

BILL

ORIGINAL

2024

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 17 codified, reenacted, and repealed as herein provided.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 Section 3. It is hereby declared to be the public policy of
 19 the state that, in order to safeguard the life, health, property
 20 and public welfare of the citizens of Pinellas County, the
 21 business of construction and home improvement is a matter
 22 affecting the public interest and any person desiring to engage
 23 in the business as herein defined on a countywide basis without
 24 the necessity of meeting the competency requirements of each
 25 municipality in Pinellas County and the requirements of Pinellas

BILL

ORIGINAL

2024

26 County may establish his competency and qualification to be
 27 certified as herein provided.

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

35 Section 4. DEFINITIONS. -

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

39 (2) Notwithstanding subsection (1), the definition of
 40 plumbing contractor, master plumber, tile and marble specialty
 41 contractor, irrigation system specialty contractor, carpentry
 42 specialty contractor, natural gas specialty contractor, painting
 43 specialty contractor, marine specialty contractor, flatwork
 44 masonry specialty contractor, masonry specialty contractor,
 45 gypsum drywall specialty contractor, air conditioning
 46 journeyman, sheet metal journeyman, journeyman electric,
 47 journeyman plumber, and contracting may be determined by rules
 48 established by the Pinellas County Construction Licensing Board.

49 (3) "PCCLB" means the Pinellas County Construction
 50 Licensing Board.

51 Section 5. Pinellas County Construction Licensing Board;
 52 organization; meetings, and powers.

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

59 (a) Eight members including the following:

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

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

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

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

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

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

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

BILL

ORIGINAL

2024

75 8. One swimming pool contractor, aluminum specialty
 76 contractor, or veneer specialty contractor who is licensed to do
 77 business in this state and actively engaged in the profession.

78 (b) A Pinellas County building official.

79 (c) Two consumer representatives not affiliated with the
 80 construction industry.

81 (d) A fire official.

82 (e) Three building officials as follows:

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

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

89 3. A Beach community building official from one of the
 90 following municipalities: The City of Belleair Beach, the Town
 91 of Belleair Shore, the Town of Redington Beach, the Town of
 92 North Redington Beach, the City of Madeira Beach, the City of
 93 Indian Rocks Beach, the City of Indian Shores, the Town of
 94 Redington Shores, the City of Treasure Island, or the City of
 95 St. Pete Beach.

96 (2) (a) To be eligible for appointment to the first board, each
 97 member, other than the building director, the architect, and the
 98 consumer member, shall personally hold an unexpired certified
 99 license issued by the City of St. Petersburg or the City of

BILL

ORIGINAL

2024

100 Clearwater or the County of Pinellas or the State of Florida at
 101 the time of appointment; be actively engaged in their respective
 102 businesses and have been so engaged for a period of at least
 103 five consecutive years before the date of appointment; and be a
 104 citizen and resident of the county.

105 (b) Each member of the board, other than the building
 106 directors, the architect, and the consumer member, succeeding
 107 the original appointees shall possess the qualifications
 108 prescribed in paragraph (2) (a).

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

113 (b) The terms of the following members expire in even-
 114 numbered years: the licensed general contractor, the Florida
 115 registered architect, the licensed residential contractor, the
 116 licensed electrical contractor, a consumer representative, and
 117 the North county and Beach Community building official. The
 118 terms of the following members shall commence their terms in
 119 odd-numbered years: the mechanical contractor or Class A air
 120 conditioning contractor, the fire official, the roofing or sheet
 121 metal contractor, the licensed swimming pool, aluminum or veneer
 122 specialty contractor, the licensed plumbing contractor, a
 123 consumer representative, and the South county building official.

BILL

ORIGINAL

2024

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

132 (4) The board shall meet regularly as needed. Special
133 meetings of the board may be held as the board provides in its
134 rule and regulations. A majority of the members of the board
135 constitute a quorum.

