



City of North Port

ORDINANCE NO. 2015-10

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE NORTH PORT CITY CODE ARTICLE II, FLORIDA BUILDING CODE, SECTION 14-20. ADOPTION OF STANDARDS BY REFERENCE; REPEALING IN ITS ENTIRETY NORTH PORT CITY CODE CHAPTER 14 BUILDING AND CONSTRUCTION REGULATIONS, ARTICLE III, CONTRACTOR CERTIFICATION AND EXAMINATION; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS:

- 1.01 - The Florida Building Code Act of 1998 directed the Florida Building Commission to establish a statewide uniform building code known as the Florida Building Code.
- 1.02 - The Florida Building Code as adopted by the Florida Legislature is in effect throughout the State of Florida.
- 1.03 - The enforcement of the Florida Building Code is the responsibility of local government.
- 1.04 - The City of North Port actively participates in the enforcement of building construction regulation for the benefit of the public safety of its citizens.
- 1.05 - The City Commission desires to facilitate the enforcement of the Florida Building Code by enacting administrative amendments, which meet the needs of its citizens.

SECTION 2 – AMENDMENT:

- 2.01 - The North Port City Commission hereby approves and adopts the following amendments to the North Port City Code:

[Note: additions are shown as underlined and deletions as strikethrough. These editorial notations shall not appear in the codified text.]

Sec. 14-20. - Adoption of standards by reference.

- (a) ~~The Florida Building Code, Final 2001 Edition, as adopted by the Florida Legislature, Florida Building Commission, (excluding Chapter 1, Administration) including all appendices and/or amendments thereto, and all such revisions, recodification, appendices and/or amendments as may be hereafter promulgated by the State of Florida—Florida Building Commission, is hereby adopted as the North Port Building Code in and for the City of North Port and shall be construed to be an integral part hereto.~~

Sections 104, 106, 107 and 108 of the International Property Maintenance Code, 2012 edition, including all appendices, and/or amendments thereto, and all such revisions, recodifications, appendices and/or amendments as may be hereafter promulgated by the International Code Council is hereby adopted and incorporated by reference by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of existing structures are hereby referred to , adopted, and made a part hereof, as if fully set out in this legislation.

- (b) ~~The City of North Port hereby repeals Chapter 1, Administration of the Florida Building Code, Final 2001 Edition, as adopted by the Florida Legislature and as amended by the City of North Port, as contained in Exhibit A, attached to the ordinance from which this section is derived and incorporated herein.~~

The City of North Port hereby approves and adopts Chapter 1, Administration of the Florida Building Code, Final 2004 Edition, as adopted by the Florida Legislature Administrative Code, as amended by the City of North Port in accordance with F.S. 553.73(4)(a), including all appendices thereto, as part of the North Port Building Code, as contained in Exhibit A, attached to the ordinance from which this section is derived and incorporated herein. which is available for inspection in the Neighborhood Development Services' office. All previous versions of Chapter 1 Administrative Code are repealed.

- (c) ~~The City of North Port hereby approves and adopts the Permitting Procedure: New Residential Construction, as contained in Appendix A, attached to the ordinance from which this section is derived and incorporated herein.~~
- (d) ~~The City of North Port hereby approves and adopts the procedure for obtaining a commercial certificate of occupancy, as contained in appendix C, attached to the ordinance from which this section is derived and incorporated herein.~~
- (e) ~~The City of North Port hereby approves and adopts the inspection schedule for the construction of one and two family residences and procedure for residential certificate of occupancy, as contained in appendix D, attached to the ordinance from which this section is derived and incorporated herein.~~

- ~~(f) The City of North Port hereby approves the Criteria for Acceptable Workmanship at Final Inspection, as contained in Appendix E, attached to the ordinance from which this section is derived and incorporated herein.~~
- ~~(g) The City of North Port hereby approves and adopts the Basic Wind Speed Line in accordance with the ASCE 7-98 Wind Speed Map, as contained in Appendix F, attached to the ordinance from which this section is derived and incorporated herein.~~

~~Building and Construction Permitting
Procedures: Residential Structural~~

~~Additions~~

- ~~1 Two sets of scaled drawings of the proposed addition shall be submitted with the permit application. Details of proposed work shall be as complete and accurate as possible. Additional details may be required at the request of the plans examiner.~~
- ~~2 All additions increasing floor area from original floor plan shall meet the following requirements:~~
 - ~~a If the property utilizes septic tank sewer facilities, prior approval from the Sarasota County Health Department and submittal of an approval letter with the application shall be required.~~
 - ~~b A certified survey shall be required if the proposed addition is within three feet of any required setback or the proposed addition's square footage exceeds 90 percent of the allowable lot coverage for the property.~~
 - ~~c A scaled drawing showing property size and addition size with relation to the boundaries will be accepted provided that the addition does not fall within the parameters listed in subsection b above.~~
- ~~3 A copy of the survey and/or scaled drawings listed in this section shall be required to be on the job site at the time of inspection. Failure to do so will be cause for an immediate rejection. Failure to show all existing structures or falsifying any data including setback measurements will result in rejection and require re-submittal of permit information.~~
- ~~4 All other applicable permit and inspection requirements of this code shall be required as a condition of the permit.~~

~~Permitting Procedures:
Commercial Projects~~

~~New Construction and Additions~~

- ~~1 Nine copies of site plan with a signed, approved final development order or exemption.~~
- ~~2 Three sets of energy calculations, sealed and signed by an engineer.~~
- ~~3 Nine sets of sealed and signed construction working drawings including electrical, plumbing, HARV, fire detection, and suppression systems.~~
- ~~4 A letter of availability of public utilities shall be submitted to the City of North Port building department with the building permit application. If public utilities are not~~

