

BILL

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1 A bill to be entitled
 2 An act relating to the Pinellas County Construction
 3 Licensing Board; codifying, amending, repealing, and
 4 reenacting a special act relating to the district;
 5 providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. This act constitutes the codification of all
 10 special acts relating to the Pinellas County Construction
 11 Licensing Board, an agency that regulates certain construction
 12 and home improvement contractors practicing in Pinellas County,
 13 Florida.

14 Section 2. Chapters 75-489, 78-594, 78-596, 81-466, 85-
 15 490, 86-444, 89-504, 93-387, 99-441, 2002-350, 2003-319, 2004-
 16 403, 2018-179, and 2019-184, Laws of Florida, are amended,
 17 codified, reenacted, and repealed as herein provided.

18 Notwithstanding the codification or reenactment of any provision
 19 herein, nothing herein may be construed as preventing the sunset
 20 of certain license categories as provided for in Chapter 2023-
 21 271, Laws of Florida.

22 Section 3. It is hereby declared to be the public policy of
 23 the state that, in order to safeguard the life, health, property
 24 and public welfare of the citizens of Pinellas County, the
 25 business of construction and home improvement is a matter

26 affecting the public interest and any person desiring to engage
 27 in the business as herein defined on a countywide basis without
 28 the necessity of meeting the competency requirements of each
 29 municipality in Pinellas County and the requirements of Pinellas
 30 County may establish his competency and qualification to be
 31 certified as herein provided.

32 The Legislature recognizes that the construction and home
 33 improvement industries may pose a danger of significant harm to
 34 the public when incompetent or dishonest contractors provide
 35 unsafe, unstable, or short-lived products or services.
 36 Therefore, it is necessary in the interest of the public health,
 37 safety, and welfare to regulate the construction industry in
 38 Pinellas County.

39 Section 4. DEFINITIONS. -

40 (1) The definitions found in sections 489.105(3) and (6),
 41 and 489.505(1), (2), (9), and (12), Florida Statutes, as they
 42 may be amended from time to time, apply to this entire act.

43 (2) Notwithstanding subsection (1), the definition of
 44 plumbing contractor, master plumber, tile and marble specialty
 45 contractor, irrigation system specialty contractor, carpentry
 46 specialty contractor, natural gas specialty contractor, painting
 47 specialty contractor, marine specialty contractor, flatwork
 48 masonry specialty contractor, structural masonry contractor,
 49 drywall specialty contractor, air conditioning journeyman,
 50 journeyman electric, journeyman plumber, and contracting may be

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51 determined by rules established by the Pinellas County
 52 Construction Licensing Board.

53 (3) "PCCLB" means the Pinellas County Construction
 54 Licensing Board.

55 Section 5. Pinellas County Construction Licensing Board;
 56 organization; meetings, and powers.

57 (1) The PCCLB is created, within the county of Pinellas,
 58 consisting of 15 members. All members of the board must be
 59 residents of Pinellas County with the exception of any
 60 governmental building officials. All members of the board shall
 61 be appointed by the Pinellas County Board of County
 62 Commissioners, as follows:

63 (a) Eight members including the following:

64 1. One general contractor who is licensed to do business in
 65 this state and actively engaged in the profession.

66 2. One architect who is registered to practice in this state
 67 and actively engaged in the profession.

68 3. One residential contractor who is licensed to do business
 69 in this state and actively engaged in the profession.

70 4. One electrical contractor who is licensed to do business in
 71 this state and actively engaged in the profession.

72 5. One plumbing contractor who is licensed to do business in
 73 this state and actively engaged in the profession.

74 6. One mechanical contractor or Class A air-conditioning
 75 contractor who is licensed to do business in this state and
 76 actively engaged in the profession.

77 7. One roofing or sheet metal contractor who is licensed to do
 78 business in this state and actively engaged in the profession.

79 8. One swimming pool contractor, **specialty structure**
 80 **contractor,** or veneer specialty contractor who is licensed to do
 81 business in this state and actively engaged in the profession.

82 (b) A Pinellas County building official.

83 (c) Two consumer representatives not affiliated with the
 84 construction industry.

85 (d) A fire official.

86 (e) Three building officials as follows:

87 1. A North county building official from one of the following
 88 municipalities: Clearwater, Tarpon Springs, Dunedin, Oldsmar,
 89 Safety Harbor, Belleair, Belleair Bluffs, or Largo;

90 2. A South county building official from one of the following
 91 municipalities: St. Petersburg, South Pasadena, Gulfport,
 92 Seminole, Kenneth City, or Pinellas Park;

93 3. A Beach community building official from one of the
 94 following municipalities: The City of Belleair Beach, the Town
 95 of Belleair Shore, the Town of Redington Beach, the Town of
 96 North Redington Beach, the City of Madeira Beach, the City of
 97 Indian Rocks Beach, the City of Indian Shores, the Town of

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98 Redington Shores, the City of Treasure Island, or the City of
99 St. Pete Beach.

100 (2) (a) To be eligible for appointment to the first board, each
101 member, other than the building director, the architect, and the
102 consumer member, shall personally hold an unexpired certified
103 license issued by the City of St. Petersburg or the City of
104 Clearwater or the County of Pinellas or the State of Florida at
105 the time of appointment; be actively engaged in their respective
106 businesses and have been so engaged for a period of at least
107 five consecutive years before the date of appointment; and be a
108 citizen and resident of the county.

109 (b) Each member of the board, other than the building
110 directors, the architect, and the consumer member, succeeding
111 the original appointees shall possess the qualifications
112 prescribed in paragraph (2) (a).

