

ORDINANCE NO. 2006-46

AN ORDINANCE AMENDING COLLIER COUNTY ORDINANCE NO. 90-105, AS AMENDED, THE COLLIER COUNTY CONTRACTORS' LICENSING BOARD ORDINANCE; AMENDING SECTION 1.3.1 OWNER-BUILDERS, TO INCREASE THE MAXIMUM EXPENDITURE LIMIT TO \$75,000, TO ALLOW FOR THE REPAIR OR REPLACEMENT OF CERTAIN ROOF SHINGLES AND TO PROVIDE FOR A DISCLOSURE STATEMENT; AMENDING SECTION 1.3.2 PUBLIC WORKS, EXEMPTING CERTAIN EMPLOYEES OF GOVERNMENTAL AGENCIES FROM THE REQUIREMENTS OF THIS ORDINANCE; AMENDING SECTIONS 1.6.1.1 THROUGH 1.6.3.48, REMOVING THE SPECIFIC TIME REQUIREMENTS FOR TESTING AND ADDING THAT TESTS BE APPROVED ACCORDING TO SECTION 2.6 OF THIS ORDINANCE; FURTHER AMENDING SECTION 1.6.2.11 STRIKING THE EXCLUSION OF LIQUID PETROLEUM GASES; FURTHER AMENDING SECTION 1.6.3.25, TO ADD REQUIREMENTS FOR NEW APPLICANTS FOR THIS LICENSE; FURTHER AMENDING SECTION 1.6.3.48 TO ADD REQUIREMENTS FOR NEW APPLICANTS FOR THIS LICENSE; AMENDING SECTION 2.5.4.6 ADDING MISSING LANGUAGE AT THE END OF THE PARAGRAPH; AMENDING SECTION 2.6 TO REFLECT THE RECOGNITION OF ADDITIONAL TESTING AGENCIES; AMENDING SECTION 2.11.2 ADDRESSING THE ISSUANCE OF TEMPORARY LICENSES; ADDING SECTION 4.1.8.2, ADDRESSING FINANCIAL HARM CAUSED BY CONTRACTORS CAUSING CUSTOMERS TO SEEK A VARIANCE OR ADMINISTRATIVE REMEDY; AMENDING SECTION 4.3.2 ELIMINATING THE ADMINISTRATIVE FEE FOR COMPLAINANTS; AMENDING SECTION 4.3.5.1.(f), INCREASING MAXIMUM FINES TO TEN THOUSAND DOLLARS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain provisions of this Ordinance are being amended at the discretion of the Board of County Commissions upon recommendations from staff, area contractors and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: ORDINANCE NO. 90-105, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

**PART ONE: CERTIFICATES OF COMPETENCY REQUIRED.**

1.1. **Unlawful to Contract without a Certificate of Competency.** It shall be unlawful for any person, firm, partnership, corporation or other legal entity to: engage in any construction contracting business, advertise or represent himself/herself or a business organization as available to engage in any construction contracting business, or act in the capacity of a contractor or subcontractor for any of the trades listed in Section 1.6 of this Ordinance, within the unincorporated area of Collier County and the incorporated area within the boundaries of the City of Naples and within the City of Marco Island, without having first made application for and having been issued a current and valid Collier County/City Certificate of Competency or an applicable State Certified License. Nothing herein shall be construed to mean that there cannot be employees in a trade who are not qualified or certified within the definitions herein set forth if

such employees are employed by a licensed contractor who exercises supervision and control over said employees. Indicia of an employment relationship shall include the employer's regular payment of wages and compensation, FICA deductions, tax withholding and provision of Workers' Compensation to the employees, all as prescribed by law.

## 1.2. Building Permits.

1.2.1. No building permit shall be issued for the construction, alteration, or repair of any structure unless the applicant for the permit possesses a current Collier County /City Certificate of Competency, an applicable State Certified License, or is exempt from the operation of this Ordinance.

1.2.2. It shall be unlawful for any owner-builder to procure a building permit and to use said permit with the intent to aid or abet an unlicensed contractor to perform the permitted construction, alteration, or repair. Such conduct shall be punishable as a violation of this Ordinance and the permit and inspection shall be considered invalid for that portion of the construction related to the violation.