~~available, permits for well and/or septic from the Sarasota County Health Department must be submitted with the permit application. If construction is located on public water and/or sewer, fees must be paid and receipt submitted before a building permit will be issued.~~

~~5—Information required at the time of application:~~

- ~~a—The lot/block/addition and/or section, township, range and parcel (STRAP) and tax identification number.~~
- ~~b—Information for sub application: type of roof, electrical amps, number of plumbing fixtures, A/C tonnage, Seer and Kilowatts.~~
- ~~c—The contractor's and owner's addresses and phone numbers.~~

Permitting Procedures:

Pool Construction

- ~~1—Submit three additional sets of plans to the City of North Port Building Department and supply property lot/block/addition and/or section, township, range and parcel (STRAP) numbers and job site address.~~
- ~~2—Plans will be reviewed and the applicant will be contacted when permits are ready.~~
- ~~3—Permits can be acquired and construction may begin.~~
- ~~4—During construction, five inspections will be required:~~
 - ~~a—Steel inspection (after wiring and steel are in place and prior to covering).~~
 - ~~b—Deck and pressure inspection.~~
 - ~~c—Rough electrical inspection.~~
 - ~~d—Final electrical inspection.~~
 - ~~e—Final inspection (after pool and enclosure are complete).~~

SECTION 3. REPEAL:

- 3.01 - The North Port City Commission hereby repeals North Port City Code Chapter 14, Article III, Contractor Certification and Examination, in its entirety.

~~ARTICLE III. CONTRACTOR CERTIFICATION AND EXAMINATION~~

~~Sec. 14-46. Findings.~~

~~Sec. 14-47. Certificate required.~~

~~Sec. 14-48. Prerequisite to issuance of building permit.~~

~~Sec. 14-49. Exemptions.~~

~~Sec. 14-50. Expiration and renewal; fees.~~

~~Sec. 14-51. Identification of vehicles.~~

~~Sec. 14-52. Definitions of trades and businesses governed by chapter.~~

~~Sec. 14-53. Fees.~~

~~Sec. 14-54. Stop-work orders.~~

~~Sec. 14-55. Experience requirements.~~

~~Sec. 14-56. Application procedure.~~

~~Sec. 14-57. Issuance of certificate.~~

~~Sec. 14-58. Examinations.~~

~~Sec. 14-59. Liability insurance.~~

~~Sec. 14-60. Inactive status.~~

~~Sec. 14-61. Exemptions from examinations.~~

~~Sec. 14-62. Persons holding current valid certificates issued by the State of Florida Department of Business and Professional Regulation.~~

~~Sec. 14-63. Restricted certificates.~~

~~Sec. 14-64. Contractor's licensing and advisory board.~~

~~Sec. 14-65. Standards of conduct for contractors, other than state-certified contractors.~~

~~Sec. 14-66. Standards of conduct for state-certified contractors.~~

~~Sec. 14-67. Disciplinary proceedings~~

~~Secs. 14-68 – 14-88. Reserved.~~

~~Sec. 14-46. Findings.~~

~~The construction industry is a matter substantially affecting the public interest; and to protect the health, safety and general welfare of the public it is necessary to ensure that individuals engaged in the construction and service industries are qualified; and in recognition that contractors and service people are daily performing tasks which touch upon and directly impact the public health, safety and welfare; and in an effort to protect the citizens from harm or abuse occasioned by incompetent or dishonest contractors and service people, it is necessary to regulate the quality and character of work performed by the various contractors and service people conducting business within the city.~~

~~Sec. 14-47. Certificate required.~~

~~It shall be unlawful for any person, firm or corporation to engage in any business or act in the capacity of a contractor or subcontractor for any of the trades listed in section 14-52 of this chapter within the City of North Port without having first made application for and been issued a current, valid city certificate of competency. Nothing herein shall be construed to mean that there cannot be workers in a trade who are not qualified or certified within the definitions herein set forth if such workers are employed by a qualified contractor and are working under the supervision of the same.~~

~~Sec. 14 48. Prerequisite to issuance of building permit.~~

- ~~(a) No building permit shall be issued for the construction, alteration or repair of any structure unless the applicant for the permit possesses a current city certificate of competency or is exempt from the operation of this chapter.~~
- ~~(b) It shall be unlawful for any owner builder to procure a building permit when, in fact, such owner builder intends to aid or abet an unlicensed contractor to perform the permitted construction, alteration or repair. Such conduct shall be considered criminal fraud and shall be punishable as a violation of this chapter.~~

~~Sec. 14 49. Exemptions.~~

The exemptions in F.S. §§ 480.101 and 489.503 also apply to this chapter.