113 (3) (a) A board member may not serve more than two
114 consecutive terms of 4 years, but may be reappointed after a 2-
115 year hiatus. This limitation shall not apply to any of the
116 governmental buildings official or fire official appointees.

117 (b) The terms of the following members expire in even-
118 numbered years: the licensed general contractor, the Florida
119 registered architect, the licensed residential contractor, the
120 licensed electrical contractor, a consumer representative, and
121 the North county and Beach Community building official. The
122 terms of the following members shall commence their terms in

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123 odd-numbered years: the mechanical contractor or Class A air
 124 conditioning contractor, the fire official, the roofing or sheet
 125 metal contractor, the licensed swimming pool, **specialty**
 126 **structural contractor** or veneer specialty contractor, the
 127 licensed plumbing contractor, a consumer representative, and the
 128 South county building official.

129 (c) As the terms of the members expire, Board of County
 130 Commissioners shall appoint a member to fill the vacancy for a
 131 term for 4 years. The board shall elect from its members a chair
 132 and a vice chair for term of up to 2 years. All terms of office
 133 expire on September 30 of the last year of the term. Vacancies
 134 in the membership occurring prior to the end of a member's term
 135 for any cause shall be filled by the Pinellas County Board of
 136 County Commissioners.

137 (4) The board shall meet regularly as needed. Special
 138 meetings of the board may be held as the board provides in its
 139 rule and regulations. A majority of the members of the board
 140 constitute a quorum.

141 (5) The board is authorized to adopt rules and regulations
 142 in accordance with s. 162.08, Florida Statutes, to carry out the
 143 provision of this act.

144 (6) Any member of the board or duly appointed hearing
 145 officer designated by the board may administer oaths and take
 146 testimony about all matters within the jurisdiction of the
 147 board, issue subpoenas which shall be supported by affidavit,

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148 serve subpoena and other process, and compel the attendance of
149 witnesses and the production of books, papers, documents, and
150 other evidence. Chapter 120, Florida Statutes, will govern
151 hearings conducted by or on behalf of the board. The Board is
152 designated an "agency" as defined in s. 120.52(1)(c), Florida
153 Statutes, for purposes of utilizing the Division of
154 Administrative Hearings of the Department of Administration.

155 (7) The board is authorized to employ personnel and incur
156 expense as necessary to perform its duties and enforce this act
157 and shall sue and be sued in its official name.

158 (8) The board shall adopt a seal for its use containing
159 the words "Pinellas County Construction Licensing Board".

160 (9) The board is authorized to waive any examination
161 requirements for PCCLB certification of a contractor or
162 journeyman, except that all required insurance coverage shall
163 not be waived.

164 (10) The board shall be empowered to issue cease and desist
165 orders in accordance with s. 489.113, Florida Statutes, to
166 prohibit any person from engaging in the business of contacting
167 who does not hold the required certification for the type of
168 work being performed under this act.

169 (11) The board shall be empowered to employ investigators
170 or inspectors to enforce the provisions of this act and to issue
171 citations in accordance with s. 489.127(5), Florida Statutes,
172 for violation of this act.

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173 (12) The Board is authorized, for good cause shown, to
 174 establish such other reasonable classifications of contractors
 175 or journeymen in the construction industry as are required or
 176 requested by any municipal or county building department in
 177 addition to those specifically enumerated herein, including, but
 178 not limited to: aluminum contractors, swimming pool contractors,
 179 gas contractors, roofing contractors and carpentry contractors.
 180 Certification of such contractors or journeymen shall be on a
 181 countywide basis in accordance with the procedure governing
 182 other contractors as set forth in this act.

183 (13) Board staff are employees of Pinellas County, and
 184 Pinellas County is responsible for all costs associated
 185 therewith. The board is a dependent agency of the Board of
 186 County Commissioners. The Board of County Commissioners may
 187 adopt rules to implement this act, including, but not limited
 188 to, rules relating to board finances and contribution for costs
 189 associated with this act to be borne by the county, and may
 190 remove any member of the board at will.

191 (14) (a) The board shall submit to all local governments in
 192 Pinellas County, and make available to the public, a complete
 193 report on finances and administrative activities of the board as
 194 of the end of each fiscal years.

195 (b) The board is subject to periodic audits performed by a
 196 certified auditor chosen by the Board of County Commissioners.

197 (15) Each member of the board who is not otherwise required
 198 to file a financial disclosure statement pursuant to s. 8, Art.
 199 II of the State Constitution or s. 112.3144, Florida Statutes,
 200 must file an annual disclosure of financial interests pursuant
 201 to s. 112.3145, Florida Statutes.

202 (16) Notwithstanding any law to the contrary, if the
 203 qualified electors of Pinellas County voting in a referendum
 204 approve the transfer of all authority of the Board to the Board
 205 of County Commissioners, the board shall stand dissolved as of
 206 the effective date of the referendum.

207 Section 6. DISPOSITION OF FEES; EXPENSES; COMPENSATION.-
 208 All moneys collected by the board shall be received, deposited,
 209 expended and accounted for pursuant to law. The expenses of the
 210 board and its officers and of the examinations held by the
 211 board, and of other matters in connection with this act shall be
 212 paid from the money collected under this act.

213 Members of the board shall receive per diem and mileage as
 214 provided by law.

215 Section 7. BOARD JURISDICTION AND DUTIES.

216 (1) Except as herein provided, the Board shall have
 217 concurrent jurisdiction with municipal examining boards.

