

CITY OF SANIBEL

ORDINANCE 16-011

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, LICENSES, REGISTRATIONS AND CERTIFICATIONS; DIVISION 2. CONSTRUCTION CONTRACTORS, SECTIONS 14-121 THROUGH 14-144; UPDATING DEFINITIONS AND CERTAIN CONTRACTOR CATEGORIES; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, from time to time it is necessary and appropriate to update the City construction contractor licensing code provisions based upon actual experience in regulating contractor licensing; and

**WHEREAS**, authorizing state statutes have been amended to allow an increase in certain fine amounts, requiring an update to the code provisions; and

**WHEREAS**, the City Building Official has also recommended an update to such City contractor licensing codes;

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Sanibel, Florida:

**SECTION 1.** The Sanibel Code of Ordinances, Chapter 14 – Buildings and Building Regulations, Article III, Licenses, Registrations and Certifications; Division 2 – Construction Contractors, Sections 14-121 through 14-144, are hereby amended with additions indicated by underlining and deletions by strikethrough, to read as follows:

**Sec. 14-121. Definitions.**

As used in this division, the following terms shall be defined as follows:

*Authorized contractors* shall mean any contractor who owns and possesses a current valid authorized contractor license.

*Authorized contractor license* shall mean a license issued by the City of Sanibel, whereby the City of Sanibel Contractors Review Board has approved a person's right to do the indicated scope of work after satisfying the requirements of this division as a contractor, not an employee.

*Board, board of examiners or examining board* shall mean the contractors review board.

*Business organization* shall mean a business entity engaging in contracting as an individual sole proprietorship, partnership, company, corporation, limited liability corporation business trust or other legal entity.

*Certified contractor* shall mean any person ~~contractor~~ who owns and possesses a current valid license issued by the Florida Department of Business and Professional Regulation and who may contract in any jurisdiction in the State of Florida without being required to fulfill licensing qualification requirements of that jurisdiction, except to provide ~~proof of Workers Compensation insurance or legal exemption thereto,~~ and a copy of the current state license to create a permitting qualification file, and a copy of identification for license holder and pay a file management fee for such.

*Class I contractors* shall mean any person ~~contractors~~ that holds a city authorized contractors license for those categories that have public health and safety responsibility via construction of entire buildings or whole systems in them and may supervise other class licenses. Class I contractors are further defined in section 14-138 of this division.

*Class II contractors* shall mean any person ~~contractors~~ that holds a city authorized contractors license for those categories where work done or supervised by licensees directly affect public health and safety. Class II contractors are further defined in section 14-138 of this division.

*Class III contractors* shall mean any person ~~contractors~~ that holds a city authorized contractors license for those categories whose scope of work includes non-structural work and finish trades. Class III contractors are further defined in section 14-138 of this division.

*Commencement of construction* shall mean a date on which the construction contract is executed. If no written construction contract is executed, "commencement of construction" shall mean the date on which the contractor begins work on the project.

*Contracting* shall mean, except as exempted herein, engaging in any business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in this division. The attempted sale of contracting services including the use of advertising and the negotiation or bid for a contract for these services shall also constitute contracting and acting for another for compensation as a construction coordinator, negotiator, manager; and/or the function or conduct of on-site supervisor shall also constitute contracting.

*Contractor* shall mean any person not fitting the definition of "employee" who, except as exempted in this article, for compensation, undertakes to, submits a bid to, does himself or by subcontracting or employment or supervision of others does construct, erect, install, maintain, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others. City authorized contractors shall be subdivided into Class I, II or III as established in section 14-138 of this division. State certified contractors and their classifications are defined by state statute.

*Employee* shall mean an individual who receives compensation from and is under the supervision and control of an authorized or certified contractor or owner/builder who should regularly deduct federal withholding tax and F.I.C.A. from the individual's gross wages and provide worker's compensation coverage, all as provided by law; wages to also include piecework compensation when employee production is measured in lieu of the time worked.

~~*Journeyman* shall mean those who possess technical knowledge and manual skills to perform in the electrical, plumbing, heating, air conditioning, refrigeration, ductwork or sheetmetal trades while employed by a master of that trade. Journeyman is further defined in section 14-138 of this division.~~

*Licensee* shall mean a holder of a current, valid authorized contractor license issued as herein provided.

*Licensing administrator* shall mean the City of Sanibel Building Official or his designated personnel.

*Party* shall mean any individual, sole proprietorship, person, partnership, corporation, association or any other type of business organization.

*Qualifying agent* shall mean a person who possesses the requisite license, skill, knowledge, experience, and responsibility to direct, manage and control the contracting activities of the business entity with which he is connected, and whose technical and personal qualifications have been assured by investigation and prequalification as provided for in this division. The qualifying agent shall have the responsibility to direct, manage, and control construction activities on each job built under his license, and shall be financially responsible unless relieved in writing by an employer with majority interest.

