

**ORDINANCE  
NO. 98-10**

AN ORDINANCE SETTING UP A LICENSING PROGRAM TO REGULATE CONTRACTORS IN GULF COUNTY; PROVIDING FOR DEFINITIONS OF VARIOUS KINDS OF CONTRACTORS, REGISTRATION, BOARD AND RELATED DEFINITIONS; CREATING THE GULF COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD; PROVIDING THAT THE MEMBERS OF SAID LICENSING BOARD SHALL BE THE SAME AS THOSE OF THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS OF GULF COUNTY AS AUTHORIZED BY THE STANDARD BUILDING CODE, AND PROVIDING FOR THE POWERS, DUTIES, AND RESPONSIBILITIES OF SAID BOARD; PRESCRIBING QUALIFICATIONS AND MAKING PROVISIONS FOR THE REGISTRATION AND EXAMINATION OF CONTRACTORS; PROVIDING FOR THE RENEWAL THEREOF AND MAKING CERTAIN EXCEPTIONS AND EXEMPTIONS FROM SAID PROVISIONS; PROVIDING FOR THE PAYMENT AND COLLECTION OF FEES IN CONNECTION THEREWITH AND MAKING PROVISION FOR THE USE AND DISPOSITION THEREOF, MAKING CERTAIN ACTS UNLAWFUL AND PRESCRIBING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATE.

**BE IT ENACTED BY THE PEOPLE OF GULF COUNTY:**

**SECTION: 1.** As used in this ordinance:

(1) "Contractor" means, except those herein exempted, and unless the context otherwise clearly indicates, any person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, construct, repair, alter, remodel, add to, subtract from, or improve, any building or structure, including related improvements to real estate for others, or for resale to others. "Contractors" are subdivided into categories as follows:

(a) "General Contractor" means a contractor whose services are unlimited as to the type of work which he may do as set forth in subsection (1) above.

(b) "Building Contractor" means a contractor whose services are limited to construction of commercial buildings and single-family or multiple-family residential buildings, which commercial or residential building does 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.

(c) **“Residential Contractor”** means a contractor whose services are limited to the construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two stories in height and accessory use structures in connection therewith.

(d) **“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. 10 gauge or its equivalent or lighter gauge and of other materials, including but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same and including the balancing of air-handling systems.

(e) **“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, repair, waterproof, stop leaks, or extend the life of the roof.

(f) **“Class A Air Conditioning Contractor”** means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic controls; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any

excavation work incidental thereto, but shall not include any work such as liquified petroleum or natural gas lines within a building potable waterlines or connections, thereto, sanitary sewer lines, swimming pool piping and filters, or other electrical power wiring.

(g) “**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 install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make a complete air-distribution system being installed under this classification; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquified petroleum or natural gas fuel lines within a building, potable waterlines, or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(h) “**Mechanical Contractor**” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping and all appurtenances, apparatus, or equipment used in connection therewith; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping insulation of pipes, vessels, and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and natural gas lines within buildings; to replace, disconnect, or

reconnect power wiring on the load side of the dedicated existing electrical disconnect switch to install, disconnect, and reconnect low voltage, heating, ventilating, and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waster 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 liquified gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical wiring.

(i) **“Commercial Pool/Spa Contractor”** means a contractor whose scope of work involves, but is not limited to, the construction repair water treatment and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of such work includes a layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiber glassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. However, the scope of work does not include direct connections to a sanitary sewer system or to a potable water waterline.

(j) **“Residential Pool/Spa Contractor”** means a contractor whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any residential swimming pool or hot tub or spa, regardless of use. The scope of such work includes layout, excavation, operation of construction of pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiber glassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, installation of housing for pool equipment, and installation of package pool heaters. However, the scope such work does not include direct connections to a sanitary sewer system or potable waterlines.