~~Sec. 14 50. Expiration and renewal; fees.~~

- ~~(a) Certificates of competency shall expire annually at midnight of September 30 of each year.~~
- ~~(b) The building official or his designee shall mail renewal notices to all licensed contractors at least one month prior to the expiration date of the licenses.~~
- ~~(c) Applicants for renewal must present the secretary for the contractors' licensing and advisory board or his designee through the building department with the following:~~
 - ~~(1) Evidence of insurance as required by section 14-60~~
 - ~~(2) A current certified or registered license from the state (when applicable).~~
 - ~~(3) An affidavit attesting to the fact that the applicant has obtained workers' compensation insurance as required by F.S. ch. 440.~~
- ~~(d) Any individual failing to renew his certificate of competency prior to 12:00 midnight on September 30 of each year shall have until 12:00 midnight December 31 of each year to renew his certificate of competency; provided, however, that in addition to payment of the standard renewal fee as required by this chapter, the applicant shall be charged a penalty fee in accordance with the schedule of fees and charges adopted by resolution pursuant to section 14-55 of this chapter.~~
- ~~(e) Penalty fees of ten percent will be assessed in addition to the required fee if renewal is made after September 30 and before the following December 31.~~
- ~~(f) Should September 30 or December 31 be a Saturday, Sunday or legal holiday, the renewal period shall not expire until midnight of the next following working day.~~
- ~~(g) Any individual failing to renew his certificate of competency prior to December 31 shall be required to make reapplication pursuant to section 14-56 of this chapter.~~
- ~~(h) All building permit fees are subject to a one and one-half percent certification surcharge. Surcharge funds shall be placed in a designated fund to be used solely for the funding of costs associated with state-mandated certification and recertification of building division professionals, including necessary continuing education expenses.~~

~~Sec. 14-51. Identification of vehicles.~~

- ~~(a) The qualifier's certificate of competency number shall appear in each offer of services, business proposed, bid, contract or advertisement, including all vehicles used to advertise the qualifier's business.~~
- ~~(b) Upon the sale of any vehicle to which a certificate of competency number and doing business as name have been firmly affixed, it shall be the contractor's responsibility to remove such number and name.~~

~~Sec. 14-52. Definitions of trades and businesses governed by chapter.~~

~~Definitions of trades and businesses governed by the operation of this chapter shall be as provided in F.S. §§ 489.108(3) and 489.505, and as follows:~~

- ~~(1) *Residential contractor.* 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.~~
- ~~(2) *Miscellaneous contractor.* A contractor not specifically classified, such as carpentry, drywall, fence, home maintenance, handyman, insulation, excavator, landscaper, tree removal contractor, etc. A "miscellaneous contractor's" scope of work and responsibility is limited to a subset of activities listed in F.S. § 489.108(3). Approval and scope of the license shall be determined by the certificate of competency licensing board. "Miscellaneous contractors" shall not be permitted to engage in any structural installations or changes unless working in a subcontractor capacity to a properly licensed or registered contractor. Nor shall he be permitted to subcontract out portions of a job requiring a license as listed in F.S. § 489.108(3) unless such contractor holds a certificate of competency or license of the respective trade category, as required.~~
 - ~~a. All work performed by a home maintenance or handyman shall be evidenced by a written contract. A home maintenance or handyman shall not contract for any work which exceeds \$1,000.00 or any work or operation of a casual, minor or inconsequential nature in which the aggregate contract price for labor, materials and all other items is more than \$1,000.00, but this does not apply if the construction, repair, remodeling or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$500.00 for the purpose of evading this Code chapter. Work performed under this category must meet all permit requirements of the City of North Port. Permit applications shall require a copy of the contract, signed by the owner, with the dollar amount and scope of work.~~
 - ~~b. "Excavator" means a contractor whose services are limited to land clearing, grading, fill, tree removal and other services related to the preparation of land for building construction.~~

- ~~c. "Landscaper" means a contractor whose services are limited to planting and removing trees, shrubs, flowers and other horticultural products or decorative nonstructural components to improve aesthetics of property.~~
- ~~d. "Tree removal contractor" means a contractor whose scope of work is limited to removal of trees. This shall include stump removal and tree trimming or other related services.~~
- ~~(3) *Specialty structure contractor.* A contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, dismantling, adjustment, alteration, repair, servicing and design work, when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers' specifications in the aluminum metal, vinyl and fiberglass screening material construction trade. The scope of such work shall include and be limited to screened porches, screened enclosures, pool enclosures, preformed panel post and beam roofs, mobile home panel roof-overs, residential glass window enclosures, vinyl panel window enclosures, single-story self-contained aluminum utility storage structures (not to exceed 500 square feet), siding, soffit, fascia and gutters. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable. The scope of such work shall also include masonry concrete work and be limited to foundations, slabs and block knee walls incidental to the aluminum and allied materials construction work. The "specialty structure contractor," whose services are limited, shall not perform any work that alters the structural integrity of the building, including but not limited to roof trusses, lintels, load bearing walls and foundations. The "specialty structure contractor" shall subcontract, with a licensed qualified contractor in the field concerned, all other work incidental to that which is defined herein but which is the work of a trade other than that of a "specialty structure contractor." Nothing in this definition shall be construed to limit or infringe upon the scope of work of any "specialty contractor" certified pursuant to F.S. §§ 489.105(3) and 489.113(6).~~

~~Sec. 14 53. Fees.~~

~~The city commission shall establish and adopt, by resolution, a schedule of fees and charges for applications for certificates of competency, renewals, penalty fees, block examinations and other charges, if applicable, pertaining to this chapter. It is the intent of these regulations that the city shall not be required to bear any part of the cost of applications made under this chapter. The schedule of fees and charges shall be posted in the office of the building department and the resolution establishing such fees shall be on file with the secretary to the board. The schedule of fees and charges may be changed in accordance with standard resolution adoption and amendment procedures of the city commission, and repeal or amendment of the schedule shall not be subject to the procedure otherwise necessary for amendment of this chapter.~~

~~Sec. 14 54. Stop work orders.~~

~~If it should become known to the building official that a construction project in the City of North Port is being accomplished by uncertified nonexempt persons, the building official or his designee shall place a stop work order on the relevant portion of the project until such time as a certified or exempt contractor assumes supervision of the construction project. Any uncertified and nonexempt person~~

resuming construction prior to the removal of the stop-work order by the building official shall be guilty of a violation of this chapter.