218 (2) The board shall have the duty to promulgate rules and
 219 regulations governing the certification of those engaging in
 220 county wide contracting and shall provide for the examination of
 221 those so engaged.

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222 (3) The board shall have the duty to promulgate rules and
 223 regulations governing the County-wide certification of
 224 journeymen and shall provide for the examination of those so
 225 engaged.

226
 227 (4) The board shall have the authority to employ persons
 228 to enforce the provisions of Section 15(1) of this act.

229 (5) The board shall have the duty to promulgate rules and
 230 regulations for the administration of a citation program and
 231 training of investigators in accordance with s.489.127(5)(1),
 232 Florida Statutes.

233 Section 8. EXAMINATION COMMITTEES.

234 (1) The board shall establish four (4) examination
 235 committees establish the examinations required for certification
 236 under this act. One committee shall consist of the Board itself
 237 to establish and administer the qualifications for certification
 238 and the examination for the general contractors, building
 239 contractors and residential building contractors, and specialty
 240 contractors; one committee shall consist of the Chief Mechanical
 241 Inspector from either the City of St. Petersburg, City of
 242 Clearwater or the County of Pinellas and two (2) mechanical
 243 contractors residing and engaged in business within the county
 244 all of whom shall be appointed by the board to establish and
 245 administer subject to approval by the board, the Qualifications
 246 for certification and the examination for mechanical

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247 contractors; one committee shall consist of the Chief Electrical
248 Inspector from either the City of St. Petersburg, City of
249 Clearwater or the County of Pinellas and two (2) electrical
250 contractors residing and engaged in business within the county
251 all of whom shall be appointed by the board to establish and
252 administer subject to approval by the board, the qualifications
253 for certification and the examination for electrical
254 contractors; one committee shall consist of the Chief Plumbing
255 Inspector from either the City of St. Petersburg, City of
256 Clearwater or the County of Pinellas and two (2) plumbing
257 contractors residing and engaged in business within the County
258 all of whom shall be appointed by the board to establish and
259 administer subject to approval by the board, the qualifications
260 for certification and the examination for plumbing contractors.

261 (2) The examination committees for electrical contractors,
262 plumbing contractors and mechanical contractors shall also give
263 examinations for certificates of competency for journeymen in
264 the electrical, plumbing and mechanical trades respectively. For
265 purposes of this act, "journeyman" shall mean a person who is
266 the holder of a valid certificate of competency issued by the
267 board after passing the required examination as provided in this
268 act and who is thereby entitled to perform the manual work of
269 installing plumbing, mechanical or electrical installations
270 under the general direction of a master in the trade. Each
271 examination committee shall determine the matter to be covered

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272 by the examination. The examination shall be of a practical and
273 elementary character sufficiently strict to test the
274 qualifications of the applicant.

275 (3) The board shall have jurisdiction over all the
276 examinations and regulations pursuant to this act.

277 Section 9. CERTIFICATION.

278 (1) To obtain a PCCLB certificate, an applicant shall
279 submit an application in writing to the board containing the
280 statement that the applicant desires the issuance of a
281 certificate and the class of certificate desired on a form
282 containing the information prescribed by the board and shall be
283 accompanied by the prescribed fee.

284 (2) (a) Examinations shall be held at times and places
285 within the county as the board determines, but there shall be at
286 least three (3) examinations a year. Each applicant shall take
287 an objective written examination about his fitness for a
288 certificate in the category for which application is made. There
289 shall be a type of examination for all contractor categories
290 that shall apply to the type of work covered by the certificate
291 applied for. The examination shall cover knowledge of basic
292 principles of contracting and construction applicable to the
293 category for which a certificate is requested. It shall be an
294 open-book examination consisting of multiple-choice, fill-in,
295 true-false, or short-answer questions and may include or consist
296 of diagrams, plans, or sketches in connection with which the

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297 applicant is required to demonstrate his knowledge of
 298 construction by answering questions keyed to the diagrams,
 299 plans, or sketches or make a drawing if required by a
 300 certificate of competency examination. All examinations shall be
 301 prepared by an independent testing agency, subject to approval
 302 of the board.

303 (b) A passing grade on the examination is seventy percent.

304 (c) Persons desiring to engage in specialty building
 305 trades with the County, not covered by this act, that require a
 306 municipal or county examination for licensing or certification
 307 shall be required to take and pass only one such examination
 308 that shall then be recognized in all other municipalities and
 309 the county without the necessity for an additional examination.

310 (3) Examinations for journeymen certificates of competency
 311 shall be conducted by an independent agency and shall be held at
 312 the times, conducted in the manner, require the passing grade
 313 and shall be otherwise similar to those prescribed in subsection
 314 (2) of this section.

315 (4) Upon receipt of the fee and application the board
 316 shall investigate the financial responsibility and credit,
 317 business reputation of the applicant and of any business
 318 organization on behalf of which he proposes to engage in
 319 contracting, the education and experience of the applicant.
 320 Within thirty days from the date of the examination, the board
 321 shall tell the applicant in writing whether he has qualified or

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322 not and, if the applicant has qualified, that it is ready to
323 issue a certificate in the category for which application was
324 made, subject to compliance with the requirements of subsection
325 (5) of this section.

326 (5) As a prerequisite to issuance of a contractor's PCCLB
327 certificate, the board shall require the applicant to submit
328 satisfactory evidence that he has obtained public liability and
329 property damage insurance for the safety and welfare of the
330 public in amounts to be determined by the board. Thereupon, the
331 PCCLB certificate shall be issued forthwith, but this subsection
332 does not apply to inactive certificates.