(k) **“Swimming Pool/Spa Servicing Contractor”** means a contractor whose scope of work involves the servicing, repair, water treatment, including, but not limited to, the direct infusion of chlorine gas, and maintenance of any swimming pool or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of any

additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, reconstruction of decks, and reinstallation or addition of pool heaters.

(1) **“Plumbing Contractor”** means a contractor whose contracting business consists of the execution of contracts requiring the experience, 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 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; sanitation 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 water heating systems and all 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 system, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable. The scope of the plumbing contractor shall apply to private property and public property, shall include the work of the specialty contractor. Such contractor shall subcontract with a qualified contractor in the field concerned, all other work incidental to the work but which is specified herein as being incidental to the work but which is specified herein as being the work of a trade other than that of the plumbing contractor. Nothing in this definition shall be construed to require certification or registration under this part of any authorized employee of a public natural gas utility or a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater.

(m) **“Electrical Contractor” or “Unlimited Electrical Contractor”** means a person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance

with the 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 installation and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.

(n) **“Electrical Specialty Contractor”** means a contractor whose scope of practice is limited to a specific segment of electrical or alarm contracting, including, but not limited to, residential electrical contracting, but not limited to, residential electrical contracting, but not limited to, residential electrical contracting, maintenance of electrical fixtures, installation and maintenance of electrical fixtures, installation and maintenance of electrical outdoor advertising signs together with the interrelated parts and supports thereof. Categories of specialty electrical contractor shall be established by board rule.

(o) **“Drywall Contractor”** means a person who for compensation, undertakes to, or submits a bid for the following scope of work: the installation, repair, finishing or handling in a construction manner of drywall products or Gypsum Products in new installations on renovations.

(p) **“Underground Utility Contractor”** means a contractor whose services are limited to the contraction, installation, and repair, on public or private property, of main water distribution systems, and storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single occupancy commercial properties, or on multi occupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. An underground utility contractor shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021(7) beginning at the point where the piping is used exclusively for such system.

(2) "Board" means the Gulf County Construction Industry Licensing Board created hereby unless the context otherwise requires.

(3) "Contracting" means, except as herein exempted, engaging in business as a contractor.

(4) "Registration" means registration with the Board as provided herein.

(5) "Register" means the act of obtaining evidence of registration with the Board as provided herein.

(6) "Registrant" means a person who has registered with the Board.

**SECTION 2.** The Gulf County Construction Industry Licensing Board is hereby created and shall consist of seven (7) members & 2 alternates who shall be the members of the Construction Board of Adjustment and Appeals of Gulf County as authorized by the Standard Building Code, and they, and their successors in office, in the individual capacities, shall be known and designated as the members of the Gulf County Construction Industry Licensing Board. There is hereby imposed on them the additional duties as set forth herein. They shall receive no additional compensation as members of this board. Their duties and authority shall be as provided herein and in accordance with Florida Statue Chapter 489 specifically including the disciplinary control and oversight over locally licensed contractors.

**SECTION 3.** The Board shall meet regularly as the need presents itself. The Board shall elect officers from its membership, whose terms shall expire at the end of the calendar year in which they are elected to serve. Special meetings of the Board may be held as the Board provides in its rules and regulations. Four (4) members shall constitute a quorum. The Board is authorized to adopt reasonable rules and regulations not in conflict with other ordinances of the County or State law. Any member of the Board may administer oaths and take testimony about all matters within the jurisdiction of the Board. The Building Official shall act as the Clerk of the Board and shall keep, maintain, and preserve a current list of all persons registered with the Board, shall issue written evidence of registration with the Board and perform the normal duties of a Clerk and such duties as the Board may reasonably require.

**SECTION 4.** All money collected by the Board shall be received, deposited, expended and accounted for pursuant to law. The actual and necessary expenses of the Board in the administration of this ordinance shall be paid from the money collected under the provisions of this ordinance.