*Registered contractor* means any contractor who is required by Florida Statute and has, in fact, registered his authorized contractor's license with the Florida Department of Business and Professional Regulation, and shall include Class I authorized contractors.

*Supervision* shall mean direct on-site observation and direction at all times any unlicensed subcontractor is at work on a project or building.

*Supervisor* shall mean a person who provides supervision.

*Unlicensed* shall mean a person performing work that is not certified by the Florida Department of Business and Professional Regulation or approved by the City of Sanibel as an authorized contractor, and may include employees of a supervisor.

*Repeat violation* shall mean a violation of a provision of this division, applicable city, county or state, codes or an order or judgment of the contractors review board or county court judge by a person who has previously been found to have violated the same provision within five years prior to the current violation.

**Sec. 14-122. Exemptions.**

Except as provided in this section, the provisions of this division shall not apply to the following:

- (1) Owners of property when acting as their own contractor and providing direct, onsite material supervision themselves of all work not performed by licensed contractors; when building or improving farm outbuildings or one-family or two-family residences on such property for the sole occupancy or use of such owners and not offered for sale or lease; or building or improving commercial buildings, at a cost not to exceed of under \$75,000.00, \$25,000.00 on such property for the sole occupancy or use of such owners and not offered for sale or lease. In an action brought under this division, proof of the sale or lease, or offering for sale or lease, of any more than one such structure by the owner-builder within 1 one year after completion of the permitted activity as determined by the date of the final inspection by the city shall constitute prima facie evidence that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed engaged by or has a contract with such the owner and who acts of the property in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified as required by this division and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home on a leased lot. ~~For the purposes of this subsection, "owners of property" includes a husband and wife who own property jointly. Therefore, where a husband and wife own property jointly, the husband and wife may qualify for only one exemption per year.~~

~~Owners of property applying for an owner-builder building permit shall demonstrate a basic understanding of electrical, plumbing or mechanical work via successful completion of an open book written examination with a score of 70 percent or higher before such permits shall be issued.~~

To qualify for exemption under this subsection, an owner must personally appear at the permitting counter and sign the building permit application as owner/builder and complete the state mandated disclosure statement, ~~provide evidence of insurance and federal employers I.D. number~~ Thereafter the owner/builder shall carry out all construction fully in accordance with all requirements to maintain the status as an owner/builder exempt from contractor requirements. The state mandated disclosure

statement shall read substantially as follows: "State law requires construction to be done by licensed contractors and licensed subcontractors. You, the owner-builder, have applied for a permit under an exemption to that law. The exemption allows you, as the owner of the property, to act as your own contractor even though you do not have a contractor's license. You, the owner-builder, must supervise the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building if the cost does not exceed at a cost of \$25,000 \$75,000.00 or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you, the owner builder, sell or lease more than one building you have built yourself within one year after completion of the permitted activity as determined by the date of the final inspection by the city, the law will presume that you built it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person as your contractor or subcontractor. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations. It is your responsibility to make sure that people employed by you have licenses required by state and city licensing ordinances. Any person working on your building who is not licensed must work under your direct on-site supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law." (end of disclosure statement)

- (2) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal or state law super cedes this division.
- (3) Any building work or construction of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$750.00 and approved by the Building Official to be exempted. However, this exemption does not apply:
  - a. To any person who advertises that he or she is a contractor or otherwise represents that he or she is qualified to engage in contracting.
  - b. If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in multiple contracts of amounts less than that \$750.00 for the purpose of evading this subsection or otherwise.
- (4) The sale or installation of any finished products, materials, or articles or merchandise which are not fabricated into and do not become a permanent fixed part of the structure; except for spas, hot tubs and swimming pools with water capacity depth over 24".

- (5) Any employee of an authorized or certified contractor who is acting within the scope of the license held by that contractor and with the knowledge and permission of the license holder. If the employer is not an authorized or certified contractor in that type of contracting, and the employee performs any of the following, the employee is not exempt:
- a. Falsely holds himself or his employer out to be either an authorized or certified contractor or qualified by an authorized or certified contractor;
  - b. Leads anyone to believe that the employee has an ownership or management interest in the contracting entity; or
  - c. Performs any acts which constitute contracting.
- (6) Contractors on work building and/or maintaining bridges, roads, streets, and sewage or water utilities incidental thereto, if such contractors possess a current and valid certificate of qualification issued by the Florida Department of Transportation
- (7) An authorized employee of the United States, the State of Florida, or any municipality, county, or other political subdivision if acting in his official capacity not holding him out for hire or otherwise engage in contracting except in accordance with such employment.
- (8) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not already underway at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee to accomplish any such new work.
- (9) Public utilities, including telecommunications companies as defined in F. S. § 364.02(13) on construction, maintenance, and development work performed by their employees, which work including, but not limited to, work on bridges, roads, streets, highways, or railroads is incidental to the primary business of the utility company.
- (10) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches by regularly constituted irrigation districts, reclamation districts, clearing, or other work on the land in rural districts for fire prevention purposes.
- (11) A registered architect or professional engineer acting within the scope of his practice or any person exempted by the laws regulating

architects and engineers, including persons doing design work as specified in section F.S. § 481.229(7), provided, however, that an architect or engineer shall not act as a contractor or as a construction manager, unless properly and currently licensed as a contractor.