333 (6) If an applicant for an original PCCLB certificate,
334 after having been notified to do so, does not appear for
335 examination within one year from the date of filing his
336 application, the fee paid by him shall be credited to the board
337 as an earned fee. A new application for a PCCLB certificate
338 shall be accompanied by another application fee. Forfeiture of a
339 fee may be waived by the board for good cause.

340 (7) When a PCCLB certificate holder desires to engage in
341 contracting in any area of the county including municipalities
342 as a prerequisite therefore, he shall only be required to
343 exhibit to the local building official evidence of holding a
344 current certificate issued by the board accompanied by the fee
345 for the occupational license and building permit required of
346 other persons. He shall not be required to take a municipal

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347 examination to prove his competency to obtain a municipal
348 license.

349 (8) When a state certificate holder desires to engage in
350 contracting in any area of the county, including municipalities,
351 as a prerequisite therefore, he shall be required to exhibit to
352 the local building official, tax collector, or other person in
353 charge of the issuance of licenses and building permits in the
354 area, evidence of holding a current state certificate
355 accompanied by the fee for the occupational license and the
356 building permit required of other persons. State certificate
357 holders shall not be required to take an examination to prove
358 his competency for the county or municipality, to obtain a
359 county or municipal license.

360 (9) The PCCLB certificate shall not be transferable.

361 (10) Persons not desiring to engage in contracting on a
362 countywide basis may take any required examination of any
363 municipality within which he wishes to limit his business except
364 that he must register with the board in addition thereto.

365 (11) A municipality may require persons desiring to engage
366 in the business of contracting within its boundaries to comply
367 with the examination requirements provided in this act rather
368 than requiring its own examination, but it shall not require
369 both.

370 Section 10. BUSINESS ORGANIZATIONS.

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371 (1) When a natural person proposes to do business in his
 372 own name, PCCLB certification when granted, shall be issued only
 373 to that individual.

374 (2) (a) If the applicant proposing to engage in contracting
 375 is a partnership, corporation, business trust, or other legal
 376 entity, the application shall state the name of the partnership
 377 and of its partners, or the name of the corporation and of its
 378 officers and directors, or the name of the business trust and
 379 its trustees, or the name of such other legal entity and its
 380 members, and furnish evidence of statutory compliance if a
 381 fictitious name is used. The application shall also show that
 382 the person applying for the examination is legally qualified to
 383 act for the business organization in all matters connected with
 384 its contracting business; and that he has authority to supervise
 385 construction undertaken by the business organization. The PCCLB
 386 certification shall be in the name of the qualifying individual.
 387 If a natural person so qualified on behalf of the business
 388 organization ceases to be affiliated with the business
 389 organization, he shall inform the board as provided in this act.
 390 In addition, if the natural person is the only qualified natural
 391 person affiliated with the business organization, the business
 392 organization shall notify the board of his termination and shall
 393 have a period of sixty days from the termination of his
 394 affiliation with the business organization in which to qualify
 395 another natural person under the provisions of this act, failing

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396 which the certification of the business organization shall be
397 subject to revocation by the Board.

398 (b) The natural person shall also inform the board in
399 writing when he proposes to engage in contracting in his own
400 name or in affiliation with another business organization; and
401 he or the new business organization shall supply the same
402 information to the board as required for applicant under this
403 act.

404 (c) After an investigation of the financial
405 responsibility, credit, and business reputation of the natural
406 person, or the new business organization, and upon a favorable
407 determination, the board shall forthwith issue without charge or
408 examination a new PCCLB certificate on the natural person's
409 name.

410 (3) When a business organization makes application for an
411 occupational license in any municipality, the application shall
412 be made with the tax collector in the name of the business
413 organization; and the license, when issued, shall be issued to
414 the business organization upon payment of the appropriate
415 licensing fee and exhibition to the tax collector of a valid
416 certificate issued by this board. The business organization's
417 certified representative shall not be required, upon exhibition
418 of this evidence, to take a municipal examination to prove
419 competency to obtain a municipal license.

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420 Section 11. RECIPROCAL CERTIFICATION. - The board shall
 421 have the authority to grant PCCLB certification to any person
 422 who holds a certificate or is registered or otherwise similarly
 423 licensed by any other municipality or county in the state.

424 Section 12. RENEWAL AND RESTORATION OF CERTIFICATES

425 (1) PCCLB Certificates shall expire annually at midnight
 426 on September 30.

427 (2) Failure to renew the certificate during September
 428 shall cause the certificate to become inoperative, and it is
 429 unlawful thereafter for any person to engage or offer to engage
 430 or hold himself out as engaging in contracting under the PCCLB
 431 certificate unless the certificate is restored or reissued.

432 (3) A certificate that is inoperative because of failure
 433 to renew shall be restored on payment of the proper renewal fee,
 434 if the application for restoration is made by September 30 of
 435 the subsequent year. If the application for restoration is not
 436 made within the one year period, the fee for restoration shall
 437 be equal to the original application fee, and in addition, the
 438 board may require reexamination of the applicant.

439 (4) A person who is registered or holds a valid PCCLB
 440 certificate from the board may go on inactive status during
 441 which time he shall not engage in contracting but may retain his
 442 certificate on an inactive basis on payment of an annual renewal
 443 fee during the inactive period.