~~Sec. 14-55. Experience requirements.~~

- ~~(a) As a prerequisite to and as a requirement for the issuance of a certificate of competency, the applicant shall submit satisfactory evidence of experience in the trade for which he desires certification. A contractor's experience shall be in a supervisory capacity. Specific time requirements for specific trades (including educational substitutes for experience) shall be as established by the building official.~~
- ~~(b) Electrical contractors and plumbing contractors are not required to have any specific amount of experience but are required to possess the status of master in their trade. When determining if the applicant possesses the required experience, the building director or his designee shall accept the following as proof of experience:
 - ~~(1) Affidavits from former employers with specifics as to the number of years experience, work performed and any other relevant information.~~
 - ~~(2) Copies of other certificates of competency, if any, held in other counties or cities.~~
 - ~~(3) Affidavits from any building director in locations where the applicant has worked.~~
 - ~~(4) Affidavits from any union organization of which the applicant has been a member, relative to the trade for which the applicant has made application.~~
 - ~~(5) Affidavits from any other reasonable source within the trade applied for.~~~~

~~Sec. 14-56. Application procedure.~~

- ~~(a) Any person or firm desiring to obtain a certificate of competency shall make application for such certificate and shall submit such information as is required by this chapter.~~
- ~~(b) Should the applicant be a firm, the application shall be executed by the president of said firm or one legally qualified to act for the firm who shall show his authority to so act on the application. In addition, the application shall name a qualifying agent authorized to act on behalf of the firm in all subsequent proceedings, showing his authority:
 - ~~(1) To act for the firm in all matters in any manner connected with the contracting business; and~~
 - ~~(2) To supervise the construction under the occupational license tax issued to the firm.~~~~
- ~~(c) A qualifying agent may qualify no more than two firms at the same time.~~
- ~~(d) No application shall be considered unless the applicant supplies all information required by this chapter.~~
- ~~(e) Contractor application, individual. Any person desiring a certificate of competency shall submit the following information on forms provided by the City of North Port building department
 - ~~(1) The name of applicant.~~
 - ~~(2) The home address and telephone number.~~~~

- ~~(3) The business address and telephone number. If home and business address are the same and located in the City of North Port, proof of a current North Port home occupational license is required.~~
- ~~(4) The name of applicant's business.~~
- ~~(5) The applicant's proposed contracting business.~~
- ~~(6) The type of certificate of competency for which application is being made.~~
- ~~(7) A complete list of all valid, outstanding debts which the applicant refuses to pay and the reasons for such refusal to pay related to the construction industries.~~
- ~~(8) The names of two persons who will always know the applicant's whereabouts.~~
- ~~(9) A statement as to whether the applicant has ever been convicted of a felony related to the construction industries.~~
- ~~(10) The applicant's business or work experience during the past ten years.~~
- ~~(11) Any formal training in the area of competency for which application is made.~~
- ~~(12) In addition to the foregoing information, the applicant shall attach or submit the following information:~~
 - ~~a. A credit report compiled by a reputable credit bureau.~~
 - ~~b. Affidavits as to the applicant's honesty, integrity and good reputation and as to the applicant's competence in the area tested. Said affidavits shall be notarized and designate affiliation to the applicant.~~
- ~~(13) Scores on any approved examination, including the area of competency tested, the date of testing and the place of testing.~~
- ~~(f) Contractor application, firm. Any firm desiring to be certified as a competent contractor shall submit the following information on forms provided by the City of North Port building department:~~
 - ~~(1) Part I:~~
 - ~~a. The name of the firm.~~
 - ~~b. The business address and telephone number of the firm.~~
 - ~~c. The firm's qualifying agent.~~
 - ~~d. The proposed contracting business.~~
 - ~~e. The type of firm's qualifying agent's certificate of competency.~~
 - ~~f. The names and addresses of all directors and officers of the firm.~~
 - ~~g. Where applicable, a copy of a certificate of incorporation.~~
 - ~~h. A list of all contracting businesses owned by the firm during the last five years.~~
 - ~~i. A credit report of the firm.~~
 - ~~j. A complete list of all valid, outstanding debts which the firm refuses to pay and the reason for its refusal to pay.~~

k. ~~The signature of an authorized officer of the firm.~~

~~(2) Part II:~~

a. ~~The name of the qualifying agent and his date of birth.~~

b. ~~The name of the firm.~~

c. ~~The type of certificate of competency for which application is made.~~

d. ~~The home address of the qualifying agent.~~

e. ~~The names of two persons who will always know the qualifying agent's whereabouts.~~

f. ~~Scores on any approved examination, including the area of competency tested, the date of testing and the place of testing.~~

g. ~~Affidavits in substantially the same form as issued by the City of North Port building official or his designee.~~

h. ~~A statement as to whether the qualifying agent has ever been convicted of a felony related to the construction industries.~~

i. ~~A complete list of all valid, outstanding debts which the qualifying agent refuses to pay and the reasons for his refusal to pay related to the construction industries.~~

j. ~~A statement of the qualifying agent's business or work experience during the past ten years.~~

k. ~~A statement of any formal training of the qualifying agent in the area for which application is made for a competency card.~~

~~Sec. 14-57. Issuance of certificate.~~

~~(a) The building official or his designee shall issue a certificate of competency to the applicant if it clearly and affirmatively appears on the application, as submitted by the applicant, that:~~

~~(1) The application is complete.~~

~~(2) The applicant possesses the experience required by section 14-55 of this chapter.~~

~~(3) The credit report submitted suggests no unusual circumstances which would indicate a failure to pay construction related bills promptly.~~

~~(4) The applicant meets one of the following criteria:~~

~~a. Except as provided by F.S. §§ 489.131(6), 489.537(5), the applicant has taken and passed an approved examination in the area of competency for which application has been made; or~~