- (12) Any person who only furnishes materials or supplies without any labor services on-site.
- (13) Any person who sells, services, or installs heating or air conditioning units which have a capacity not greater than three tons or 36,000 Btu, with no ducts, and with a factory-installed electrical cord and plug.
- (14) Any person who is licensed pursuant to Chapter 527, Florida Statutes, (Sale of Liquefied Petroleum Gas) when such person is performing the work authorized by such license.
- (15) The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services companies.
- (16) An architect or landscape architect licensed pursuant to Chapter 481, Florida Statutes or a professional engineer licensed pursuant to Chapter 471, Florida Statutes, who offers or renders design-build services which may require the services of a contractor, as long as the contractor services to be performed under the terms of the design-build contract are offered and rendered by an authorized or certified contractor.
- (17) Any certified contractor, as defined in this division, when such person is performing work authorized pursuant to his state contractor certification in complete accordance with all F.S. Ch. 489 requirements, provided that required evidence of valid insurance has been submitted to the city and is currently on file with the city licensing administrator, and required file management fees are paid.
- (18) Excluding corporations, a lessee may make application for nonstructural, nonlife safety permits as an owner/builder when the value of the proposed improvement does not exceed \$2,500.00. The lessee shall submit a copy of a current, valid lease agreement and notarized written approval from the lessor of the building for the work to be permitted.

**Sec. 14-123. - Contractors review board.**

- (a) There is hereby established a contractors review board (the "board") to assist in the proper administration of the ordinance from which this section derives. The contractors review board shall consist of nine members who have been residents of the City of Sanibel for at least two years prior to the date of their appointment by city council, and contractor members shall remain actively authorized or certified throughout their term. The requirement for two-year prior residency may be waived by resolution of the city council in the event that there are no applicants available who meet the prior two-year residency requirement. The members of the contractors review board shall include:
- (1) A licensed general, building or residential contractor.
  - (2) A licensed electrical contractor.
  - (3) A licensed plumbing contractor.
  - (4) A licensed mechanical or air conditioning contractor.
  - (5) A licensed (Florida preferred) engineer.
  - (6) A licensed (Florida preferred) architect.
  - (7) Three citizens with no current contractor industry involvement.
- Five members shall be appointed for four years and four members shall be appointed for two years. Thereafter, the term of office of each member shall be for four years. However, the city council may remove any member at any time with or without cause. Members appointed to fill vacancies caused by the death, resignation or removal of a member shall serve the remainder of the unexpired term of their predecessors. The members shall serve without compensation.
- (b) Five members of the board shall constitute a quorum at any meeting and a majority vote of those present and voting shall be required to make any decision, except where a two-thirds majority is specified herein.
- (c) The contractors review board shall elect the officers of a chairman and a vice-chairman as necessary from among its members. Election of the officers shall be conducted annually in April, with new officers taking charge at the next meeting.
- (d) The contractors review board shall hold monthly meetings provided there are contractors licensing matters to be reviewed or addressed by the board. Each meeting shall be called to order by the chairman and in his absence by the vice-chairman or the senior board member.
- (e) The contractors review board shall have the authority to make such bylaws, rules and regulations governing its body as it may deem necessary, provided that the same do not conflict with other regulations of the City of Sanibel or the Constitution and laws of the United States or the State of Florida.

- (f) The contractors review board shall review and approve, approve with conditions, or deny applications and licenses for persons desiring to obtain an authorized contractor's license from the City of Sanibel and address all other meeting agenda items as prepared by the licensing administrator.
- (g) The contractors review board shall have the power and authority to revoke approval for examination or deny license after examination, or suspend or revoke an authorized contractor's license, and to order an authorized contractor to pay restitution for faulty or negligent contracting activities and/or fine such contractor up to \$5,000.00, for cause as determined in public hearing. Such fine or restitution order shall include a payment date and shall not prohibit the imposition of any other remedy and penalty provided at law or equity. When the authorized license has been suspended or revoked by said board, the Finance Department of the City of Sanibel shall likewise promptly cause similar action to occur on any occupational license or business license dependent upon such valid license. Causes for board action shall include, but not be limited to: Failure to correct any violation of the State of Florida Building Codes after notification of such violation in writing via certified letter by the City of Sanibel Building Official; failure to timely comply with any order of the City of Sanibel Contractors Review Board; failure to comply with, or any violation of, the provisions of this division; or other good and sufficient reasons including those set forth in sections 14-134 and 14-135.
- (h) With respect to certified contractors, the contractors review board shall serve as the public hearing board required in F.S. Ch. 489, to deny or limit future permitting privileges within the City of Sanibel, or to impose other disciplinary actions authorized for such local contractor regulatory boards.