## 1.3. Exemptions.

1.3.1. Owner-Builders. The provisions of this Ordinance shall not apply to owners of property when acting as their own contractor and providing ~~all material supervision themselves, when building or improving farm outbuildings or one family or two family residences or building or improving commercial buildings at a cost not to exceed \$25,000, on such property for the occupancy or use of such owners and not offered for sale or lease. In all actions brought under Section 1.1 of this Ordinance, proof of the sale or lease, or offering for sale or lease, of a structure by the owner builder within 12 months after issuance of a Certificate of Occupancy is prima facie evidence that the construction was undertaken for purposes of sale or lease. This does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. This exemption does not apply to any type of commercial building. To qualify for exemption under this Subsection, an owner must personally appear and sign the building permit application. An owner builder will be issued a maximum of one (1) owner builder permit for the construction of a one family or two family home in any three (3) year period. An owner builder applying for or receiving more than one Building Permit for the construction of a one family or two family home in any three (3) year period shall be prima facie evidence of building/contracting without a license which is a violation of this ordinance.~~ direct, onsite supervision themselves of all work not performed by licensed contractors:

(a) When building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings, at a cost not to exceed \$75,000, on such property for the occupancy or use of such owners and not offered for sale or lease. In an action

brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within 1 year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease.

(b) When repairing or replacing wood shakes or asphalt or fiberglass shingles on one-family, two-family, or three-family residences for the occupancy or use of such owner or tenant of the owner and not offered for sale within 1 year after completion of the work and when the property has been damaged by natural causes from an event recognized as an emergency situation designated by executive order issued by the Governor declaring the existence of a state of emergency as a result and consequence of a serious threat posed to the public health, safety, and property in this state.

This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified by the State or is licensed by Collier County and the work being performed in within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and must satisfy local permitting agency requirements, if any, proving that the owner has a complete understanding of the owner's obligations under the law as specified in the disclosure statement in this section. If any person violates the requirements of this subsection, the local permitting agency shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

#### Disclosure Statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license. You must provide direct, onsite supervision of the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building, provided your costs do not exceed \$75,000. The building or residence must be for your own use or occupancy. It may not be built or substantially improved for sale or

lease. If you sell or lease a building you have built or substantially improved yourself within 1 year after the construction is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by the state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

An owner-builder will be issued a maximum of one (1) owner-builder permit for the construction of a one-family or two-family home in any three (3) year period. An owner-builder applying for or receiving more than one Building Permit for the construction of a one-family or two-family home in any three (3) year period shall be prima facie evidence of building/contracting without a license which is a violation of this ordinance.

1.3.2. Public Works. The provisions of this Ordinance shall not apply to: any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal law supersedes this Ordinance; or to an authorized employee of the United States, this State, or any municipality, county, or other political subdivision if the employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment. an authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or any other municipal or political subdivision, except school boards, state university boards of trustees, and community college boards of trustees, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000 to existing installations, if the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment. If the construction, remodeling, or improvement exceeds \$200,000, school boards, state university boards of trustees, and community college boards of trustees shall not divide the project into separate components for the purpose of evading this section.

1.3.3. Persons Holding Current State Certified Certificates of Competency. Any person holding a current State of Florida Certified Certificate of Competency is exempt from obtaining a

Collier County/City Certificate of Competency for that trade for which he/she is certified by the State, unless a local license is also required. Such person is required to possess a current occupational license issued by the Tax Collector of Collier County, and his/her performance as a contractor shall be subject to all other requirements of this Ordinance not in conflict with applicable Florida law.

**1.4. Renewal of Certificates of Competency.**

**1.4.1.** Certificates of Competency shall expire annually at midnight on September 30th of each year.

**1.4.2.** The Contractor Licensing Supervisor shall direct the mailing of renewal notices to all licensed contractors at least one month prior to the expiration date of the licenses.

**1.4.3.** Applicants for renewal must present the Contractor Licensing Supervisor or his/her designee with the following:

- A. Evidence of insurance as required by this Ordinance.
- B. A current Collier County and/or City occupational license, as applicable.