444 Section 13. FEES.

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445 (1) The board is authorized to establish reasonable fees
 446 for PCCLB certification, examination, Board of Adjustment and
 447 Appeals hearings, annual renewal fees, and such other fees
 448 deemed necessary to accomplish the purposes of this act.

449 (2) Any funds received by the board from fees which remain
 450 uncommitted and unexpended at the end of each biennium shall be
 451 paid into the county general revenue fund.

452 Section 14. RECORDS.

453 (1) All information required by the board of any applicant
 454 for PCCLB certificate or journeymen shall be a public record,
 455 except financial information and examination grades are
 456 confidential and shall not be discussed with anyone except
 457 members of the board and its staff, but the applicant is
 458 entitled to see his examination papers and grades. An applicant
 459 may waive in writing the confidentiality of his examination for
 460 the purpose of discussion at meetings of the board.

461 (2) If a PCCLB certificate holder changes his name style,
 462 address or employment from that appearing on his current
 463 certificate, he shall notify the board of the change within
 464 thirty days after it occurs.

465 (3) All examinations shall be retained for a period of two
 466 years from the date of the examination.

467 Section 15. PROHIBITIONS; PENALTIES.

468 (1) No person shall:

469 (a) Falsely hold himself out as a certificate holder;

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470 (b) Falsely impersonate a certificate holder;
 471 (c) Present as his own the certificate of another;
 472 (d) Give false or forged evidence to the board or a member
 473 thereof for the purpose of obtaining a PCCLB certificate;
 474 (e) Use or attempt to use a certificate which has been
 475 suspended or revoked;
 476 (f) Engage in the business or act in the capacity of a
 477 contractor or advertise himself as available to engage in the
 478 business or act in the capacity of a contractor without being
 479 duly certified; or
 480 (g) Operate a business organization engaged in contracting
 481 after 60 days following the termination of its only qualifying
 482 agent without designating another qualifying agent.
 483 (2) Any person who violates any of the provisions of
 484 subsection (1) is guilty of a misdemeanor of the first degree,
 485 punishable as provided in s. 775.082 or s. 775.083, Florida
 486 Statutes.
 487 Section 16. REVOCAION OR SUSPENSION OF CERTIFICATE.
 488 (1) On its own motion or the verified written complaint of
 489 any person, the board may investigate the action of any
 490 contractor certified under this act and hold hearings pursuant
 491 to law. When any complaint involves a contractor certified or
 492 registered under this act for acts or omissions occurring in any
 493 area of the county that has a local board, the board shall
 494 forward the complaint to the local board where the alleged

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495 violation occurred for its action. Where no local board exists,
 496 or when such local board waives its jurisdiction, the board
 497 shall take jurisdiction. The board may take appropriate
 498 disciplinary action if the contractor is found to be guilty of
 499 or has committed any one of the acts or omissions constituting
 500 cause for disciplinary action set out herein or adopted as rules
 501 or regulations by the board.

502 (2) The following acts constitute cause for disciplinary
 503 action:

504 (a) Obtaining a certificate by fraud or misrepresentation

505 (b) Being convicted or found guilty, regardless of
 506 adjudication, or a crime any jurisdiction which directly relates
 507 to the practice of contracting or the ability to practice
 508 contracting;

509 (c) Violation of chapter 455, Florida Statutes.

510 (d) Willfully or deliberately disregarding and violating
 511 the applicable building codes or laws of the state, this board,
 512 or of any municipality or county of this state;

513 (e) Performing any act which assists a person or entity in
 514 engaging in the prohibited uncertified and unregistered practice
 515 of contracting, if he certificate holder knows or has reasonable
 516 grounds to know that the person or entity was uncertified;

517 (f) Knowingly combining or conspiring with an uncertified
 518 person by allowing his certificate to be used by the uncertified
 519 person with the intent to evade the provisions of this act. When

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520 a certificate holder allows his certificate to be used by one or
521 more business organizations without having any active
522 participation in the operations, management, or control of such
523 business organizations, such act constitutes prima facie
524 evidence of an intent to evade the provisions of this act;

525 (g) Acting in the capacity of a contractor under any
526 certificate issued hereunder except in the name of the
527 certificate holder as set forth on the issued certificate, or in
528 accordance with the personnel of the certificate holder as set
529 forth in the application for the certificate, or as later
530 changed as provided in this act;

531 (h) Committing mismanagement or misconduct in the practice
532 of contracting that causes financial harm to a customer.

533 Financial mismanagement or misconduct occurs when:

534 1. Valid liens have been recorded against the property of
535 a contractor's customer for supplies or services ordered by the
536 contractor for the customer's job; the contractor has received
537 funds from the customer to pay for the supplies or services;
538 and, the contractor has not had the liens removed from the
539 property, by payment or by bond, within 30 days after the date
540 of such liens.

541 2. The contractor has abandoned a customer's job and the
542 percentage of completion is less than the percentage of the
543 total contract price paid to the contractor as of the time of
544 abandonment, unless the contractor is entitled to retain such

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545 funds under the terms of the contract or refunds the excess
546 funds within 30 days after the date the job is abandoned.

547 3. The contractor's job has been completed, and it is
548 shown that the customer has had to pay more for the contracted
549 job than the original contract price, as adjusted for subsequent
550 change orders, unless such increase in cost was the result of
551 circumstances beyond the control of the contractor, was the
552 result of circumstances caused by the customer, or was otherwise
553 permitted by the terms of the contract between the contractor and
554 the customer.

555 (i) Being disciplined by any municipality or county for an
556 act or violation of this act, which discipline shall be reviewed
557 by the board before the board takes any disciplinary action of
558 its own.