**Sec. 14-124. - License requirements.**

- (a) Whether working for an authorized contractor or a certified contractor, or for an unlicensed party, it shall be unlawful for any person, other than a certified or authorized contractor as defined in this division, desiring to engage in or work at the business or occupation of contractor, as defined in this division, in the City of Sanibel, to engage in said occupation or business until such person has first obtained a current certified or authorized contractors license as provided in this division, and has registered in the proper classification with the State of Florida Department of Business and Professional Regulation pursuant to the provisions of F.S. Ch. 489, when such registration is required, unless an exemption set forth in section 14-122 of this division applies.
- (b) Display of contractor's license number. Any contractor regulated pursuant to this division shall include his State of Florida registration number, if required to be registered as a contractor by the State of Florida, or his authorized contractors license number, if not registered, in any newspaper, airwave transmission, phone directory, internet web page or other advertising medium aired, circulated, displayed, distributed or marketed within the City of Sanibel which offers services of the contractor regulated by this division. For the purpose of this paragraph, the term

"advertise" shall apply to business cards, business stationery, business proposals, contracts, construction site signs, handbills, billboards, flyers, trade association publications, classified advertisements, and manufacturer's authorized dealer listings, and any signs on contractor business vehicles; but shall not include balloons, pencils, pens, hats, articles of clothing or other promotional novelties, or free phone directory listings of one to three lines which display only the contractor's name and telephone number in whole or in part unbolded or unhighlighted prior or without further textual or pictorial elaboration in the overall display. When advertising on a vehicle, the minimum height of each number or letter of the license numbers shall be ~~one-half inch high.~~ Conspicuously and legibly displayed.

- (c) As a further requirement, each authorized contractor shall furnish the city licensing administrator evidence that such person is carrying a policy of workman's compensation insurance as required by law, or has legal exemption thereto, plus contractors liability insurance with respect to such business through an insurance company authorized to do business in the State of Florida, for general and building contractors \$300,000.00 bodily injury per accident, not less than \$50,000.00 for one person and \$50,000.00 for property damage; all other license categories an amount not less than \$50,000.00 for one person, \$100,000.00 for bodily injury per accident, and \$25,000.00 for property damage insurance. If such insurance expires, or is at any time cancelled during the term of a license, then the authorized contractors license issued, and permitting rights given to the insured, shall be immediately and automatically suspended and it shall be unlawful thereafter for the contractor to engage in any business until such insurance and license is reinstated.

**Sec. 14-125. - Examination of applicant.**

- (a) ~~All applicants for a journeyman (excluding journeyman HVAC installer), irrigation sprinkler, class I or II authorized contractor license shall be required to take and pass a written trades examination unless exempted hereinafter. The form of such examinations shall be approved by the contractors review board. Tested applicants shall obtain a test grade of 70 percent or higher in order to pass the exam. In lieu of written trade exams for class III contractors, proof of experience, worthiness and acceptability for licensing shall be attested by three acceptable reference letters. with no more than one class III license being granted per applicant under such untested procedures.~~
- (b) In addition to aforesaid technical trade requirements,-all authorized contractors licensed after May 18, 2004, when they cannot produce evidence of being in business of their applicable trade prior to said date, as a prerequisite to contracting directly with members of the general public (persons not holding a contractors license) shall show evidence of their understanding of lien laws, notice of commencement procedures, insurance standards and other business and legal subjects necessary to protect the public by either:
  - (1) Passing a written exam on business and law subjects, acceptable to the board, with a score of 70 percent or higher, or

- (2) Completing of a course of instruction on business and law subjects from an educational institution acceptable to the contractors review board.