**1.4.4.** Any individual or business organization failing to renew his or its Certificate of Competency prior to midnight on September 30th of each year shall have until midnight December 31st of the same year to renew his or its Certificate of Competency, provided however, that in addition to payment of the standard renewal fee as required by this Ordinance, the applicant shall be charged a late fee in accordance with the schedule of fees and charges adopted by resolution pursuant to Section 2.1.5 of this Ordinance.

**1.4.5.** Should September 30th or December 31st be a Saturday, Sunday, or legal holiday, the renewal period shall not expire until midnight of the next working day.

**1.4.6.** Any individual failing to renew his Certificate of Competency prior to December 31st shall be required to make reapplication pursuant to Part Two of this Ordinance.

**1.4.7** Any individual who fails to renew his/her Certificate of Competency prior to December 31 of the year in which it expires shall have a delinquent Certificate of Competency.

**1.4.8** Any individual who renews his/her Certificate of Competency by September 30 of the year following its expiration, but after December 31 of that year, shall have a suspended Certificate and thereby must pay an additional late fee in accordance with the schedule of fees and charges adopted by Resolution pursuant to Section 2.1.5 herein, and must reapply in full including updated credit reports and all other documentation required in Section 2 herein, but no re-testing shall be required.

**1.4.9.** Any individual who fails to renew his/her Certificate of Competency prior to December 31 of the year following its expiration shall thereby automatically have a Certificate of Competency that is null and void. To acquire a valid Certificate from the County the individual must pay the then applicable full application fee in accordance with the schedule of fees and

charges adopted by Resolution pursuant to Section 2.1.5 herein, and must submit an entire new application. If, as of the date of receipt by the County of said new application, three (3) years have passed since the date of his/her most recent examination that the individual passed to acquire the former Certificate, that individual must pass all then applicable testing requirements. If the request is to reactivate a dormant certificate, the re-testing requirement can be waived by staff if the applicant proves that he/she has been active in the trade in another jurisdiction, or has been active as an inspector or investigator in the trade, or for other valid reason that would render such re-testing superfluous.

**1.5. Contractors' Identification Required on all Advertising Mediums.**

**1.5.1.** All contractors licensed under the provisions of this Ordinance shall be required to firmly affix and/or to display the qualifier's Certificate of Competency Number and the "Doing Business As" Name on all advertising mediums used by the contractor, including but not limited to, contracts, brochures, business cards and vehicles used in their trade or business. The minimum height of each number or letter affixed to and displayed on vehicles shall be two (2) inches.

**1.6. Definitions and Contractor Qualifications.**

**1.6.1.** Contractor means the person who is qualified for and responsible for the entire project contracted for and, except for those herein exempted, the person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, any or all of the following construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others, or for resale to others, as hereinafter defined in Sections 1.6.1 through 1.6.3 of this Ordinance.

**1.6.1.1.** General Contractor requires forty-eight (48) months experience with a passing grade on a ~~six (6) hour~~ an approved test and a ~~two (2) hour~~ business and law test and means a contractor whose services are unlimited as to the type of work which he/she may do, except as provided in this Ordinance or in the *Florida Statutes*.

NOTE: Also see Sect. 1.6.2.

**1.6.1.2.** Building Contractor requires forty-eight (48) months experience with a passing grade on a ~~six (6) hour~~ an approved test and a ~~two (2) hour~~ business and law test and means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which commercial or residential buildings do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building. NOTE: Also see Sect. 1.6.2.

**1.6.1.3.** Residential Contractor requires forty-eight (48) months experience with a passing grade on a ~~six (6) hour~~ an approved test and a ~~two (2) hour~~ business and law test and means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two stories in height and accessory use structures in connection therewith.

NOTE: Also see Sect. 1.6.2.