~~b. The applicant meets the requirements of section 14-61~~

~~(5) All required affidavits have been submitted.~~

~~(6) All required fees have been paid.~~

~~(7) The applicant possesses a current city occupational license tax, if required.~~

- ~~(8) The applicant or the qualifying agent is at least 18 years of age.~~
- ~~(b) In the alternative, if the parameters or scope of the license applied for is not clearly defined by this chapter or, in the discretion of the building official, the application does not clearly or affirmatively show that the applicant is entitled to a certificate of competency or if any question remains in the mind of the building official, the building official shall refer the application to the contractors' licensing and advisory board for decision.~~
- ~~(c) When an application is referred to the contractors' licensing and advisory board, the board shall take testimony from the applicant and shall accept such other information regarding the stated criteria which is presented by the applicant. Upon the information submitted by the applicant, the contractor's licensing and advisory board shall determine whether the applicant is qualified or unqualified for the trade in which application has been made. The reasons for the grant or denial of the application shall affirmatively appear in the minutes of the contractor's licensing and advisory board. The applicant shall be entitled to a certificate of competency if competent and substantial evidence is presented to the contractor's licensing and advisory board which shows that the applicant meets all requirements stated in subsection (a).~~
- ~~(d) Additional requirements. In addition to the foregoing requirements, each applicant shall submit the following information as a prerequisite to the issuance of a City of North Port competency card:~~
- ~~(1) The individual or firm's state registration number or a statement that the applicant has made application for a state registration number. (Anyone not required to have a state registration number by F.S. ch. 489 is excepted from this subsection.)~~
- ~~(2) The individual or firm's federal Internal Revenue tax number.~~
- ~~(3) Proof of insurance as required by section 14-59 of this chapter.~~
- ~~(4) A statement that the applicant has or will meet the workmen's compensation laws of this state.~~
- ~~(5) Where applicable, a statement that the applicant has registered his fictitious name with the clerk of the circuit court of the county where his principal place of business is, as required by F.S. § 865.09.~~
- ~~(e) When a certificate of competency is issued in the name of a business organization or to one operating under a fictitious name, the certificate shall be in the name of the qualifying individual and the name of the business organization or fictitious name shall be noted thereon. For the purposes of enforcement of this chapter, the requirements of this section shall be deemed to be a portion of the application, and any false statement made under this section shall be punished as provided in this chapter.~~
- ~~{Code 1990, § 90-12}~~

~~Sec. 14-58. Examinations.~~

- ~~(a) *Approved examiners.* The approved examiners for the purpose of administering proctored exams as required by this chapter are Block and Associates.~~
- ~~(b) *Examinations, passing grade.* A passing grade of 75 percent shall be required on all examinations.~~

~~(c) *Examinations, language difficulty.* If an eligible applicant fails an approved written examination and provides the contractor's licensing and advisory board with acceptable proof of lack of comprehension of written examinations, the applicant may petition the board to be administered an oral examination (including oral questioning and oral answering), subject to the following conditions:~~

- ~~(1) The applicant documents the following years of experience in the trade for which application is made.~~
- ~~(2) The applicant files written recommendations concerning his competency.~~
- ~~(3) The applicant is administered only one oral examination within a period of one year.~~

~~Sec. 14 59. Liability insurance.~~

~~All licensed contractors shall maintain liability insurance at all times. Such insurance shall be with an insurance company authorized to do business in the State of Florida. Except as provided in F.S. §§ 489.115(5) and 489.515(1)(b) the limits of liability insurance required shall be not less than \$100,000.00 per person, \$100,000.00 per occurrence and \$25,000.00 property damage.~~

~~Sec. 14 60. Inactive status.~~

- ~~(a) Any person or firm that holds a valid certificate of competency may place his or its certificate of competency on inactive status, during which time he or it shall not engage in contracting but may retain the certificate on an inactive basis and upon the payment of an annual renewal fee as set forth in section 14 53~~
- ~~(b) Persons or firms desiring to activate an inactive certificate may do so by complying with the requirements of section 14 50 relating to renewals.~~

~~Sec. 14 61. Exemptions from examinations~~

- ~~(a) No examination shall be required as a prerequisite for the following trades:~~
 - ~~(1) Acoustical.~~
 - ~~(2) Asphalt sealing and striping (a restrictive subcategory of paving; requires letter of authorization from manufacturer).~~
 - ~~(3) Awning erection.~~
 - ~~(4) Cabinet and millwork (where installation is included).~~
 - ~~(5) Epoxy stone.~~
 - ~~(6) Fence erection.~~
 - ~~(7) Floor covering (not to include tile, marble or terrazzo).~~
 - ~~(8) Garage doors (a restricted subcategory of carpentry).~~
 - ~~(9) Gutter installation (a restricted subcategory of aluminum and screen enclosure).~~