559 (j) Failing in any material respect to comply with the
560 provisions of this act.

561 (k) Abandoning a construction project in which the
562 contractor is engaged or under contract as a contractor. A
563 project is to be considered abandoned after 90 days if the
564 contractor terminates the project without notification to the
565 prospective owner and without just cause.

566 (l) Signing a statement with respect to a project or
567 contract falsely indicating that the work is bonded; falsely
568 indicating that payment has been made for all subcontracted
569 work, labor, and materials which results in a financial loss to

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570 the owner, purchaser, or contractor; or falsely indicating that
571 workers' compensation and public liability insurance are
572 provided.

573 (m) Being found guilty of fraud or deceit or of gross
574 negligence, incompetency, or misconduct in the practice of
575 contracting.

576 (n) Proceeding on any job without obtaining applicable
577 local building department permits and inspections.

578 (3) If a contractor disciplined under subsection (1) is a
579 qualifying agent for a business organization and the violation
580 was performed in connection with a construction project
581 undertaken by that business organization, the board may impose
582 an additional administrative fine not to exceed \$1,000 against
583 the business organization or against any partner, officer,
584 director, trustee, or member if such person participated in the
585 violation or knew or should have known of the violation and
586 failed to take reasonable corrective action.

587 (4) The board may specify by rule the acts or omissions
588 which constitute violations of this section.

589 (5) The board is authorized to take the following
590 disciplinary action:

591 (a) Suspend the certificate holder from all operations as
592 a contractor during the period fixed by the board but the board
593 may permit the certificate holder to complete any contracts then
594 uncompleted.

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595 (b) Revoke a certificate.
 596 (c) Impose an administrative fine or penalty not to exceed
 597 \$1,000.00 (which shall be recoverable by the board only in an
 598 action at law).
 599 (d) Require restitution and impose reasonable
 600 investigative and legal costs.
 601 (6) After suspension of the certificate on any grounds set
 602 forth in this section, the board may remove the suspension on
 603 proof of compliance by the contractor with all conditions
 604 prescribed by the board for removal of suspension, or, in the
 605 absence of the conditions, as in the sound discretion of the
 606 board.
 607 (7) After revocation of a certificate, the certificate
 608 shall not be renewed or reissued for at least one year after
 609 revocation and then only on a showing of rehabilitation of the
 610 contractor. The lapse or suspension of a certificate by
 611 operation of law or by order of the board or a court, or its
 612 voluntary surrender by a certificate holder does not deprive the
 613 board of jurisdiction to investigate or act in disciplinary
 614 proceedings against the certificate holder.
 615 (8) The board may restrain any violation of this act by
 616 action in a court of competent jurisdiction.
 617 Section 17. APPLICABILITY.
 618 (1) Nothing in this act limits the power of a municipality
 619 or the county to regulate the quality and character of work

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620 performed by contractors through a system of permits, fees, and
621 inspections that are designed to secure compliance with and aid
622 in the implementation of state and local building laws or to
623 enforce other local laws for the protection of the public health
624 and safety.

625 (2) Nothing in this act limits the power of a municipality
626 or county to collect occupational license and inspection fees
627 for engaging in contracting, or examination fees from persons
628 who are registered with the board pursuant to local examination
629 requirements.

630 (3) Nothing in this act limits the power of the
631 municipalities or counties to adopt any system of permits
632 requiring submission to and approval by the municipality or
633 county of drawings and specifications for work to be performed
634 by contractors before commencement of the work.

635 (4) Nothing in this act shall be construed to waive any
636 requirements of any existing local ordinance or resolution of
637 the board of county commissioners regulating the type of work
638 required to be performed by a specialty contractor.

639 (5) Any official authorized to issue building or other
640 related permits shall ascertain that the applicant contractor is
641 duly certified before issuing the permit. The evidence shall
642 consist only of the exhibition to him of current evidence of
643 certification.

644 (6) Municipalities or cities may continue to provide
 645 examinations for their territorial area, provided that:

646 (a) To engage in contracting in the territorial area, an
 647 applicant must also be registered with the board.

648 (b) All local contractors licensing boards or agencies
 649 shall transmit annually during August to the board the names of
 650 all local licensees, the status of the license, and a report of
 651 any disciplinary action taken against the licensee.

652 (c) A certificate has not been issued by the board.

653 (7) The right to create local boards in the future by any
 654 municipality or the county is preserved.

655 (8) This act applies to any contractor performing work for
 656 the state, county, or any municipality. They are required to
 657 determine compliance with this act before giving a commencement
 658 order on any of its contracts for construction, improvement,
 659 remodeling or repair.

660 (9) If an incomplete contract exists at the time of death
 661 of a contractor, the contract may be completed by any person
 662 even though not certified. The person shall notify the board
 663 within thirty days after the death of the contractor of his name
 664 and address. For purposes of this subsection, an incomplete
 665 contract is one which has been awarded to, or entered into by,
 666 the contractor before his death or on which he was the low
 667 bidder and the contract is subsequently awarded to him

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668 regardless of whether any actual work has commenced under the
669 contract before his death.

670 Section 18. EXEMPTIONS.

671 This act does not apply to:

672 (1) Contractors who work exclusively on bridges, roads,
673 streets, highways, railroads, or utilities and services
674 incidental thereto.

675 (2) Any employee of a certificate holder who is
676 subordinate of such certificate holder if the employee does not
677 hold himself out for hire or engage in contracting except as an
678 employee.