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

139 (6) Any member of the board or duly appointed hearing
140 officer designated by the board may administer oaths and take
141 testimony about all matters within the jurisdiction of the
142 board, issue subpoenas which shall be supported by affidavit,
143 serve subpoena and other process, and compel the attendance of
144 witnesses and the production of books, papers, documents, and
145 other evidence. Chapter 120, Florida Statutes, will govern
146 hearings conducted by or on behalf of the board. The Board is
147 designated an "agency" as defined in s. 120.52(1)(c), Florida

BILL

ORIGINAL

2024

148 Statutes, for purposes of utilizing the Division of
149 Administrative Hearings of the Department of Administration.

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

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

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

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

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

168 (12) The Board is authorized, for good cause shown, to
169 establish such other reasonable classifications of contractors
170 or journeymen in the construction industry as are required or
171 requested by any municipal or county building department in
172 addition to those specifically enumerated herein, including, but

BILL

ORIGINAL

2024

173 not limited to: aluminum contractors, swimming pool contractors,
 174 gas contractors, roofing contractors and carpentry contractors.
 175 Certification of such contractors or journeymen shall be on a
 176 countywide basis in accordance with the procedure governing
 177 other contractors as set forth in this act.

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

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

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

192 (15) Each member of the board who is not otherwise required
 193 to file a financial disclosure statement pursuant to s. 8, Art.
 194 II of the State Constitution or s. 112.3144, Florida Statutes,
 195 must file an annual disclosure of financial interests pursuant
 196 to s. 112.3145, Florida Statutes.

BILL

ORIGINAL

2024

197 (16) Notwithstanding any law to the contrary, if the
 198 qualified electors of Pinellas County voting in a referendum
 199 approve the transfer of all authority of the Board to the Board
 200 of County Commissioners, the board shall stand dissolved as of
 201 the effective date of the referendum.

202 Section 6. DISPOSITION OF FEES; EXPENSES; COMPENSATION.-
 203 All moneys collected by the board shall be received, deposited,
 204 expended and accounted for pursuant to law. The expenses of the
 205 board and its officers and of the examinations held by the
 206 board, and of other matters in connection with this act shall be
 207 paid from the money collected under this act.
 208 Members of the board shall receive per diem and mileage as
 209 provided by law.

210 Section 7. BOARD JURISDICTION AND DUTIES.

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

213 (2) The board shall have the duty to promulgate rules and
 214 regulations governing the certification of those engaging in
 215 county wide contracting and shall provide for the examination of
 216 those so engaged.

217 (3) The board shall have the duty to promulgate rules and
 218 regulations governing the County-wide certification of
 219 journeymen and shall provide for the examination of those so
 220 engaged.

221

BILL

ORIGINAL

2024

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

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

228 Section 8. EXAMINATION COMMITTEES.

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

BILL

ORIGINAL

2024

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

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

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

BILL

ORIGINAL

2024

272 Section 9. CERTIFICATION.

273 (1) To obtain a PCCLB certificate, an applicant shall
274 submit an application in writing to the board containing the
275 statement that the applicant desires the issuance of a
276 certificate and the class of certificate desired on a form
277 containing the information prescribed by the board and shall be
278 accompanied by the prescribed fee.

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

BILL

ORIGINAL

2024

296 prepared by an independent testing agency, subject to approval
 297 of the board.

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

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

305 (3) Examinations for journeymen certificates of competency
 306 shall be conducted by an independent agency and shall be held at
 307 the times, conducted in the manner, require the passing grade
 308 and shall be otherwise similar to those prescribed in subsection
 309 (2) of this section.

310 (4) Upon receipt of the fee and application the board
 311 shall investigate the financial responsibility and credit,
 312 business reputation of the applicant and of any business
 313 organization on behalf of which he proposes to engage in
 314 contracting, the education and experience of the applicant.
 315 Within thirty days from the date of the examination, the board
 316 shall tell the applicant in writing whether he has qualified or
 317 not and, if the applicant has qualified, that it is ready to
 318 issue a certificate in the category for which application was
 319 made, subject to compliance with the requirements of subsection
 320 (5) of this section.