- ~~(10) Landscaping.~~
- ~~(11) Lawn sprinkler system (restricted subcategory of landscaping; any connections to a central potable water system shall be by a licensed master plumber).~~
- ~~(12) Mobile home (does not include electric, plumbing or air conditioning hookups).~~
- ~~(13) Nonstructural on grade flat work (restricted subcategory of concrete form, place and finishing).~~
- ~~(14) Paving blocks (restricted subcategory of paving).~~
- ~~(15) Roof coating, painting and cleaning.~~
- ~~(16) Sandblasting.~~
- ~~(17) Sign erection (electric hookups not permitted).~~
- ~~(18) Sod installation (restricted subcategory of landscaping).~~
- ~~(19) Structure moving.~~
- ~~(20) Waterproofing (not to include roofs).~~
- ~~(21) Tennis courts.~~
- ~~(b) Persons holding current valid certificate from another city or county.~~
 - ~~(1) Notwithstanding any provision of this chapter to the contrary, any person, firm or corporation holding a current and valid certificate of competency issued by a city or county may obtain a certificate of competency from the City of North Port by presenting a copy of said certificate of competency to the City of North Port Building Official or his designee, completing the form prescribed by the contractor's licensing and advisory board therefor, meeting all city requisites other than examination for that trade and paying the fees applicable thereto. Such certificate of competency shall be subject to all provisions of this chapter and any amendments thereto, including but not limited to suspension, revocation, restrictions, limitations and fees set forth therein.~~
 - ~~(2) Any certificate of competency issued pursuant to subsection (b)(1) shall be effective only so long as the certificate of competency issued by the city or county of Florida remains in effect. In the event that the certificate of competency issued by the city or county is revoked, such revocation shall have the effect of nullifying the certificate of competency issued by the city pursuant to said subsection.~~
- ~~(c) Applicants for certificates of competency in the category of low voltage systems shall not be required to take an examination if all of the following requirements are met:~~
 - ~~(1) The applicant submits the information required by this chapter.~~
 - ~~(2) The applicant meets the experience requirements of this chapter.~~

~~Sec. 14-62. — Persons holding current valid certificates issued by the State of Florida Department of Business and Professional Regulation.~~

- ~~(a) Any person, firm, or corporation holding a current and valid certificate of competency issued by the State of Florida Department of Business and Professional Regulation may obtain a certificate of competency from the City of North Port by presenting a copy of the state certificate of competency and proof of payment of any required fees for the occupational license to the City of North Port Building Official. The authority of the state-certified contractor to obtain permits pursuant to the city certificate of competency is subject to denial, suspension, revocation and limitation as set forth in this chapter. For the purposes of this chapter, the term "state-certified contractor" shall mean any person, firm, or corporation holding a current and valid certificate of competency issued by the State of Florida Department of Business and Professional Regulation.~~
- ~~(b) Any city certificate of competency issued pursuant to subsection (a) shall be effective only so long as the state certificate of competency remains in effect. In the event that the state certificate of competency is revoked, such revocation shall have the effect of nullifying the certificate of competency issued by the city pursuant to subsection (a).~~

~~Sec. 14-63. — Restricted certificates.~~

~~The contractor's licensing and advisory board may issue a certificate of competency to an applicant for a certificate in a particular trade which is restricted to certain aspects of that trade, where, in the opinion of the majority of said board, the applicant is qualified in those certain aspects but not qualified in certain other aspects of that trade.~~

~~Sec. 14-64. — Contractor's licensing and advisory board.~~

- ~~(a) The contractors' licensing and advisory board shall be composed of seven members and two alternates who shall be appointed by the board of city commissioners. The members and alternates of the contractors' licensing and advisory board shall be composed of individuals who have knowledge and experience in the technical codes, such as architects, civil engineers, mechanical engineers, electrical engineers, licensed contractors, and building industry representatives. Notwithstanding the foregoing, at least three of the members shall be consumer representatives. Consumer representatives may be any residents of the City of North Port who are not, and have never been, a member or practitioner of a profession regulated by the contractors' licensing and examining board or a member of any closely related profession.~~
- ~~(b) Internal operating procedures:
 - ~~(1) The contractors' licensing and advisory board shall elect a chairman and vice chairman from its membership.~~
 - ~~(2) Terms of office for each member of the contractors' licensing and advisory board shall be four years. Each member shall hold office until:
 - ~~a. A member of the contractors' licensing and advisory board may be removed from office for any cause by a majority vote of the board of city commissioners.~~~~~~

- ~~b. Any vacancy occurring during the unexpired term of office of any member of the contractors' licensing and advisory board shall be filled by the board of city commissioners, pursuant to the provisions of Chapter 2, Code of the City of North Port.~~

~~(3) Meetings:~~

- ~~a. The contractors' licensing and advisory board shall hold not fewer than four quarterly meetings.~~
- ~~b. Regular meetings shall be held the second Tuesday of each month unless there is no new business, in which case the secretary will inform the board in advance of the next regular meeting.~~
- ~~c. Five members shall constitute a quorum for any meeting, and a majority vote of those present shall be required to make any decision.~~

~~(4) The building official or his designee shall act as secretary to the contractors' licensing and advisory board.~~

~~(5) For the purpose of administration of this chapter, the contractors' licensing and advisory board may, through the city manager, call upon the building official to furnish such temporary employees as may be necessary to carry on or to assist the board in performing its duties.~~

~~(6) Duties of the contractors' licensing and advisory board:~~

- ~~a. Upon reference by the building official, determination of the applicant's qualifications for the various categories of contractors' certificates of competency as measured by standards stated in this chapter.~~
- ~~b. Hold hearings to determine if a certificate of competency of any contractor, master or journeyman, other than a state-certified contractor, shall be disciplined under sections 14-65 and 14-67 of this chapter.~~
- ~~c. Hold hearings to determine if a state-certified contractor's authority to obtain permits shall be denied, suspended, revoked or limited to the issuance of permits with specific conditions under sections 14-66 and 14-67 of this chapter.~~
- ~~d. Direct a complaint to be filed for prosecution of a contractor or other persons for the violation of this chapter.~~
- ~~e. To review ordinances and codes of the City of North Port applicable to building and construction and make written recommendations to the board of city commissioners, when appropriate, regarding revisions thereto.~~
- ~~f. To review the operations of the North Port Building Department and make written recommendations to the city manager when necessary to improve the efficiency and responsiveness to enhance customer service of the department.~~
- ~~g. The contractors' licensing and advisory board shall have no authority to obligate to expend any funds without the authorization of the board of city commissioners.~~
- ~~h. The contractors' licensing and advisory board shall have the authority to act upon appeals of decisions or interpretations by the building director for amendments to the Florida~~

~~Building Code, chapter 1, and section 104.5 unsafe building abatement as adopted by the City of North Port.~~

- ~~(7) When the contractors' licensing and advisory board shall have determined that an applicant is qualified for a particular type of certificate of competency, the competency card shall be issued by the building official or his designee.~~

~~(c) Appeal of a decision of the contractors' licensing and advisory board.~~

- ~~(1) Any person aggrieved by an adverse decision of the contractors' licensing and advisory board may appeal such decision to the board of county commissioners, in writing, with attached verbatim record, supportive data and a fee of \$25.00 to defray the administrative cost of the appeal within 15 days after such aggrieved decision is rendered and reduced to writing by the contractors' licensing and advisory board.~~
- ~~(2) The board of city commissioners shall determine a date when such appeal shall be considered and notify the contractors' licensing and advisory board, the appellant and the affected building contractor by return receipt requested mail.~~
- ~~(3) The hearing by the board of city commissioners shall be based solely upon the record made before that contractors' licensing and advisory board.~~
- ~~(4) The failure of a licensed contractor or complainant to appeal a decision of the contractors' licensing and advisory board within 15 days after such decision is rendered shall make such decision final.~~

~~Sec. 14 65. Standards of conduct for contractors, other than state certified contractors.~~

~~The following actions by a licensed contractor, other than a state certified contractor, shall constitute misconduct and shall be grounds for discipline by the contractors' licensing and advisory board:~~

- ~~(1) Combining or conspiring with an unapproved contractor by allowing one's certificate of competency to be used by an unlicensed contractor to evade the provisions of this chapter. When a licensed contractor acts as the qualifying agent for any firm without first making application under this chapter to represent said firm, such act shall constitute prima facie evidence of a violation of the provisions of this chapter.~~
- ~~(2) Contracting to do any work outside of the scope of his competency as listed on his competency card and as defined in this chapter. or as restricted by the contractors' licensing and advisory board.~~
- ~~(3) Abandoning without legal excuse a construction project or operation in which he is engaged or under contract as a contractor.~~
- ~~(4) Diverting funds or property received for the execution of a specific contract project or operation or diverting funds earmarked for a specified purpose to any other use whatsoever.~~
- ~~(5) Departing from or disregarding in any material respect the plans or specifications of a construction job without the consent of the owner or his duly authorized representative.~~

- ~~(6) Disregarding or violating, in the performance of his contracting business, any of the building, safety, health, insurance or workmen's compensation laws of the State of Florida or any ordinance of this city.~~
- ~~(7) Falsifying or misrepresenting any material fact in his application and supporting papers for the purpose of obtaining a certificate of occupancy under this chapter.~~
- ~~(8) Failing 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 hereunder.~~
- ~~(9) Aiding or abetting an unlicensed person to evade the provisions of this chapter or allowing his license to be used by an unlicensed person or acting as an agent, partner or associate of an unlicensed person with the intent to evade the provisions of this chapter.~~
- ~~(10) Doing any fraudulent act as a contractor by which another is substantially injured.~~
- ~~(11) Failing to make good faulty workmanship obviously performed or faulty materials obviously installed in evasion of performance of the contract or specifications agreed upon under the terms of the contract.~~
- ~~(12) Failure to maintain at all times, with an insurance company authorized to do business in the State of Florida, the limits of liability insurance required by any other applicable law or authority having jurisdiction, but not less than \$100,000.00 per person, \$100,000.00 per occurrence and \$25,000.00 property damage.~~
- ~~(13) Failure to file certificates signed by the qualified agent of the insurer with the secretary of the contractors' licensing and advisory board showing the type of policy issued, the policy number, the name of the insurer, the effective date of the policy and an agreement by the insurer to give 30 days' written notice by mail to the secretary of the contractors' licensing and advisory board of the intent to cancel the policy. Upon verification of the cancellation of insurance, the secretary of the contractors' licensing and advisory board shall suspend the certificate of competency and report the matter to the contractors' licensing and advisory board.~~
- ~~(14) Failure to accept certified mail directed to the contractor by the contractors' licensing and advisory board.~~
- ~~(15) Failure to maintain a current mailing address.~~
- ~~(16) Failure to appear in person or through a duly authorized representative at any scheduled hearing on a complaint filed against the contractor.~~
- ~~(17) Conviction of a felony relating to contracting.~~
- ~~(18) Incompetence or negligence in conducting work which is in violation of existing codes.~~
- ~~(19) Taking a qualifying exam for another.~~
- ~~(20) Engaging in business during a period of suspension.~~
- ~~(21) Committing any of the acts set forth in F.S. § 489.129(1)(a) — (q).~~

~~Sec. 14-66. Standards of conduct for state-certified contractors.~~

~~Pursuant to F.S. § 489.113(4), the following actions by a state-certified contractor shall constitute misconduct and shall be grounds for the denial, suspension, revocation or limitation of permitting privileges by the contractors' licensing and advisory board:~~

- ~~(1) Committing fraud;~~
- ~~(2) Committing a willful building code violation within the City of North Port;~~
- ~~(3) Having been found to have committed fraud or a willful building code violation within any other jurisdiction within the past 12 months if such act would have been fraud or willful building code violation within the City of North Port; or~~
- ~~(4) Failing to provide proof of public liability and property damage insurance coverage as required by F.S. § 489.115(5), and workers' compensation insurance coverage as required by F.S. § 489.114.~~