**SECTION 5.** Registration: All persons desiring contracting in Gulf County shall register with the Board in the proper classification. Qualification for registration must be by one (1) of the following means:

- 1) Provision of evidence that applicant has passed the Block and Associates Exam or equivalent for the classification that applicant desires to contract in along with a Florida Local License, a Florida Construction Industry License, a Gulf County Competency Card, adequate amount of liability insurance and worker's compensation insurance.
- 2) Provision of evidence that applicant holds a "grandfather" status competency card along with a local license, a Florida Construction Industry License for the classification that the applicant desires to contract in, adequate amount of liability insurance and worker's compensation insurance along with the principle place of business being Gulf County, Calhoun County or the City of Mexico Beach.

**SECTION 6.** Registration permits the registrant to engage in contracting in Gulf County only for the type of work covered by the registration.

**SECTION 7.** As a prerequisite to registration, the Board shall require the applicant to submit satisfactory evidence that he has obtained public liability insurance in the amount required for registration with the State of Florida Department of Professional Regulation.

**SECTION 8.** When an individual proposes to do business in his own name, registration, when granted, shall be issued only to that individual.

**SECTION 9.** If the applicant proposing to engage in contracting is a partnership corporation, business trust, or other legal entity, the application shall state the name of the partnership and of its partners, or the name of the corporation and of its officers and directors, or the name of the business trust and its trustees, or the name of other legal entity and its members and furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the person applying for the examination is legally qualified to act for the business; and that he has the authority to supervise the construction undertaken by such business corporation. The registration, when issued upon application of a business organization, shall be in the name of such business organization and the name of the qualifying individual or individuals shall be noted thereon.



**SECTION 10.** (1) At least one member or supervising employee of such business organization shall be registered under this ordinance in order for the business organization to hold a current registration in the category of the business conducted for which the member or supervising employee is qualified. If an individual so qualified on behalf of such business organization ceases to be affiliated with such business organization he shall promptly inform the Board. In addition, if such individual is the only qualified individual affiliated with the business organization, the business organization shall notify the Board of the individual's termination and shall have a period of 60 days from the termination of the individual's affiliation, with the business organization in which to qualify another person under the provisions of this ordinance, failing which, the registration of the business organization shall supply the same information to the Board as required for applicants.

**SECTION 11.** Registrations shall expire annually at midnight on September 30<sup>th</sup>.

(1) Failure to renew the registration during September shall cause the registration to become involuntarily inactive and it is unlawful thereafter for any person to engage or offer to engage or hold himself out as engaging in contracting under the registration unless the registration is restored or reissued.

(2) A registration which is inoperative because of failure to renew shall be restored on payment of the proper registration fee, if the application for restoration is made within 90 days after September 30<sup>th</sup>. If the application for registration is not made within the 90 day period, the fee for restoration shall be double the registration fee; and in addition the Board shall require re-examination of the applicant if a period of 12 months has lapsed since registration became involuntarily inactive.

**SECTION 12.** The Board shall impose and collect the following fee:

(1) The annual fees shall be as follows:

	County	Out-of-County
(a) General Contractor	\$25.00	\$150.00
(b) Building Contractor	\$25.00	\$150.00
(c) Residential Contractor	\$25.00	\$150.00
(d) Roofing Contractor	\$25.00	\$150.00
(e) Class A Air Condition Contractor	\$25.00	\$150.00
(f) Class B Air Condition Contractor	\$25.00	\$150.00
(g) Commercial & Res. Contractor	\$25.00	\$150.00
(h) Commercial Pool & Spa Contractor	\$25.00	\$150.00
(i) Plumbing Contractor	\$25.00	\$150.00
(j) Electrical Contractor	\$25.00	\$150.00

(k)	Drywall Contractor	\$25.00	\$150.00
(l)	Sign Contractor	\$25.00	\$150.00
(m)	Sheet Metal Contractor	\$25.00	\$150.00
(n)	Mechanical Contractor	\$25.00	\$150.00
(o)	Residential Pool/Spa Contractor	\$25.00	\$150.00
(p)	Swimming Pool/Spa Serv. Cont.	\$25.00	\$150.00

The price for out of county contractors will be the same as in-county contractors if an interlocal agreement is obtained from the out of county contractor's county or city as appropriate stating that the price of competency cards for Gulf county Contractors in said county or city as appropriate is the same as Gulf County charges for in-county contractors.