**Sec. 14-126. - Procedure for obtaining authorized contractors license.**

An authorized contractors' license shall be obtained as below:

- (1) Any person or potential qualifying agent for a firm required or desiring to be qualified as an authorized contractor shall submit an application on a form prescribed by the contractors review board and an application fee in an amount established by city resolution. The licensing administrator shall retain the application and all supporting documents. In addition to the application fees paid to the City of Sanibel, outside testing agencies or educational institutions may charge fees for their services and may require payment of such fees directly to them prior to providing their services to applicants.
- (2) The licensing administrator shall only submit completed applications received a minimum of ~~five~~ ten working days prior to any contractor review board meeting. A complete application shall include all the following information:
  - a. The name, address and telephone number of the applicant.
  - b. The nature of the applicant's proposed contracting business.
  - c. The type of license for which the applicant is applying.
  - ~~d. Detail on work history of the applicant and business(es) in which the applicant has worked during the past five years including the address of those businesses.~~
  - d.e. At least three acceptable letters of reference from past employers, customers or knowledgeable observers, not related to the applicant, having firsthand knowledge of the applicant's trade abilities. These letters of reference shall address and positively endorse the applicant's knowledge, experience, and ability as a contractor in his trade. Such letters of reference shall be notarized or verifiable to include the address and contact phone number of the reference for authentication, before board consideration of such letters.
  - ~~f. Except in the electrical trade, applicants for journeyman class license shall submit notarized or verifiable written evidence that they have had a minimum of two years experience or education in their field. Two years experience shall be experience gained through working as an apprentice or helper in the appropriate trade for two years, or one year specialized education in the trade at a recognized accredited college or acceptable trade skills development program plus one year of work experience in trade. Four years shall be required in lieu of two for applicants in the electrical trade.~~

~~g. Prequalification requirements for examinations for all master applicants shall also include two years work experience as a licensed journeyman, or at least four years of verifiable evidence of journeyman level experience in the field in which they are applying if licensed as a journeyman less than two years, with successful completion of the journeyman examination required before the master license application is acceptable.~~

~~e.h. Completion of a city licensing statement form, including a credit report of the individual, corporation and/or company, that the applicant has not been, or has been: convicted of any felony, adjudged bankrupt or insane, been refused a fidelity bond or been refused a contractor's license or had one suspended or revoked within five years in any jurisdiction prior to their application for a City of Sanibel authorized license.~~

~~f.i. Completion of a city licensing statement form that the applicant has not or has been convicted of a violation of F.S. Ch. 489, (the state construction licensing law).~~

~~g.j. The applicant must attach a recognizable close up personal photograph and sign an affirmation that all application information is true and correct.~~

**Sec. 14-127. - Prerequisite to issuance of authorized contractors license.**

- (a) The applicant (as individual or as the qualifying agent, as appropriate), has obtained a score of 70 percent or higher on any required written examination and possesses the necessary character, experience, knowledge and ability required for the type of license for which the application is made, and has submitted the additional information required pursuant to sections 14-125 or 14-126 of this division.
- (b) The applicant provides evidence of workmen's compensation and contractor's liability coverage as required pursuant to subsection 14-124(c), of this division.
- (c) The applicant possesses a registration issued by the Florida Department of Business and Professional Regulation, the Florida Construction Industry Licensing Board or the Florida Electrical Contractor's Licensing Board for license categories requiring such.
- (d) The contractors review board, following personal appearance of the applicant, determines all aforesaid licensing requirements have been satisfied. At least three affirmative votes of attending board members shall be required for approval.

**Sec. 14-128. - Expiration.**

- (a) A contractor's failure to renew an authorized contractor's license prior to midnight on September 30 of each odd calendar year shall cause the license to become inoperative and shall be deemed suspended thereafter. It shall be unlawful for

any person to advertise, engage in or hold himself out as still qualified to engage in contracting under such an invalid license.

- (b) An authorized contractor's license which is inoperative as the result of failure to renew shall be restored upon payment of a late fee in an amount established by city resolution if renewal occurs within 90 days; or a higher late fee if such late fee is paid after the initial 90-day period but within a one-year grace period after the aforesaid September 30 expiration.
- (c) If a holder of an authorized contractors license fails to renew such license, the licensing administrator shall endeavor to notify the previous contractor by certified mail to the most recent address in the contractor's license file. Notice shall be sent not less than 30 days and not more than 60 days date that the prior to the one-year to renew such license will expire, not less than 180 days not more than 210 days prior to the one-year grace period expiration date, by mailing to the most recent address in the contractor's license file. Failure of the city to accomplish delivery of such mailing shall not extend the grace period or otherwise form the basis of any argument or claim against the city.

**Sec. 14-129. - Voluntary inactive status.**

- (a) Inactive status may be taken by written action of an authorized contractor. The inactive status initial fee and a fee to be charged per biennial renewal thereafter while held in that status shall be established by city resolution.
- (b) Upon receipt of a written request and payment of the inactive status fee from the holder of an active authorized contractor's license, the license administrator shall place the license on inactive status. The request for inactive status shall be signed and dated by the license holder. The holder of an inactive contractor's license shall not be permitted to engage in the business of contracting. No advertising use shall be made of any inactive contractor license for any other purpose.
- (c) ~~Inactive status may be obtained by license holders possessing a master license or a "drop" may be requested to journeyman status to allow holders to work legally as a journeyman in their fields and applicable journeyman annual fees shall be due and payable thereafter.~~
- (c)(d) A license holder seeking to reactivate an inactive license shall submit the following to the licensing administrator:
  - (1) Payment of the current active status fee.
  - (2) An original and valid certificate of insurance in the amounts and coverage as required in this division. The holder of a reactivated authorized contractors' license shall not engage in the business of contracting until a copy of any required state registered license has been provided by him to the license administrator.