BILL

ORIGINAL

2024

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

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

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

344 (8) When a state certificate holder desires to engage in
345 contracting in any area of the county, including municipalities,

BILL

ORIGINAL

2024

346 as a prerequisite therefore, he shall be required to exhibit to
 347 the local building official, tax collector, or other person in
 348 charge of the issuance of licenses and building permits in the
 349 area, evidence of holding a current state certificate
 350 accompanied by the fee for the occupational license and the
 351 building permit required of other persons. State certificate
 352 holders must He shall not be required to take an examination to
 353 prove his competency for the county or municipality, to obtain a
 354 county or municipal license.

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

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

360 (11) A municipality may require persons desiring to engage
 361 in the business of contracting within its boundaries to comply
 362 with the examination requirements provided in this act rather
 363 than requiring its own examination, but it shall not require
 364 both.

365 Section 10. BUSINESS ORGANIZATIONS.

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

369 (2) (a) If the applicant proposing to engage in contracting
 370 is a partnership, corporation, business trust, or other legal

BILL

ORIGINAL

2024

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

393 (b) The natural person shall also inform the board in
394 writing when he proposes to engage in contracting in his own
395 name or in affiliation with another business organization; and

BILL

ORIGINAL

2024

396 he or the new business organization shall supply the same
397 information to the board as required for applicant under this
398 act.

399 (c) After an investigation of the financial
400 responsibility, credit, and business reputation of the natural
401 person, or the new business organization, and upon a favorable
402 determination, the board shall forthwith issue without charge or
403 examination a new PCCLB certificate on the natural person's
404 name.

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

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

419 Section 12. RENEWAL AND RESTORATION OF CERTIFICATES

BILL

ORIGINAL

2024

420 (1) PCCLB Certificates shall expire annually at midnight
 421 on September 30.

422 (2) Failure to renew the certificate during September
 423 shall cause the certificate to become inoperative, and it is
 424 unlawful thereafter for any person to engage or offer to engage
 425 or hold himself out as engaging in contracting under the PCCLB
 426 certificate unless the certificate is restored or reissued.

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

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

439 Section 13. FEES.

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

BILL

ORIGINAL

2024

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

447 Section 14. RECORDS.

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

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

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

462 Section 15. PROHIBITIONS; PENALTIES.

463 (1) No person shall:

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

465 (b) Falsely impersonate a certificate holder;

466 (c) Present as his own the certificate of another;

467 (d) Give false or forged evidence to the board or a member
 468 thereof for the purpose of obtaining a PCCLB certificate;

BILL

ORIGINAL

2024

469 (e) Use or attempt to use a certificate which has been
 470 suspended or revoked:

471 (f) Engage in the business or act in the capacity of a
 472 contractor or advertise himself as available to engage in the
 473 business or act in the capacity of a contractor without being
 474 duly certified; or

475 (g) Operate a business organization engaged in contracting
 476 after 60 days following the termination of its only qualifying
 477 agent without designating another qualifying agent.

478 (2) Any person who violates any of the provisions of
 479 subsection (1) is guilty of a misdemeanor of the first degree,
 480 punishable as provided in s. 775.082 or s. 775.083, Florida
 481 Statutes.

482 Section 16. REVOCATION OR SUSPENSION OF CERTIFICATE.

483 (1) On its own motion or the verified written complaint of
 484 any person, the board may investigate the action of any
 485 contractor certified under this act and hold hearings pursuant
 486 to law. When any complaint involves a contractor certified or
 487 registered under this act for acts or omissions occurring in any
 488 area of the county that has a local board, the board shall
 489 forward the complaint to the local board where the alleged
 490 violation occurred for its action. Where no local board exists,
 491 or when such local board waives its jurisdiction, the board
 492 shall take jurisdiction. The board may take appropriate
 493 disciplinary action if the contractor is found to be guilty of

BILL

ORIGINAL

2024

494 or has committed any one of the acts or omissions constituting
 495 cause for disciplinary action set out herein or adopted as rules
 496 or regulations by the board.