(2) Any funds received by the Board from registration fee, will be paid into the general revenue fund of Gulf County.

**SECTION 13.** This ordinance does not apply to those exempted from the provisions of Chapter 489.103 thereof.

**SECTION 14.** Nothing herein shall be construed to require general contractors, building contractors, or residential contractors to obtain additional licenses for specialty work where 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.

**SECTION 15.** The Board shall have the power in addition to all other powers provided for in this ordinance and pursuant to Florida Statue Chapter 489, and Rule Chapter 61G4, Florida Administrative Code.

(a) Fraud or deceit in obtaining registration.

(b) Negligence, incompetence or misconduct in the practice of contracting within the meaning of this ordinance or the Standard Building Code as adopted by Gulf County.

(c) Willful or deliberate disregard and violation of this ordinance of the County's Building Code.

(d) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting if the certificate holder or registrant knows or has reasonable grounds to know that person or entity was uncertified or unregistered.

(e) Knowingly combining or conspiring with an uncertified or un-registered person by allowing his certificate or registration to be used by an unregistered person with the intent to evade the provisions of this ordinance.

(2) Any person directly interested, the building official of Gulf County, or the architect or engineer of any building or construction may prefer charges against a licensed contractor under this ordinance.

Such charges shall be made in writing and sworn to by the applicant and submitted to the Board. At the earliest possible date and no later than thirty (30) days after receipt of charges, it is the duty of the Board to investigate the charge and render its decision without delay. A copy of the charge, together with the time and place of the hearing, shall be served on the accused at least five (5) days before the date fixed for the hearing. At the hearing the accused shall have the right to appear personally with counsel and to cross-examine witnesses against him and to produce witnesses and evidence in his defense.

If, after the hearing the board's decision is that the accused shall be guilty of the charges preferred against him, the board shall there upon suspend for a period of time to revoke the accused's registration as a licensed contractor or impose such other penalty, fees and cost as allowed by statute. Upon the revocation of the accused's registration of competency, any and all rights or privilege to perform construction work or engage in the business of contracting in Gulf County shall be revoked and withdrawn; no refund shall be made for amounts previously paid for registration of competency.

It shall be unlawful for any person to engage in or work at the business of contracting in Gulf County when his registration has been revoked or suspended.

(3) The decision of the County Construction Industry Licensing Board as provided herein shall be final and not subject to appeal unless within 30 days from the date of the written decision issued by said Board the contractor files the appropriate appeal or petitions with the Circuit Court in and for Gulf County, Florida.

#### SECTION 16.

(1) It is unlawful for any person to engage in the business or act in the capacity of a contractor in Gulf County, Florida without having been duly registered under the provisions hereof.

(2) Any person who violates any provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500.00 or by imprisonment not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION 17. Severability: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

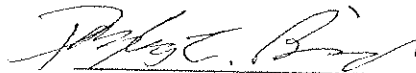
SECTION 18. Repeal: All ordinance s or part of ordinances in conflict with or inconsistent with the provisions of this ordinance, are hereby subordinated to the provisions of this ordinance, or repealed, to the extent necessary to give this ordinance full force and effect.

SECTION 19. Effective Date: This ordinance shall take effect when its passage, approval and publication as provided by law,

ADOPTED THIS 14<sup>TH</sup> DAY OF APRIL, 1998.

ATTEST:

GULF COUNTY BOARD OF COUNTY  
COMMISSIONERS

  
DOUGLAS C. BIRMINGHAM  
CHIEF DEPUTY CLERK

  
WARREN J. YEAGER, CHAIRMAN

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