~~(d)~~(e) All holders of an inactive license shall pay the biennial inactive fee no later than September 30 of each renewal period or shall be subject to late fees and loss of license as if on an active status thereafter.

**Sec. 14-130. - Reciprocity.**

- (a) An applicant for an authorized contractor license who has passed an approved written trade license examination in another jurisdiction and obtained a grade of 70 percent or higher may be exempt from additional written examination requirements on trade or technical subjects. The applicant shall provide the contractors review board with an original letter of reciprocity from the licensing official in the jurisdiction where the examination was administered including details on the examination type, grade, and class of contracting in which applicant was licensed. It is hereby further conditioned that the reciprocating license holder's original licensing jurisdiction accords the City of Sanibel's license holders this same opportunity for license reciprocity.
- (b) Before issuance of a City of Sanibel authorized contractor license, the reciprocity license holder shall appear before the contractors review board. Upon review and approval of documents provided by the original licensing jurisdiction and submittal of the completed City of Sanibel application, the contractors review board may grant said license holder a City of Sanibel authorized contractor license. For a maximum 30-day period, preceding their appearance before the board, such contractors may be issued a permitting and work authority letter by the licensing administrator.
- (c) The licensing administrator shall provide City of Sanibel authorized license holders with a letter of reciprocity to licensing jurisdictions other than the City of Sanibel for the fee of \$15.00 per letter.
- (d) No reciprocity shall be accorded to contractors' licenses from other jurisdictions that were obtained without a written examination.
- (e) Subsection 14-125(~~d~~)(b), business and law knowledge requirements shall also apply with respect to reciprocating contractors wishing to contract with members of the general public (persons not holding a contractor license).

**Sec. 14-131. - Death of authorized contractor.**

- (a) If permitted work remains to be completed at the time of the death of a license holder or qualifier, the permitted work may be completed by any qualified contractor complying with this section that is acceptable to the property owner. The new contractor seeking to complete the work under the contract shall provide written notice to the licensing administrator within 30 days after the death of the authorized contractor on the transfer of responsibility. Such notice shall include the name and address of the person seeking to complete the contract, his knowledge of the contract,

his ability to complete the work remaining under the contract, and his license status testifying to compliance with this division.

- (b) If the deceased authorized contractor was the only qualifying agent for the business organization, the business organization shall have 60 days from the date of the qualifying license holder's death to employ another licensed qualifying agent. During this period, the business organization shall not commence any new construction until a new qualified licensed contractor is retained, but may continue work that has actually commenced, and to provide warranty work. The business organization also shall notify the license administrator of the name and hire date of the new qualifying agent within five days of the hire date. The new qualifying agent shall obtain an authorized contractors license for the business as replacement for his prior license designation, as provided in this division, before any new construction starts.

#### **Sec. 14-132. - Qualifying agents.**

- (a) All applicants for an authorized contractor license who intends to qualify a business shall name said business on their application. Applicants who are not sole owners must submit notarized authorization from the business to act in all matters connected with contracting and acknowledging that they are responsible for the supervision of any construction undertaken by the business, to include supervision of subcontractors and employees on construction jobsites. The qualifying agent must register his authorized contractor license to include the business name with the department of business and professional regulation if in a license category requiring registration. When a qualifying agent desires to qualify a second business, the department of business and professional regulation board may issue such second registration at their discretion. No authorized contractor may contract with any second name under a city authorized license without such state registration.

In addition, the qualifying contractor who is not sole owner shall submit a notarized statement revealing the extent of the license holders' financial responsibility, if any, from the majority owner or president of the business.

- (b) Applicants for qualifying agents with less than majority ownership in the business shall also provide a notarized statement revealing remaining ownership of the business entity, and full details on any previous contracting operations on other owners to include: type and name of their previous contracting business, jurisdiction where that business was located, dates business operated, and statement on any contractor regulation violations within the past five years of all owners. All owners contracting backgrounds are required to be acceptable to the contractors review board for approval of the application.
- (c) A qualifying agent for a business organization may terminate status at will and shall notify the city licensing administrator within 30 days thereafter and provide the licensing administrator with a copy of any new state registration required

showing termination of the prior status, plus any new registration status.

- (d) Upon the loss its of a qualifying agent, the business shall also notify the licensing administrator within 30 days and shall have 60 days from the date of the termination to hire another qualifying agent. At any time during which the business entity does not have an active qualifying agent in its employe; it shall (a) start no new work, (b) provide only warranty service as required under existing warranty obligations, and (c) act to only complete any work in progress for only 60 days after loss of the previous qualifier.

**Sec. 14-134. - Prohibited contracting related activities.**

No person; shall commit any of the following activities:

- (1) Impersonate or hold himself out as a licensed contractor, of any type, without holding an authorized or certified contractors license of that type. In addition, no person shall provide any inactive or fraudulent license number to another person for any purpose, without disclosing in writing that the number is inactive or fraudulent.
- (2) Present as his own the contractor license of another;
- (3) Submit any false information or other evidence in obtaining an authorized contractor license, or in qualifying a business;
- (4) Use or attempt to use an authorized contractor license which has been revoked, suspended or placed on inactive status;
- (5) Engage in the business or act in the capacity of a contractor or construction supervisor/coordinator, or advertise himself as available to engage in the business or act in the capacity of a contractor or construction supervisor/coordinator, without being presently licensed or having a qualifying agent, except as otherwise herein provided;
- (6) Operate a business organization engaged in contracting without a licensed qualifying agent, except as otherwise herein provided;
- (7) Depart from, or disregard, plans, specifications or permits in material respect, without consent of the owner and prior city approved revision of all permit documents.
- (8) Commit any willful, careless, reckless or fraudulent act as a contractor or subcontractor causing financial injury, or safety or health threat to another;

- (9) Fail to have the contractor license number appear in any newspaper, airwave transmission, telephone directory, internet web page, or other advertising medium aired, circulated, displayed, distributed or marketed within the City of Sanibel which offers services of the contractor in the City of Sanibel that are regulated by this division. No person, firm, corporation or other legal entity may air advertising broadcasts or publish advertisements circulated, displayed, distributed or marketed within the City of Sanibel, which identifies a contractor offering services within the City of Sanibel regulated by Chapter 489, Florida Statutes, or this City of Sanibel Contractors Ordinance, unless the advertisements include the contractor's license number. No publisher or broadcaster shall be charged with violation unless a pattern of noncompliance occurs that includes at least four different noncompliant ads within a 60-day period. Any publisher or broadcaster that presents in an advertisement a contractor license number claimed in writing by the advertising person as being valid shall be deemed to have complied with this requirement, even if such claimed license number is found to be invalid or fraudulent.

Alternately, the broadcaster of a contractor ad and the publisher of a contractor ad shall be deemed to have complied with this subsection if it includes one of the following two statements, as applicable, in the advertisement:

- a. (Name of contractor) advises that (its)(his)(her) contractor license number pertaining to the work and services described in this advertisement is (insert number), or
  - b. (Name of contractor) advises that a contractor's license is not required for the type of work and services described in this advertisement. Except as exempted above, any person or entity ~~who~~ that violates this subsection shall be guilty of a separate violation for each day of advertisement without such contractor license information being placed in the public ad. It shall not be a violation of this subsection if the advertisement could not reasonably result in the contractor performing the advertised service within the city.
- (10) Fail to prominently display the city authorized contractors license number or state-registered contractor license number on any business signs displayed on motor vehicles used by the license holder or the qualified business in the business of contracting, transporting employees, equipment and/or materials to a construction site in letters conspicuously and legibly displayed. ~~at least one-half inch high.~~
- (11) Commence or perform work for which a city building permit is required without obtaining the appropriate permits in advance, or registering work as an emergency and thereafter failing to request all required inspections and proceeding only after approved inspections.
- (12) Willfully or deliberately disregard or violate any city regulation relating to

contractors or contracting, including any contractor or owner/builder using any unlicensed person as a subcontractor without providing full time on-site supervision.

- (13) Operate a business organization engaged in contracting more than 60 days following the date of the loss of its designated qualifying agent without formally replacing the qualifying agent in city licensing records.
- (14) Contract directly with a member of the general public without business and law knowledge demonstrated by compliance with subsection 14-125(d)(b), as required.
- (15) Provide false information to an advertising medium concerning the contractor license information or the alleged lack of a requirement for license number in the contractor ad that subsection (9) above requires to be placed in a published advertisement or advertising broadcast. Any person or entity that violates this subsection (15) shall be guilty of a separate violation for each day an advertisement containing the false information is published or broadcast.

**Sec. 14-135. Discipline of authorized contractors.**

The contractors review board shall have the power, prior to licensing, to revoke approval of a candidate for examination or deny issuance of a new authorized contractors license after examination. After licensing the contractors review board shall have the power to revoke or suspend an issued authorized contractors license, impose a fine or order restitution up to \$5,000.00 if it determines through public hearing that the candidate for or holder of an authorized contractors license, or the business for which the holder of the authorized contractors license is a qualifying agent, has committed any of the following acts:

- (1) Obtained a city authorized contractors License or business qualification by fraud, deceit, or misrepresentation, including erroneous or incomplete owners background information, or having submitted such a flawed application.
- (2) Is convicted of, or pleads guilty to, any offense, which relates to the practice of contracting or the ability to practice contracting.
- (3) Willfully disregards and violates any applicable state or Florida Building Code, regulation or law.