679 (3) An authorized employee of the United States, Florida,
680 or any municipality or county, irrigation district, reclamation
681 district, or other municipal or political corporation or
682 subdivision of this state as long as the employee does not hold
683 himself out for hire or otherwise engage in contracting except
684 in accordance with his employment.

685 (4) An officer appointed by a court when he is acting
686 within the scope of his office as defined by law or court order.
687 When construction projects that were not underway at the time of
688 appointment of the officer by the court are undertaken, he shall
689 employ or contract with a certificate holder.

690 (5) Public utilities on construction, maintenance, and
691 development work performed by their forces and incidental to
692 their business.

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693 (6) The sale or installation of any finished products,
694 materials, or articles or merchandise which are not actually
695 fabricated into and do not become a permanent fixed part of the
696 structure, except for spas or inground swimming pools with a
697 capacity in excess of 200 gallons, and for above-ground swimming
698 pools with a capacity in excess of 200 gallons that involve
699 excavation, plumbing, chemicals, or wiring of any appliance
700 without a factory-installed electrical cord and plug. This
701 subsection shall not be construed to limit the exemptions
702 provided in subsection (7) below.

703 (7) Owners of property building or improving one or two-
704 family residences thereon for the occupancy of such owners and
705 not offered for sale. In all actions brought under this act,
706 proof of the sale or offering for sale of more than one such
707 structure by the owner-builder within one year after completion
708 of same is prima facie evidence that such structure was
709 undertaken for purposes of sale. This subsection does not exempt
710 any person who is engaged by such owner or any person other than
711 the owner who acts in the capacity of a contractor.

712 (8) Any construction, alteration, improvement, or repair
713 carried on within the limits of any site the title to which is
714 in the United States, or to any construction, alteration,
715 improvement, or repair on any project where federal law
716 supersedes this act.

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717 (9) Any work or operation of a casual, minor, or
 718 inconsequential nature in which the aggregate contract price for
 719 labor, materials, and all other items is less than five hundred
 720 dollars but this exemption does not apply:

721 (a) If the construction, repair, remodeling, or
 722 improvement is a part of a larger or major operation whether
 723 undertaken by the same or a different contractor or in which a
 724 division of the operation is made in contracts of amounts less
 725 than five hundred dollars for the purpose of evading this act or
 726 otherwise.

727 (b) To a person who advertises as a contractor or
 728 otherwise represents or exhibits by any manner or device that he
 729 is qualified to engage in contracting.

730 (10) (a) Any construction or operation incidental to the
 731 construction or repair of irrigation and drainage ditches;

732 (b) Regularly constituted irrigation districts,
 733 reclamation districts; or

734 (c) Clearing or other work on the land in rural districts
 735 for fire prevention purposes or otherwise except when performed
 736 by a certificate holder or registrant under this act.

737 (10) A registered architect or engineer, acting in his
 738 professional capacity

739 (11) Any person who only furnishes materials or supplies
 740 without fabricating them into or consuming them in the
 741 performance of the work of the contractor.

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742 (12) Any person as defined and licensed under chapter 527,
 743 Florida Statutes, when such person is performing the work
 744 authorized by such license.

745 (13) Any person who is certified under chapter 489, Florida
 746 Statutes.

747 Section 19. It is the intent of the legislature to provide
 748 for uniform building codes and uniform life safety codes for
 749 Pinellas County. It is further the intent of the legislature to
 750 provide for continuing uniformity of the aforementioned codes by
 751 placing the sole authority for making technical amendments to
 752 the codes, applicable within the boundaries of Pinellas County,
 753 with the Pinellas County Licensing Board.

754 Section 20. For the purpose of establishing rules and
 755 regulations for the construction, alteration, removal,
 756 demolition, equipment, use, occupancy, location and maintenance
 757 of buildings and structures, Pinellas County hereby recognizes
 758 as applicable to the county the codes known as:

759 (1) The Florida Building Code, as may be amended or
 760 updated pursuant to general law.

761 (2) The applicable version of the National Fire Protection
 762 Association Life Safety Code 101 adopted through the provisions
 763 of the Florida Fire Prevention Code or adopted pursuant to the
 764 powers of the Florida State Fire Marshal as described in Florida
 765 Administrative Code s. 4A-60, as either may be subsequently
 766 amended.

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767 Copies of all amendments or variations thereto adopted by
768 the board pursuant to the provisions of section 21 of this act,
769 shall be filed with and available for inspection at the office
770 of the board.

771 Section 21. The board shall have the power to amend the
772 codes from time to time, subject to the requirements of section
773 553.73(4), Florida Statutes, and may adopt variations for
774 different areas of the county if the variations are justified
775 under the procedures contained herein and in section 553.73,
776 Florida Statutes. Before making any amendment or variation, the
777 board shall refer the proposed amendment to the appropriate
778 county-wide Board of Adjustment and Appeals described in Section
779 24 for study and recommendations. The board shall then hold a
780 public hearing on the proposed amendment or variation and shall
781 reject, adopt, or defer action upon the recommendation of the
782 Board of Adjustment and Appeals. A two thirds vote of the board
783 is required to reject any recommendation of the Board of
784 Adjustment and Appeals. The board may adopt amendments to the
785 codes that are necessary as a condition precedent to any federal
786 or state sponsored program and the governing body of any
787 municipality or the county may adopt amendments to the
788 administrative chapter of the Florida Building Code. For the
789 purposes of section 553.73, Florida Statutes, and chapter 98287,
790 Laws of Florida, as amended by chapter 98-419, Laws of Florida,
791 and chapter 2001-186, Laws of Florida, and as may be

