

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Revisions to Chapter 40, Part 2, Seminole County Code

DEPARTMENT: Planning & Development **DIVISION:** Building and Fire Inspection

AUTHORIZED BY: Dan Matthys **CONTACT:** Tom Helle **EXT.** 7338

Agenda Date <u>06/13/06</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION: Approve the request for authorization to advertise an Ordinance amending Chapter 40, Seminole County to: eliminate the six (6) existing contractor examiner boards, and create one (1) new board titled "Seminole County Contractor Examiners Board".

BACKGROUND:

At a recent Board Meeting, staff was directed to evaluate the feasibility of consolidating the County's six (6) Contractor Examining Boards into one (1).

The Examiners Boards are established in Chapter 40, Part 2, and each represents a respective discipline. The Boards are: The Board of Building Contractor Examiners, Board of Electrical Examiners, Board of Examiners of Mechanical Contractors, Board of Examiners of Plumbers, Board of Examiners of Swimming Pool Contractors, and the Board of Well Drilling and Pump Installation or Repair Contractor Examiners.

The six boards were established in 1972 and met as needed to issue licenses and discipline licensed contractors. In 1992 Seminole County ceased issuing licenses. The boards have since only heard disciplinary cases. Hearings are scheduled only when there is a case.

This same concept was evaluated by the County in 2002. However, at that time, the Commissioners decided to leave the six (6) Examiner Boards intact. The information developed in 2002 was still available for staff to prepare the attached ordinance for approval.

Co Atty:	<u>KFT</u>
DFS:	_____
Other:	_____
DCM:	<u>DF</u>
CM:	<u>Co</u>
File No.	<u>cpdb01</u>

The proposed board would be made up of six (6) licensed industry professionals, one (1) from each discipline that is currently represented by a board, and three (3) consumer members in accordance with Florida Statutes.

The proposed ordinance is a result of direction by the Board of County Commissioners to staff to study the feasibility of consolidating the six (6) Boards into a single Board responsible for hearing contractor violations and issuing reprimands, sanctions, fines or license revocations.

A copy of the draft ordinance is attached.

STAFF RECOMMENDATION

Staff recommends that the Board authorize the advertisement of an Ordinance amending Chapter 40, Part 2, Seminole County Code.

Attachments: Chapter 40, Part 2, Seminole County Code
Proposed Ordinance

AN ORDINANCE AMENDING SECTION 40.16 "GENERALLY", CHAPTER 40, SEMINOLE COUNTY CODE BY CONSOLIDATING THE CONSTRUCTION INDUSTRY TRADE BOARDS INTO ONE CONTRACTOR EXAMINERS BOARD, ENUMERATING THE CRITERIA FOR MEMBERSHIP THEREON AND PROVIDING THE DATE OF COMMENCEMENT FOR THE INITIAL TERM; AMENDING SECTION 40.17 "OFFICERS, RECORDS, ETC.", CHAPTER 40, SEMINOLE COUNTY CODE BY CHANGING THE TITLE AND REVISING LANGUAGE FROM PLURAL TO SINGULAR; AMENDING SECTION 40.18 "POWERS AND DUTIES GENERALLY", CHAPTER 40, SEMINOLE COUNTY CODE BY CHANGING LANGUAGE FROM PLURAL TO SINGULAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida adopted the Florida Building Code on March 1, 2002 pursuant to Chapter 2001-372, Laws of Florida; and

WHEREAS, pursuant to Section 553.73, Florida Statutes, the Florida Building Code has been deemed to supercede local building codes and to be adopted for statewide use without any implementing action by local governments; and

WHEREAS, numerous provisions of the Florida Building Code conflict with and restate provisions of pre-existing building codes of Seminole County as set forth in Chapter 40, Seminole County Code; and

WHEREAS, significant involvement has been achieved relative to the proposed changes to the County's Code as set forth in this Ordinance; and

WHEREAS, the Board of County Commissioners of Seminole County hereby finds that this Ordinance is consistent with the objectives, goals and policies of the Seminole County Comprehensive Plan; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance in accordance with the provisions of the Seminole County Home Rule Charter,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Section 40.16 is hereby amended as follows:

Sec. 40.16 Generally.

(a) ~~The following boards are hereby established:~~

~~(1) The board of building contractor examiners is hereby established to , which shall perform all functions delegated herein to a board which relate to building contractors or to any of the code provisions hereunder of Part 4.~~

~~(2) The board of electrical examiners, which shall perform all functions delegated herein to a board which relate to electrical contractors or to master, journeymen, maintenance or apprentice electricians or to any of the provisions of Part 5.~~

~~(3) The board of examiners of mechanical contractors, which shall perform all functions delegated herein to which relate to mechanical contractors or to any of the provisions of Part 6.~~

~~(4) The board of examiners of plumbers, which shall perform all functions delegated herein to a board which relate to plumbing~~

~~contractors or master, journeymen, maintenance or apprentice plumbers or to any of the provisions of Part 8.~~

~~(5) The board of examiners of swimming pool contractors, which shall perform all functions delegated herein to a board which related to swimming pool contractors or to any of the provisions of Part 9.~~

~~(6) The board of well drilling and pump installation or repair contractor examiners, which shall perform all functions delegated herein to a board which relate to pump installers or well drillers, pump installation or repair contractors or to any of the provisions of Part 10.~~

(b) ~~The~~Each board shall be composed of ~~six~~three licensed contractor members and ~~three~~two consumer representatives, all appointed by the Board of County Commissioners. The licensed contractor members shall include one licensed building or general contractor, one licensed electrical contractor, one licensed plumbing contractor, one licensed mechanical contractor, one licensed swimming pool contractor and one licensed well drilling contractor. All members shall be residents of the County and possess a State of Florida license in their respective discipline or profession. The consumer representative members shall have no previous or current affiliation with the construction industry. Each member shall serve on ~~their~~ board for a term of one year. Initial terms will commence on ~~September~~January 1, 2006~~3~~.

(c) ~~The~~ A quorum for ~~of~~ each of the above refereneed boards must include at least ~~four~~two licensed contractor members.

~~(d) An individual may serve concurrently on more than one of the above named boards.~~

~~(e) The building official or his designee shall be an ex officio, nonvoting member of all of the above named boards.~~

~~(d)(f)~~ The members of the ~~above referenced~~ boards shall receive no salaries for their services, but may receive travel and other expenses in accordance with the provisions of Section 112.061, Florida Statutes, as amended, when they are on official business outside the county, if funds are available for this purpose and such expenses are approved by the Board of County Commissioners.

~~(e)(g)~~ Each member of the ~~above referenced~~ boards shall, before entering upon the discharge of his/her duties of office, prepare and file with the county clerk an oath in writing to perform properly the duties of the office as a member of the board and to uphold the laws of the County, the constitution and laws of the State, and the constitution and laws of the United States.

~~(f)(h)~~ Any member of the ~~above referenced~~ boards may be removed from office for failure to hold or attend meetings of their ~~appointed~~ board without just cause, or for any other cause, by a three-fifths vote of the Board of County Commissioners after a hearing by the Board of County Commissioners.

~~(g)(i)~~ Any vacancy on ~~one~~ of the ~~above referenced~~ boards occurring in an unexpired term shall be filled by the Board of County Commissioners for the remainder of the term within 30 days after the vacancy occurs.

~~(j) The membership of the boards as composed on the effective date of this Section shall continue in office until their current terms expire and a reappointment is made pursuant to this Section.~~

Section 2. Section 40.17 is hereby amended as follows:

Sec. 40.17 Officers, and records, etc. generally.

(a) ~~All of T~~the boards created herein shall elect a chairman, vice-chairman and such other officers as it deems necessary.

(b) A majority of the members of thea board created herein shall constitute a quorum.

(c) ~~TheEach~~ board created herein shall keep minutes of its meetings, showing the vote of each member on each question or indicating any absence or failure to vote and shall keep records of its examinations, resolutions, transactions, findings, determinations and other official acts. All minutes and records of theeach board shall be immediately filed in the office of the building department.

(d) All meetings and records of thesuch boards shall be open to the public.

Section 3. Section 40.18 is hereby amended as follows:

Sec. 40.18 Powers and duties generally. In addition to any other powers and duties, thea board created herein shall have the power and duty to:

(a) Conduct hearings upon charges of violations of the appropriate provisions of this Chapter by any person in accordance with law. The board shall have the authority to sanction violators by written or verbal reprimand, fines and/or revocation of the

right to pull permits in Seminole County for a specified period of time.

(b) Make rules and bylaws which are not in conflict with the provisions of this Chapter or any resolution of the Board of County Commissioners, or any applicable general or special law of the State that may be needed in performing its duties.

Section 4. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 4, 5 and 6 shall not be codified.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 6. Effective Date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
CARLTON D. HENLEY, Chairman

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NOTICE

NOTICE is hereby given that the Board of County Commissioners of Seminole County, Florida, intends to hold a public hearing to consider the enactment of an ordinance entitled:

AN ORDINANCE AMENDING SECTION 40.16 "GENERALLY", CHAPTER 40, SEMINOLE COUNTY CODE BY CONSOLIDATING THE CONSTRUCTION INDUSTRY TRADE BOARDS INTO ONE CONTRACTOR EXAMINERS BOARD, ENUMERATING THE CRITERIA FOR MEMBERSHIP THEREON AND PROVIDING THE DATE OF COMMENCEMENT FOR THE INITIAL TERM; AMENDING SECTION 40.17 "OFFICERS, RECORDS, ETC.", CHAPTER 40, SEMINOLE COUNTY CODE BY CHANGING THE TITLE AND REVISING LANGUAGE FROM PLURAL TO SINGULAR; AMENDING SECTION 40.18 "POWERS AND DUTIES GENERALLY", CHAPTER 40, SEMINOLE COUNTY CODE BY CHANGING LANGUAGE FROM PLURAL TO SINGULAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

at 1:30 p.m., or as soon thereafter as possible, at its regular meeting on the 25th day of July, 2006, at the Seminole County Services Building, 1101 East First Street, BCC Chambers, Sanford, Florida. The proposed ordinance may be inspected by the public at the office of the Clerk of the Board of County Commissioners, Room 2204, Seminole County Services Building. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and, for such purpose, they may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information regarding this notice contact Tom Helle at (407)665-7338.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department ADA Coordinator 48 hours in advance of the meeting at (407) 665-7941.

Tom Helle, Deputy Building Official

Publish: **July 11, 2006**

Invoice & Proof of Publication to: Liz Parkhurst, Seminole County Building Dept.
1101 E. 1st Street, Sanford, FL 32771

Contact Person and Phone Number: Liz Parkhurst 407-665-7397

Sec. 40.9. Appeals and variances.

(a) Any person who may be aggrieved by any ruling or order of the building official or the Building Division including by way of illustration and not limitation, rulings or orders concerning permits and certificates of competency, shall have the right to request, by written notice, to the appropriate board created herein filed within 30 days of the rendering of said ruling or order, a hearing to be held within 30 days of said request in order to resolve the dispute.

At such a hearing, all interested persons shall have the right to appear, be represented by counsel, present evidence and cross-examine witnesses; all witnesses who testify at such a hearing shall be under oath.

The board hearing the appeal shall submit copies of all of its orders and decisions on appeal to the Board of County Commissioners within ten days after their rendition.

(b) Any person aggrieved or otherwise adversely affected by any decision of such a board may appeal said decision or request a variance from this Chapter by filing a notice of appeal or request for a variance in writing with both the board created herein and the Board of County Commissioners within 30 days after the entry of such decision.

After a hearing on the matter the Board of County Commissioners may affirm or reverse the decision in whole or in part or, to prevent manifest injustice, upon a showing of genuine hardship, vary the provisions of this Chapter.

(c) Any person aggrieved by any decision of the Board of County Commissioners made pursuant to this Section may, within 30 days of the entry of such order, seek appellate relief from said decision in the Circuit Court.

(Ord. No. 72-9, §§ 36, 37, 10-10-72; Ord. No. 73-1, §§ 13(f), 40, 41, 1-2-73; Ord. No. 73-3, §§ 14, 15, 28, 3-13-73; Ord. No. 73-3B, § 2, 7-23-74; Ord. No. 73-10, §§ 38, 39, 45(c), 8-28-73; Ord. No. 73-17, § 15, 38, 10-16-73; Ord. No. 77-8, § 57, 5-24-77; SCC, § 6-9, 9-27-77)

Secs. 40.10—40.15. Reserved.**PART 2. BOARDS****Sec. 40.16. Generally.**

(a) The following boards are hereby established:

(1) The board of building contractor examiners, which shall perform all functions delegated herein to a board which relate to building contractors or to any of the provisions of Part 4.