497 (2) The following acts constitute cause for disciplinary
 498 action:

499 (a) Obtaining a certificate by fraud or misrepresentation

500 (b) Being convicted or found guilty, regardless of
 501 adjudication, or a crime any jurisdiction which directly relates
 502 to the practice of contracting or the ability to practice
 503 contracting;

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

505 (d) Willfully or deliberately disregarding and violating
 506 the applicable building codes or laws of the state, this board,
 507 or of any municipality or county of this state;

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

512 (f) Knowingly combining or conspiring with an uncertified
 513 person by allowing his certificate to be used by the uncertified
 514 person with the intent to evade the provisions of this act. When
 515 a certificate holder allows his certificate to be used by one or
 516 more business organizations without having any active
 517 participation in the operations, management, or control of such

BILL

ORIGINAL

2024

518 business organizations, such act constitutes prima facie
519 evidence of an intent to evade the provisions of this act;

520 (g) Acting in the capacity of a contractor under any
521 certificate issued hereunder except in the name of the
522 certificate holder as set forth on the issued certificate, or in
523 accordance with the personnel of the certificate holder as set
524 forth in the application for the certificate, or as later
525 changed as provided in this act;

526 (h) Committing mismanagement or misconduct in the practice
527 of contracting that causes financial harm to a customer.
528 Financial mismanagement or misconduct occurs when:

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

536 2. The contractor has abandoned a customer's job and the
537 percentage of completion is less than the percentage of the
538 total contract price paid to the contractor as of the time of
539 abandonment, unless the contractor is entitled to retain such
540 funds under the terms of the contract or refunds the excess
541 funds within 30 days after the date the job is abandoned.

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

550 (i) Being disciplined by any municipality or county for an
 551 act or violation of this act, which discipline shall be reviewed
 552 by the board before the board takes any disciplinary action of
 553 its own.

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

556 (k) Abandoning a construction project in which the
 557 contractor is engaged or under contract as a contractor. A
 558 project is to be considered abandoned after 90 days if the
 559 contractor terminates the project without notification to the
 560 prospective owner and without just cause.

561 (l) Signing a statement with respect to a project or
 562 contract falsely indicating that the work is bonded; falsely
 563 indicating that payment has been made for all subcontracted
 564 work, labor, and materials which results in a financial loss to
 565 the owner, purchaser, or contractor; or falsely indicating that

BILL

ORIGINAL

2024

566 workers' compensation and public liability insurance are
567 provided.

568 (m) Being found guilty of fraud or deceit or of gross
569 negligence, incompetency, or misconduct in the practice of
570 contracting.

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

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

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

584 (5) The board is authorized to take the following
585 disciplinary action:

586 (a) Suspend the certificate holder from all operations as
587 a contractor during the period fixed by the board but the board
588 may permit the certificate holder to complete any contracts then
589 uncompleted.

590 (b) Revoke a certificate.

BILL

ORIGINAL

2024

591 (c) Impose an administrative fine or penalty not to exceed
 592 \$1,000.00 (which shall be recoverable by the board only in an
 593 action at law).

594 (d) Require restitution and impose reasonable
 595 investigative and legal costs.

596 (6) After suspension of the certificate on any grounds set
 597 forth in this section, the board may remove the suspension on
 598 proof of compliance by the contractor with all conditions
 599 prescribed by the board for removal of suspension, or, in the
 600 absence of the conditions, as in the sound discretion of the
 601 board.

602 (7) After revocation of a certificate, the certificate
 603 shall not be renewed or reissued for at least one year after
 604 revocation and then only on a showing of rehabilitation of the
 605 contractor. The lapse or suspension of a certificate by
 606 operation of law or by order to the board or a court, or its
 607 voluntary surrender by a certificate holder does not deprive the
 608 board of jurisdiction to investigate or act in disciplinary
 609 proceedings against the certificate holder.

610 (8) The board may restrain any violation of this act by
 611 action in a court of competent jurisdiction.