**1.6.1.4.** Contractor qualifications for practice and restrictions. A general, building, or residential contractor shall not be required to subcontract the installation, or repair made under warranty, of wood shingles, wood shakes, asphalt or fiberglass shingle roofing materials on a new building of his own construction. Further, a general contractor on new site development work, site redevelopment work, mobile home parks, and commercial properties, shall not be required to subcontract the construction of the main sanitary sewer collection system, the storm water collection system, and the water distribution system, not including the continuation of utility lines from the mains to the buildings. Further, as to mobile home parks, the general contractor shall not be required to subcontract the continuation of utility lines from the mains, and the continuations are to be considered a part of the main sewer collection and main water distribution systems. However, no general, building or residential contractor state certified after 1973, shall act as, hold himself/herself out to be, or advertise himself/herself to be a roofing contractor unless he/she is certified or registered as a roofing contractor.

**1.6.1.5.** A general, building, or residential contractor, except as otherwise provided in this part, shall be responsible for any construction or alteration of a structural component of a building or structure, and any certified general contractor or certified underground utility and excavation contractor may perform clearing and grubbing, grading, excavation, and other site work for any construction project in the state. Any certified building contractor or certified residential contractor may perform clearing and grubbing, grading, excavation, and other site work for any construction project in this state, limited to the lot on which any specific building is located.

**1.6.1.6.** A general contractor shall not be required to subcontract structural swimming pool work.

**1.6.2.** Subcontracting; Subcontractors. A contractor shall subcontract the electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air conditioning work for which a local examination for a Certificate of Competency or a license is required, unless such contractor holds a Certificate of Competency or license of the respective trade category, as required by the appropriate local authority.

**1.6.2.1.** Sheet Metal Contractor requires twenty-four (24) months experience and a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business

and law test and means any person whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, when not prohibited by law, of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems including the setting of air-handling equipment and reinforcement of same and including the balancing of air-handling systems and any duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system. This definition and qualifications does not include roofing. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

**1.6.2.2.** Roofing Contractor requires thirty-six (36) months experience, a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person 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 and roof waterproofing and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof.

**1.6.2.3.** Mechanical Contractor requires forty-eight (48) months experience as a licensed Journeyman or equivalent, a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person 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; and any duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system; and 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 fuel lines within buildings; to disconnect or reconnect power and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; 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 liquefied petroleum gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

**1.6.2.4.** Class A Air Conditioning Contractor requires thirty-six (36) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person 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 and all appurtenances, apparatus, or equipment used in connection therewith; and any duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system; 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 control piping; to disconnect or reconnect power wiring and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; 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 liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring on the line side of the disconnect switch. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

**1.6.2.5.** Class B Air Conditioning Contractor requires thirty-six (36) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose services are limited to twenty-five (25) tons of cooling and five hundred thousand (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 complete an air distribution system being installed under this classification; and any duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to disconnect or reconnect power wiring and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; 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 liquefied petroleum or natural gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring on the line side of the disconnect switch. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

**1.6.2.6.** Class C Air Conditioning Contractor requires twenty-four (24) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems he/she is servicing, which may include duct cleaning and equipment sanitizing which requires at least a partial disassembly of the system. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

**1.6.2.6.1.** Journeyman Air Conditioning License Holder requires four (4) years as apprentice, a passing grade on a ~~six (6) hour~~ an approved test, and means those qualified to perform work in the Air Conditioning Trade while employed or supervised by an air conditioning or mechanical contractor. This provision does not apply to any individual who then holds a valid, active journeyman's license in the mechanical trade and that license was issued by any Florida County or Florida Municipality when that licensee complied with all reciprocity criteria of Section 489.1455, *Florida Statutes*.

**1.6.2.7.** Commercial Pool/Spa Contractor requires thirty-six (36) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of

all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

**1.6.2.8.** Residential Pool/Spa Contractor requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

**1.6.2.8.1.** Non-Recreational Pond Waterfall Fountain Contractor requires twenty-four (24) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means any person whose scope of work is limited to the construction of non-recreational ponds, waterfalls and/or fountains. However, the scope of such work does not include direct connections to a sanitary sewer system, potable water lines, or to any electrical installation.