(2) The board of electrical examiners, which shall perform all functions delegated herein to a board which relate to electrical contractors or to master, journeymen, maintenance or apprentice electricians or to any of the provisions of Part 5.

(3) The board of examiners of mechanical contractors, which shall perform all functions delegated herein to which relate to mechanical contractors or to any of the provisions of Part 6.

(4) The board of examiners of plumbers, which shall perform all functions delegated herein to a board which relate to plumbing contractors or master, journeymen, maintenance or apprentice plumbers or to any of the provisions of Part 8.

(5) The board of examiners of swimming pool contractors, which shall perform all functions delegated herein to a board which related to swimming pool contractors or to any of the provisions of Part 9.

(6) The board of well drilling and pump installation or repair contractor examiners, which shall perform all functions delegated herein to a board which relate to pump installers or well drillers, pump installation or repair contractors or to any of the provisions of Part 10.

(b) Each board shall be composed of three licensed contractor members and two consumer representatives, all appointed by the Board of County Commissioners. Each member shall serve on their board for a term of one year. Initial terms will commence on January 1, 2003.

(c) The quorum of each of the above-referenced boards must include at least two licensed contractor members.

(d) An individual may serve concurrently on more than one of the above-named boards.

(e) The building official or his designee shall be an ex officio, nonvoting member of all of the above-named boards.

(f) The members of the above-referenced boards shall receive no salaries for their services, but may receive travel and other expenses in accordance with the provisions of Section 112.061, Florida Statutes, as amended, when they are on official business outside the county, if funds are available for this purpose and such expenses are approved by the Board of County Commissioners.

(g) Each member of the above-referenced boards shall, before entering upon the discharge of his/her duties of office, prepare and file with the county clerk an oath in writing to perform properly the duties of the office as a member of the board and to uphold the laws of the County, the constitution and laws of the State, and the constitution and laws of the United States.

(h) Any member of the above-referenced boards may be removed from office for failure to hold or attend meetings of their appointed board without just cause, or for any other cause, by a three-fifths vote of the Board of County Commissioners after a hearing by the Board of County Commissioners.

(i) Any vacancy on one of the above-referenced boards occurring in an unexpired term shall be filled by the Board of County Commissioners for the remainder of the term within 30 days after the vacancy occurs.

(j) The membership of the boards as composed on the effective date of this Section shall continue in office until their current terms expire and a reappointment is made pursuant to this Section. (Ord. No. 72-9, §§ 12, 14, 10-10-72; Ord. No. 73-1, §§ 12, 14, 1-2-73; Ord. No. 73-3, §§ 28, 30, 3-13-73; Ord. No. 73-10, 12, 14, 8-28-73; Ord. No. 73-17, 12, 14, 10-16-73; Ord. No. 77-8, §§ 13, 15, 5-24-77; SCC, § 6-16, 9-27-77; Ord. No. 99-47, § 2, 10-12-99; Ord. No. 2002-46, § 1, 12-11-02)

Sec. 40.17. Officers, records, etc.

(a) All of the boards created herein shall elect a chairman, vice-chairman and such other officers as it deems necessary.

(b) A majority of the members of a board created herein shall constitute a quorum.

(c) Each board created herein shall keep minutes of its meetings, showing the vote of each member on each question or indicating any absence or failure to vote and shall keep records of its examinations, resolutions, transactions, findings, determinations and other official acts. All minutes and records of each board shall be immediately filed in the office of the building department.

(d) All meetings and records of such boards shall be open to the public.

(Ord. No. 72-9, § 13, 10-10-72; Ord. No. 73-1, § 13, 1-2-73; Ord. No. 73-3, § 13, 3-13-73; Ord. No. 73-10, § 13, 8-28-73; Ord. No. 73-17, § 13, 10-16-73; Ord. No. 77-8, § 14, 5-24-77; SCC, § 6-17, 9-27-77)

Sec. 40.18. Powers and duties generally.

In addition to any other powers and duties, a board created herein shall have the power and/or duty to:

(a) Recommend to the Board of County Commissioners application forms for examinations, certificates of competency, permits, permit cards, stationery, records, notices of violation, and such other documents as it deems necessary for the conduct of its business.

(b) Examine and pass upon the qualifications of all persons who are required by this Chapter to be examined before they engage in the business for which they desire a certificate of competency.

(c) Determine whether an applicant has passed an examination graded and proctored by it, or by an examining group or organization approved by the Board of County Commissioners, or by a political subdivision of the State which grants reciprocity to a county contractor's certificate of competency and is approved by the Board of County Commissioners.

(d) Give notices of hearings and conduct hearings upon charges of violations of the appropriate provisions of this Chapter by any person.

(e) Suspend or revoke the certificate of competency of any contractor found by the board to have violated any of the appropriate provisions of this Chapter.

(f) Satisfy itself as to the character and integrity of each applicant for a required certificate of competency for which it may require such pertinent information as it deems necessary.

(g) Make rules and bylaws which are not in conflict with the provisions of this Chapter or any resolution of the Board of County Commissioners, or any applicable general or special law of the State that may be needed in performing its duties.

(Ord. No. 72-9, §§ 13, 15, 10-10-72; Ord. No. 73-1, §§ 13, 15, 1-2-73; Ord. No. 73-3, §§ 29, 31, 3-3-73; Ord. No. 73-10, §§ 13, 15, 8-28-73; Ord. No. 73-17, §§ 13, 15, 10-16-73; Ord. No. 77-8, §§ 14, 16, 5-24-77; SCC, § 6-18, 9-27-77)

Secs. 40.19—40.25. Reserved.

PART 3. CONTRACTORS*

Sec. 40.26. Certification required.

(a) Building.

(1) It is unlawful for any person to engage in the business or act in the capacity of a building contractor without a current and appropriate state certification issued by the state. Partnerships, corporations, business trusts or other legal entities may so engage in such business if:

(A) At least one member or supervisory employee of said entity shall hold a current and appropriate state certification and be the qualify-

***Editor's note**—The ordinances from which the provisions of this Part are derived provided for a "grandfathering" of existing contractors as follows: Building contractors (Ord. No. 73-10, § 19), September 10, 1973; electricians (Ord. No. 73-17, § 19), November 12, 1973; mechanical contractors (Ord. No. 72-9, § 19), January 29, 1973; plumbers (Ord. No. 73-1, § 19), January 2, 1973; swimming pool contractors (Ord. No. 73-3, §§ 34, 35), January 1, 1973; well drilling or pump installation or repair contractors (Ord. No. 77-8, § 20), March 13, 1972.

State law reference—State regulation of contractors, § 489.101 et seq., F.S.

ing agent in accordance with Section 489.119, Florida Statutes, in the category of the business conducted; and

(B) That member shall have authority to supervise, and shall actually and directly supervise all construction of said category covered by Part 4 of this Chapter.

(b) Electrical.

(1) It is unlawful for any person to engage in the business or act in the capacity of a master or journeyman electrician without a current and appropriate state certification issued by the state. Partnerships, corporations, business trusts or other legal entities may so engage in such business if:

(A) At least one member or supervisory employee of said entity shall hold a current master electrician's state certification and be the qualifying agent in accordance with Section 489.119, Florida Statutes; and

(B) That member shall have authority to supervise, and shall actually and directly supervise all electrical construction covered by Part 5 of this Chapter.

(c) Mechanical.

(1) It is unlawful for any person to engage in the business or act in the capacity of a mechanical contractor without the appropriate and current state certification issued by the state. Partnership, corporations, business trusts or other legal entities may so engage in such business if:

(A) At least one member or supervisory employee of said entity shall hold a current state certification and be the qualifying agent in accordance with Section 489.119, Florida Statutes, in the category of the business conducted; and

(B) That member shall have authority to supervise, and shall actually and directly supervise all construction of said category covered by Part 6 of this Chapter.

(d) Plumbing.

(1) It is unlawful for any person to engage in the business or act in the capacity of a master or journeyman plumber without a current and

ECONOMIC IMPACT STATEMENT

DATE: May 22, 2006

DEPT./DIVISION: P/D/ Building

CONTACT PERSON: Tom Helle

EXTENSION: 7338

DESCRIBE PROJECT/PROPOSAL: Revisions to Chapter 40 of the Seminole County Code to remove 6 examining boards and create one board to replace them.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE OPERATION OF THE COUNTY: The boards are currently in place and impose no impact; therefore the combination of said boards will impose no impact.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT/ PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED: The boards are currently in place and impose no impact; the combination of said boards will impose no impact.

IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL: None