612 Section 17. APPLICABILITY.

613 (1) Nothing in this act limits the power of a municipality
 614 or the county to regulate the quality and character of work
 615 performed by contractors through a system of permits, fees, and

BILL

ORIGINAL

2024

616 inspections that are designed to secure compliance with and aid
617 in the implementation of state and local building laws or to
618 enforce other local laws for the protection of the public health
619 and safety.

620 (2) Nothing in this act limits the power of a municipality
621 or county to collect occupational license and inspection fees
622 for engaging in contracting, or examination fees from persons
623 who are registered with the board pursuant to local examination
624 requirements.

625 (3) Nothing in this act limits the power of the
626 municipalities or counties to adopt any system of permits
627 requiring submission to and approval by the municipality or
628 county of drawings and specifications for work to be performed
629 by contractors before commencement of the work.

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

634 (5) Any official authorized to issue building or other
635 related permits shall ascertain that the applicant contractor is
636 duly certified before issuing the permit. The evidence shall
637 consist only of the exhibition to him of current evidence of
638 certification.

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

BILL

ORIGINAL

2024

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

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

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

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

650 (8) This act applies to any contractor performing work for
 651 the state, county, or any municipality. They are required to
 652 determine compliance with this act before giving a commencement
 653 order on any of its contracts for construction, improvement,
 654 remodeling or repair.

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

665 Section 18. EXEMPTIONS.

BILL

ORIGINAL

2024

666 This act does not apply to:

667 (1) Contractors who work exclusively on bridges, roads,
668 streets, highways, railroads, or utilities and services
669 incidental thereto.

670 (2) Any employee of a certificate holder who is
671 subordinate of such certificate holder if the employee does not
672 hold himself out for hire or engage in contracting except as an
673 employee.

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

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

685 (5) Public utilities on construction, maintenance, and
686 development work performed by their forces and incidental to
687 their business.

688 (6) The sale or installation of any finished products,
689 materials, or articles or merchandise which are not actually
690 fabricated into and do not become a permanent fixed part of the

BILL

ORIGINAL

2024

691 structure, except for spas or inground swimming pools with a
692 capacity in excess of 200 gallons, and for above-ground swimming
693 pools with a capacity in excess of 200 gallons that involve
694 excavation, plumbing, chemicals, or wiring of any appliance
695 without a factory-installed electrical cord and plug. This
696 subsection shall not be construed to limit the exemptions
697 provided in subsection (7) below.

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

707 (8) Any construction, alteration, improvement, or repair
708 carried on within the limits of any site the title to which is
709 in the United States, or to any construction, alteration,
710 improvement, or repair on any project where federal law
711 supersedes this act.

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

BILL

ORIGINAL

2024

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

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

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

727 (b) Regularly constituted irrigation districts,
 728 reclamation districts; or

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

732 (10) A registered architect or engineer, acting in his
 733 professional capacity

734 (11) Any person who only furnishes materials or supplies
 735 without fabricating them into or consuming them in the
 736 performance of the work of the contractor.

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

BILL

ORIGINAL

2024

740 (13) Any person who is certified under chapter 489, Florida
 741 Statutes.

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

749 Section 20. For the purpose of establishing rules and
 750 regulations for the construction, alteration, removal,
 751 demolition, equipment, use, occupancy, location and maintenance
 752 of buildings and structures, Pinellas County hereby recognizes
 753 as applicable to the county the codes known as:

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

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

762 Copies of all amendments or variations thereto adopted by
 763 the board pursuant to the provisions of section 21 of this act,

BILL

ORIGINAL

2024

764 shall be filed with and available for inspection at the office
 765 of the board.