**1.6.2.9.** Swimming Pool/Spa Servicing/Repair Contractor requires 24 months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~

business and law test and means a contractor whose scope of work involves, but is not limited to, the repair and servicing of any swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of any repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

**1.6.2.9.1.** Swimming Pool/Spa Servicing Contractor requires twenty-four (24) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means any person whose scope of work includes servicing or water treatment of any public or private swimming pool, hot tub or spa, and, subject to Section 487.0437, *Florida Statutes*, may include direct infusion of chlorine gas. These contractors may disassemble equipment permanently attached to or associated with the respective pool or spa for the purpose of water treatment or cleaning the pool or spa.

**1.6.2.10.** Journeyman Plumber License Holder requires (4) years as apprentice, a passing grade on a ~~six (6) hour~~ an approved test, and means those qualified to perform work in the plumbing trades while employed or supervised by a plumbing contractor. This provision does not apply to any individual who then holds a valid, active journeyman's license in the plumbing trade and that license was issued by any Florida County or Florida Municipality when that licensee complied with all reciprocity criteria of Section 489.1455, *Florida Statutes*.

**1.6.2.11.** Plumbing Contractor requires twenty-four (24) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means any person whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or when not prohibited by law, design plumbing. A

plumbing contractor may install, maintain, repair, alter, extend, or, when not prohibited by law, design the following without obtaining any additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities; venting systems; public or private water supply systems; septic tanks; drainage and supply wells; swimming pool piping; irrigation systems; or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas (~~excluding liquid petroleum gases~~), and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, when not prohibited by law, and installation, maintenance, repair, alteration, or extensions 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 applicable law; ink and chemical lines; fuel oil and gasoline piping, except bulk storage plants; and pneumatic control piping systems, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor shall apply to private property and public property, shall include any excavation work incidental thereto, and shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified herein as being the work of a trade other than that of a plumbing contractor. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

**1.6.2.11.1.** Journeyman Electrician requires four (4) years as an apprentice, a passing grade on a ~~six (6) hour~~ an approved test, and means those persons qualified to perform work in the electrical trades while employed or supervised by an electrical contractor. This provision does not apply to any individual who then holds a valid, active journeyman's license in the electrical trade and that license was issued by any Florida County or Florida Municipality when that licensee complied with all reciprocity criteria of Section 489.5335, *Florida Statutes*.

**1.6.2.12.** Electrical Contractor requires twenty-four (24) months experience as a licensed Journeyman or equivalent with a passing grade on a ~~six (6) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and 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 law, electrical wiring, fixtures, appliances, apparatus, raceways (including alarm system raceways if the contractor is then registered with the State), conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, 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. The term electrical contractor does not qualify any person, firm or corporation for the installation of fire alarms which requires a separate state license. Placement of fire safing and fire stopping materials shall be permitted on wall, ceiling and floor penetrations created within the scope of the work allowed by this section.

**1.6.3.** Specialty Contractor means any person who assumes responsible charge and direction in the performance of construction work requiring special skills, and whose principle contracting business involves the use of specialized building trades and crafts usually a minor part of a complete structure. Available categories of Specialty Contractors and their requirements are:

**1.6.3.1.** Acoustical Contractor requires twenty-four (24) months experience with a passing grade on a ~~two (2) hour~~ business and law test and means any person who is qualified to install, maintain, repair, and alter acoustical materials. The scope of work permitted under this classification shall include, but not be limited to, the installation of grid work used to support acoustical panels, including luminous ceiling panels.

**1.6.3.2.** Aluminum Contractor Including Concrete requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to fabricate, install, maintain, repair, alter, or extend accessories such as metal and vinyl siding, awnings, security shutters, gutters, soffits and prefabricated rooms and portable metal or vinyl partitions. These contractors may form, place on grade reinforcing steel and miscellaneous steel, and pour, place, and finish non-structural concrete on grade only, incidental to an aluminum accessory structure and or screen enclosures.

**1.6.3.3.** Aluminum Contractor requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means those who are qualified to fabricate, install, maintain, repair, alter, or extend accessories such as metal and vinyl siding, awnings, security shutters, gutters, soffits and prefabricated rooms, screen enclosures, and portable metal or vinyl partitions.

**1.6.3.4.** Alarm System Contractor requires twenty-four (24) months experience with a passing grade on a ~~three (3) hour~~ an approved test and a passing grade on a ~~two (2) hour~~ business and law test and means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation.