be limited to:

(1) Proof that written examination given by the city was successfully passed by the applicant.

(2) Letters from the county building department, stating that applicant has successfully passed the ~~Exterior Assessments LLC~~ contractor examination / examinations proctored by the county, and reciprocity is agreeable with the county.

(Code 1986, § 33.14; Ord. No. 01-07, § 2, 7-3-2001)

Sec. 18-150. Certificate of competency required.

(a) It shall be unlawful for any person to engage in the business or act in the capacity of a contractor, subcontractor, specialty contractor, ~~electrician or maintenance personnel~~ or perform any trade, as defined in section 18-116, anywhere within the city limits without a current valid certificate of competency issued by the building official having jurisdiction over the ~~several~~ trades concerned. Specialty contractors shall be subject to the requirements of sections 18-152 and 18-154 regarding applications and examinations.

(b) Any person not possessing a current certificate of competency and holding himself out as plaintiff or defendant in any court of this state or advertising in a newspaper or otherwise to be a contractor shall be subject to the provisions and penalties of this article, and a certified copy of such court records or a copy of the newspaper or other advertising making such an assertion shall be prima facie evidence in court or in any other proceeding authorized by this article that the person purported to have the capacity to act as a contractor.

(Code 1986, § 33.08)

Sec. 18-151. Certificate prerequisite to issuance of business tax receipt.

Whenever a city business tax receipt is required of any contractor or subcontractor, no such business tax receipt shall be issued unless the applicant shall first procure from the building department a current certificate of competency and shall present a copy to the license division.

(Code 1986, § 33.09; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-152. Application for contractor's certificate.

A contractor's certificate of competency shall be obtained in the following manner:

(1) Any person required or desiring to be qualified as a contractor shall make application on a form prescribed by the building department at the office of the building director of the building department.

(2) If the applicant is a firm, the application shall be executed by the president, or one legally qualified to act for the firm shall show his authority to so act on the application and shall name an authorized agent on behalf of the firm showing his authority to:

a. Act for the firm in all matters in any manner connected with the contracting business;

- b. Supervise the construction under the business tax receipt issued to the firm; and
- c. Take the qualifying examination for the firm, unless holding a current certificate of competency of the class and type necessary.

The firm shall be qualified only through the qualifications of such agent taking the examination or through an agent currently qualified. If the agent (qualifier) shall sever his affiliation with such firm, the certificate of competency held by such firm shall be automatically canceled. An agent (qualifier) shall be registered to the work of the firm he is currently qualifying.

(3) No application shall be considered unless the applicant gives all information required on the form, which shall include the following:

- a. A statement of the applicant's proposed contracting business.
- b. The type of certificate being applied for.
- c. Name, residence, business address of the applicant.
- d. If the applicant is a firm, the name and business address of the firm and the names and residences of all directors and officers of the firm and their interest therein, and the name and residence of the applicant's qualified representative and information contained in this subsection; if the applicant is a corporation, a certificate of incorporation.

(4) The building director shall notify the applicant of the next regular examination and shall notify the board of examiners of the application prior to its next regular meeting and shall make such additional investigation as may be directed by the board.

(Code 1986, § 33.10; Res. No. 06-292, § 1, 9-6-2006)

Sec. 18-153. Application for certificate of competency.

A certificate of competency for personnel shall be obtained in the following manner:

(1) Any person required or desiring to be qualified as a master, journeyman or maintenance personnel shall make an application on a form prescribed by the building department at the office of the building director. The application shall be retained by the department together with all supporting papers.

(2) The building director shall notify the applicant of the next examination.

(Code 1986, § 33.11)

Sec. 18-154. Examinations; issuance.

(a) Examinations required under this article shall be of the type as furnished by ~~Exterior Assessments # LLC~~. **the testing agency currently approved by the City of Key West Building Official.**

(b) The building director shall not issue a certificate of competency unless he finds that the applicant or, if the applicant is a firm, the qualified representative has made a passing grade of 70 percent or higher on the written examination and has the necessary experience for the type of certificate applied for.

(Code 1986, § 33.12; Ord. No. 01-07, § 1 (33.12), 7-3-2001)

~~Sec. 18-155. Temporary certificates.~~

~~Any person who has in his possession a current license or certificate as a master or journeyman issued by any state, county or municipality in the United States certifying that the holder has been examined and found competent to perform the work of a master or journeyman shall, after making application for the next examination, be issued a~~

~~temporary certificate by the building director authorizing such master or journeyman to work in the capacity of a journeyman. Such certificate shall be issued only upon written request of the employing contractor. Failure to take or pass the examination shall automatically terminate such certificate, and the employing contractor shall return the certificate to the building director. No further certificate shall be issued to the applicant unless he shall take and pass an examination.~~

~~(Code 1986, § 33.13)~~

Sec. 18-156. Use of name of licensee prohibited.

No person licensed by the city pursuant to this article shall allow his name to be used by any other person, directly or indirectly, for the purpose of obtaining a permit or doing work under the license of such person. Any person found guilty in the municipal court of permitting the use of his name in this manner shall be guilty of an offense, and in addition thereto, shall forfeit his license to do work in the city for a period of one year.

(Code 1986, § 31.072)

Sec. 18-157. Employment of unlicensed persons prohibited.

(a) No licensed person shall employ any person required to be certified pursuant to this article to work unless the person has in his possession a certificate of competency as provided for in section 18-150.

(b) No person shall do work of any character which requires a license outside, inside or attached to buildings or premises, whether for permanent or temporary work, in the city unless he is employed by and works under the direct supervision of a licensed person who is duly certified as provided for in this Code.

(Code 1986, § 31.073)

Sec. 18-158. Reexamination.

Where a certificate issued pursuant to this article has been revoked or has expired or lapsed for any reason, the board of examiners may require complete reexamination before a certificate of competency is renewed or reinstated.

(Code 1986, § 33.15)

Sec. 18-159. Examination and renewal fees.

(a) Examination fees are as follows:

(1) Standard technical exam . . . \$100.00

(2) Standard business and law exam . . . 100.00

(b) Under this article, the renewal fee shall cover two years, and the renewal fee is due on October 1 of each odd-numbered year. A delinquent charge of ten percent will be added for all renewals after November 15 of each odd-numbered year.

(c) Renewal fees shall be \$15.00 per year for all categories if proper application for renewal is completed within 24 calendar months of the expiration date of the certificate of competency. Renewal applicants properly completing an application more than 24 but less than 60 months after the certificate's expiration shall pay, in addition to the renewal fee of \$10.00, an administrative fee of \$25.00 and shall receive the certificate only upon providing to the chief building official reasonable evidence of continued proficiency in

the work for which the certificate is issued. An applicant whose certificate has been expired for more than 60 consecutive months shall be reexamined.
(Code 1986, § 33.16; Ord. No. 01-07, § 1(33.16), 7-3-2001)

Sec. 18-160. Certificate number; state certified number.

(a) Any person who advertises in a newspaper, by handbills, signs (vehicles included), or any other printed matter that he will perform construction work or give estimates and holding himself out as qualified to perform such work must also include his permanent certificate of competency or state-certified number in such ad.

(b) This number shall also be affixed to all estimates, proposals, and contracts for work.
(Code 1986, § 33.17)

Sec. 18-161. Suspension, revocation.

The certificate of competency issued by the city to a contractor may be suspended for a fixed term or revoked by the contractors examining board's determination by a majority vote of the entire board after hearing if the contractor, as an individual or the firm by its officers, directors or qualified representative, has violated any of the following provisions of this section. The suspension or revocation of a certificate of competency shall automatically suspend or revoke, as the case may be, any business tax receipt issued by the city. The contractors examining board shall suspend or revoke a contractor's certificate of competency if it is found that the contractor has:

- (1) Been adjudicated bankrupt.
- (2) Failed to maintain continually during the life of the certificate of competency appropriate liability and property damage insurance with an insurance company authorized to do business in the state as follows:

TABLE INSET:

Type of Contractor	Liability	Property Damage
General (class A)	\$300,000.00	\$50,000.00
Building (class B)	300,000.00	50,000.00
All others	100,000.00	50,000.00

A certificate of insurance shall contain the information required by the state in F.A.C. 61G4-15.003(2), a copy of which is on file in the city clerk's office. Certificates shall be filed with the secretary of the contractors examining board. The board may reinstate a revoked certificate of competency when the contractor obtains sufficient insurance coverage under this subsection. This subsection shall constitute an affirmative requirement of contractors to obtain liability and property damage insurance in accordance with the terms required in this subsection.

(3) Violated any of the sections of this article.

(Code 1986, § 33.18; Res. No. 06-292, § 1, 9-6-2006)

Secs. 18-162--18-190. Reserved.