766 Section 21. The board shall have the power to amend the
 767 codes from time to time, subject to the requirements of section
 768 553.73(4), Florida Statutes, and may adopt variations for
 769 different areas of the county if the variations are justified
 770 under the procedures contained herein and in section 553.73,
 771 Florida Statutes. Before making any amendment or variation, the
 772 board shall refer the proposed amendment to the appropriate
 773 county-wide Board of Adjustment and Appeals described in Section
 774 24 for study and recommendations. The board shall then hold a
 775 public hearing on the proposed amendment or variation and shall
 776 reject, adopt, or defer action upon the recommendation of the
 777 Board of Adjustment and Appeals. A two thirds vote of the board
 778 is required to reject any recommendation of the Board of
 779 Adjustment and Appeals. The board may adopt amendments to the
 780 codes that are necessary as a condition precedent to any federal
 781 or state sponsored program and the governing body of any
 782 municipality or the county may adopt amendments to the
 783 administrative chapter of the Florida Building Code. For the
 784 purposes of section 553.73, Florida Statutes, and chapter 98287,
 785 Laws of Florida, as amended by chapter 98-419, Laws of Florida,
 786 and chapter 2001-186, Laws of Florida, and as may be
 787 subsequently amended, the Pinellas County Construction Licensing
 788 Board shall be the sole local governing body authorized to make

BILL

ORIGINAL

2024

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

807 Section 22. Except as provided in this law for amendments
808 and variations, the codes shall be exclusively controlling in
809 the construction of all buildings and structures within Pinellas
810 County and no municipality or the county shall adopt any
811 technical amendments, ordinances, rules or regulations for the
812 construction, alteration, removal, demolition, equipment, use,

BILL

ORIGINAL

2024

813 occupancy, location and maintenance of buildings and structures
814 that conflict with the codes as amended.

815 Section 23. Inspection and enforcement of the codes shall
816 be effected by the county, the municipalities in Pinellas County
817 or the authorized designees of either.

818 Section 24.

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

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

828 (b) An electrical board consisting of one (1) electrical
829 engineer, two (2) electrical contractors and one (1) member of
830 the building industry at large. This board shall have the powers
831 and duties provided in subsection (2) for appeals relating to
832 the electrical code.

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

836 (d) A life safety and fire code Board of Adjustment and
837 Appeals consisting of two (2) active fire marshals, two (2)

BILL

ORIGINAL

2024

838 active building officials, and a fifth member to be selected
839 from the joint recommendation of the fire marshals and building
840 officials comprising said board.

841 (2) Any appeal which may be brought before either the Board
842 of Adjustment and Appeals for the Florida Building Code or the
843 Board of Adjustment and Appeals for the Life Safety and Fire
844 Code, shall be referred to the latter. The Board of Adjustment
845 and Appeals for the Life Safety and Fire Code shall
846 determine whether or not it has jurisdiction over said appeal.
847 Upon a determination that said board has no jurisdiction, the
848 appeal shall be considered by the Board of Adjustment and
849 Appeals for the Florida Building Code. The Boards of Adjustment
850 and Appeals shall meet as frequently as is required but not less
851 often than once every three months. Members of the boards shall
852 serve without compensation. Any person aggrieved by a ruling of
853 a building director or a fire marshal or other fire official of
854 any municipality or of the county, or any building director or
855 fire marshal or other fire official desiring interpretation of a
856 code, may file a written appeal to the proper Board of
857 Adjustment and Appeals. Provided, however, if the municipality
858 in which the dispute occurred has established a Board of
859 Adjustment and Appeals the aggrieved party must first appeal to
860 the municipal board. After a decision is rendered by the
861 municipal board the aggrieved party shall have 15 days to file
862 the appeal provided for in this subsection. The decision of the

BILL

ORIGINAL

2024

863 boards shall be furnished to the appealing party in writing
 864 within 15 days after the meeting at which the appeal was
 865 considered. The decisions of the boards are subject to appeal
 866 pursuant to section 553.73, Florida Statutes.

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

883 Section 26. Chapters 75-489, 78-594, 78-596, 81-466, 85-
 884 490, 86-444, 89-504, 93-387, 99-441, 2002-350, 2003-319, 2004-
 885 403, 2018-179, and 2019-184, Laws of Florida, are repealed.

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