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792 subsequently amended, the Pinellas County Construction Licensing
793 Board shall be the sole local governing body authorized to make
794 technical amendments to the Florida Building Code or the version
795 of the National Fire Protection Association Life Safety Code 101
796 as described in section 20 and is deemed to be the countywide
797 compliance review board for Pinellas County as required by
798 section 553.73(4)(b)7., Florida Statutes. The PCCLB shall
799 likewise be the local administrative board for the provision of
800 interpretations upon request of local building officials and for
801 the resolution of conflicts of interpretations between local
802 building officials and local fire code enforcement officials.
803 The resolution of these disputes shall be in accordance with
804 applicable general law. The decision of the board interpreting a
805 code, resolving a conflict of interpretation, or adopting an
806 amendment following a recommendation by the applicable Board of
807 Adjustment and Appeals shall be the final local determination of
808 the matter which is subject to the appeal to the Florida
809 Building Commission pursuant to section 553.73, Florida
810 Statutes, and/or the State Fire Marshal pursuant to chapter 633,
811 Florida Statutes.

812 Section 22. Except as provided in this law for amendments
813 and variations, the codes shall be exclusively controlling in
814 the construction of all buildings and structures within Pinellas
815 County and no municipality or the county shall adopt any
816 technical amendments, ordinances, rules or regulations for the

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817 construction, alteration, removal, demolition, equipment, use,
818 occupancy, location and maintenance of buildings and structures
819 that conflict with the codes as amended.

820 Section 23. Inspection and enforcement of the codes shall
821 be effected by the county, the municipalities in Pinellas County
822 or the authorized designees of either.

823 Section 24.

824 (1) The board shall create four Boards of Adjustment and
825 Appeals as follows:

826 (a) A plumbing, mechanical and gas Board of Adjustment and
827 Appeals consisting of one (1) mechanical engineer, two (2)
828 plumbing contractors, two (2) natural gas contractors and two
829 (2) mechanical or Class A air conditioning contractors. This
830 Board of Adjustment and Appeals shall have the powers and duties
831 specified in subsection (2) for appeals relating to plumbing,
832 mechanical and gas provisions of the Florida Building Code.

833 (b) An electrical board consisting of one (1) electrical
834 engineer, two (2) electrical contractors and one (1) member of
835 the building industry at large. This board shall have the powers
836 and duties provided in subsection (2) for appeals relating to
837 the electrical code.

838 (c) A Board of Adjustment and Appeals for the Florida
839 Building Code provisions not falling within the jurisdiction of
840 the boards created by subsection (a) or subsection (b).

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841 (d) A life safety and fire code Board of Adjustment and
842 Appeals consisting of two (2) active fire marshals, two (2)
843 active building officials, and a fifth member to be selected
844 from the joint recommendation of the fire marshals and building
845 officials comprising said board.

846 (2) Any appeal which may be brought before either the Board
847 of Adjustment and Appeals for the Florida Building Code or the
848 Board of Adjustment and Appeals for the Life Safety and Fire
849 Code, shall be referred to the latter. The Board of Adjustment
850 and Appeals for the Life Safety and Fire Code shall
851 determine whether or not it has jurisdiction over said appeal.
852 Upon a determination that said board has no jurisdiction, the
853 appeal shall be considered by the Board of Adjustment and
854 Appeals for the Florida Building Code. The Boards of Adjustment
855 and Appeals shall meet as frequently as is required but not less
856 often than once every three months. Members of the boards shall
857 serve without compensation. Any person aggrieved by a ruling of
858 a building director or a fire marshal or other fire official of
859 any municipality or of the county, or any building director or
860 fire marshal or other fire official desiring interpretation of a
861 code, may file a written appeal to the proper Board of
862 Adjustment and Appeals. Provided, however, if the municipality
863 in which the dispute occurred has established a Board of
864 Adjustment and Appeals the aggrieved party must first appeal to
865 the municipal board. After a decision is rendered by the

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866 municipal board the aggrieved party shall have 15 days to file
 867 the appeal provided for in this subsection. The decision of the
 868 boards shall be furnished to the appealing party in writing
 869 within 15 days after the meeting at which the appeal was
 870 considered. The decisions of the boards are subject to appeal
 871 pursuant to section 553.73, Florida Statutes.

872 Section 25. The respective Boards of Adjustment and Appeals
 873 shall have authority to interpret its respective code adopted
 874 for the county. Interpretations of the codes shall be based upon
 875 specific findings of fact and may be made when any provision of
 876 the code is ambiguous as applied to an activity subject to the
 877 code or to allow alternate material and types of construction if
 878 found to be in conformity with the intent of said code. The
 879 codes shall be interpreted liberally to provide safe, economic
 880 and sound buildings and structures in the county. Code
 881 Interpretations of any Board of Adjustment and Appeals made
 882 under this section shall be final administrative actions and
 883 shall not be subject to review by the board. Final decisions of
 884 the board or any Board of Adjustment and Appeals shall be based
 885 upon substantial competent evidence and shall be subject to
 886 review by the Florida Building Commission or the Florida State
 887 Fire Marshal.

888 Section 26. Chapters 75-489, 78-594, 78-596, 81-466, 85-
 889 490, 86-444, 89-504, 93-387, 99-441, 2002-350, 2003-319, 2004-
 890 403, 2018-179, and 2019-184, Laws of Florida, are repealed.

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Section 27. This act shall take effect upon becoming a law.

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