~~Sec. 14-67. Disciplinary proceedings.~~

~~(a) Upon its own motion, the contractors' licensing and advisory board may initiate disciplinary proceedings against a licensed contractor.~~

~~(b) Any person who believes that a contractor holding a certificate of competency has violated sections 14-65 or 14-66 of this chapter, whichever is applicable, may file a sworn complaint with the secretary to the contractors' licensing and advisory board on form provided by the Building Division. The complaining party shall state with particularity which portion of this chapter has been violated by the contractor. The complaint form shall then be returned for processing by the building division. t Upon receipt of a charge of misconduct by the contractors' licensing and advisory board or a private party, the building official or his designee shall send, by certified mail, return receipt requested, a letter to the licensed contractor at his last known address as shown by the records of the contractors' licensing and advisory board, indicating:~~

- ~~(1) The name of the complainant.~~
- ~~(2) The time of commission of the alleged offense.~~
- ~~(3) The section of the chapter alleged to be violated~~
- ~~(4) The date, time and place at which the qualified contractor is to appear before the contractors' licensing and advisory board for disposition of the complaint. The date scheduled shall be not sooner than 20 days from the mailing date of the certified letter.~~

~~(c) An administrative hearing shall be held concerning the complaint, and it shall be open to the public. The hearing itself shall be governed by the following rules:~~

- ~~(1) The proceedings at the hearing shall be recorded and may be transcribed at the expense of the party requesting the transcript.~~
 - ~~a. Any party may have a court reporter present at the hearing at his own expense.~~
 - ~~b. Neither the City of North Port nor the contractors' licensing and advisory board shall be responsible for any failure of recording equipment during the conduct of the hearing.~~

- ~~(2) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any evidence shall be admitted if the board finds it to be competent and reliable, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The rules of privilege shall be effective to the same extent that they are now or here after may be recognized in civil actions.~~
- ~~(3) Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut any evidence against him.~~
- ~~(d) The contractors' licensing and advisory board shall render a decision upon the complaint within five working days after the close of the hearing. At the time of decision, the contractors' licensing and advisory board shall state its findings of fact, conclusions of law and the specific disposition of the complaint. The findings, conclusions and disposition shall be in substantially the following form:~~
- ~~Name of complainant: _____~~
- ~~Name of contractor: _____~~
- ~~Date of hearing: _____~~
- ~~Sections of Ordinance No. 89-14 alleged to be violated:~~
- ~~Findings of facts:~~
- ~~Contractor has violated the following section of Ordinance No. 89-14.~~
- ~~The Contractor has not violated the following sections of Ordinance No. 89-14.~~
- ~~Disposition:~~
- ~~(1) Suspension://~~
- ~~(2) Revocation://~~
- ~~ANY PARTY MAY APPEAL THIS DECISION WITHIN 15 DAYS AT ITS RENDITION~~
- ~~and the secretary to the board shall, within five working after the disposition of the complaint, issue a copy of the findings to the licensed contractor and to the complainant by certified mail.~~
- ~~(e) When disposing of a complaint against a contractor, other than a state-certified contractor, the contractors' licensing and advisory board may revoke a contractor's certificate of competency, suspend a contractor's certificate of competency, require restitution, impose a fine not to exceed \$5,000.00, or a combination thereof, impose any lesser penalty or make a finding that there is no cause for punitive action. The Board is entitled to take no other disciplinary action. The board may also assess reasonable investigative and legal costs for the violation against the violator.~~

- ~~(f) When disposing of a complaint against a state-certified contractor, the contractors' licensing and advisory board may deny, suspend or revoke the contractor's permitting privileges or limit the contractor's ability to obtain permits with specific conditions. Notice of such action shall be sent to the State of Florida Construction Industry Licensing Board within 15 days of the date the decision is rendered by the contractors' licensing and advisory board.~~
- ~~(g) Any disciplinary action taken by the contractors' licensing and advisory board shall operate from the day the decision is rendered. The decision shall be considered rendered after a majority vote by the contractors' licensing and advisory board in favor of such actions and after such decision is reduced to writing.~~
- ~~(h) In addition to any action the contractors' licensing and advisory board may take against a certificate of competency of any contractor, other than a state-certified contractor, and any fine imposed pursuant to this section, the contractors' licensing and advisory board shall issue a recommended penalty for action by the state construction industry licensing board. This recommended penalty may include a recommendation for no further action or a recommendation for suspension, revocation or restriction of the state registration or a fine to be levied by the state construction industry licensing board, or a combination thereof. The contractors' licensing and advisory board shall inform the disciplined contractor and the complainant of the local discipline imposed, the recommendation to the state construction industry licensing board, his rights to appeal and the consequences should he decide not to appeal. The contractors' licensing and advisory board shall notify the state construction industry licensing board of any actions taken against a contractor.~~

SECTION 4. SEVERABILITY:

- 4.01 - If any section, subsection, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. CONFLICTS:

- 5.01 - In the event of any conflict between the provisions of this Ordinance and any other ordinance, resolution, or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 6. EFFECTIVE DATE:

- 6.01 - This Ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY in public session this _____ day of _____, 2015.

PASSED and ADOPTED on second and final reading in public session this _____ day of _____, 2015.

CITY OF NORTH PORT, FLORIDA

RHONDA Y. DIFRANCO
Mayor

ATTEST:

HELEN RAIMBEAU, MMC
City Clerk

Approved as to form and correctness:

MARK MORIARTY
City Attorney