- (4) Performs any act which assists a person or business in engaging in the unlicensed business of contracting, as defined herein, if the license holder knows the person or business is unlicensed or fails to ascertain their license status, lack of knowledge being no defense.
- (5) Conspires with a person by allowing a license to be used by an unlicensed person to evade the provisions of this division. When an authorized contractor allows his license to be used by a person or business organization for permitting without the license holder having the controlling active participation in the operation, management and control of the construction undertaken, such act shall constitute prima facie evidence of violation of the provisions of this division.
- (6) Acts in the name of a license holder or in the capacity of a contractor other than in accordance with the detailed status contained in the application for an authorized contractor license as approved by the contractors review board.
- (7) Fails to maintain current mailing address and phone number information in his license file by written notice to the license administrator within 30 days after any such address change.
- (8) Abandons a construction project in which the contractor is engaged or under contract. A project shall be considered abandoned 90 days after the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work onsite under the contract for 90 consecutive days.
- (9) Signs a statement with respect to a project or contract which falsely indicates that payment has been made for subcontracted work, labor, and/or materials which results in a financial loss to the owner, purchaser, supplier, or another contractor, or falsely indicates that worker's compensation and/or public liability insurance are maintained.
- (10) Commits fraud or deceit or other misconduct in the practice of contracting, including refusal to make warranty repairs or to correct serious construction defects, within the reasonable time given, after written notice from the city building official via certified letter to the contractors address as contained in his license file.
- (11) Proceeds on any construction job without satisfying state statutory requirements on the required owners notice of commencement, or before obtaining the city building permits and thereafter obtaining all code

required inspection approvals before proceeding or covering unapproved work, or allows occupancy prior to a certificate of occupancy.

- (12) Exceeds the scope of work which the contractor has been licensed to perform, or exceeds or changes the work permitted without first obtaining written city building department correction of all permit documents, including plans, and paying any additional fees due.
- (13) Fails to have his authorized contractors license or state-registered contractor's license number appear in any newspaper, airwave transmission, phone directory, internet web page, or other advertising medium, which offers services of the contractor within the City of Sanibel which are regulated by Chapter 489, Florida Statutes, or this division.
- (14) Fails to prominently display the contractor's name or name of the business organization for which he is qualifying agent and the authorized contractors license or state-registered license number on any signs displayed on motor vehicles used in the business of contracting and/or transporting employees, equipment and material to a construction site, in letters at least conspicuously and legibly displayed. 2 inches one half inch tall.
- (15) Aids or abets any person or business organization to evade any provision of this division, or any other contracting or building code regulation.
- (16) Uses or attempts to use an authorized contractors license which has been revoked, suspended or placed on inactive status in any manner, including advertising use, which is prohibited for any inactive contractor license.
- (17) Intimidates, threatens, coerces, or otherwise discourages the services of a notice to owner or a notice to contractor required under Florida Statutes, or prevents an affidavit of filing on a notice of commencement that has not actually been received for recording in the clerk's office.
- (18) Fails to discharge a debt judgment as court ordered when such judgment is entered as a result of engaging in the business of contracting.
- (19) Contracts directly with a member of the general public without meeting requirements of subsection 14-125**(b)(d)** concerning business and law knowledge.
- (20) Additionally, in the event any of the above actions cause damage or injury to another person or entity, the contractors review board may order such

contractor and/or business that commits such act to pay the damaged or injured party restitution up to \$5,000.00. A fine or restitution order imposed hereby shall not prohibit the imposition of any other remedy or penalty provided at law or equity.

- (21) Any suspension of an authorized contractors license levied by the contractors review board shall remain in effect for the period of time for which such suspension is ordered by the contractors review board, unless annulled by success of an appeal per section 14-136 of this division.
- (22) Any person holding an authorized contractors license who is charged with a violation of this division and is thereby faced with any punitive action, shall have the right to a hearing in person or through legal counsel by the contractors review board on such charge or charges at the time and place set by the said board for such hearing, before any action is taken by said board against the licensee. Any person so charged with a violation of this division, who fails to appear in person or by counsel before said board for a hearing thereon (after having been notified by certified mail or public notice published twice, a week apart, in a newspaper of general circulation in the City of Sanibel, within the three weeks before hearing date, of the time and place set forth for such hearing by said board) shall there by forfeit the right to be heard by said board on such charge or charges and the said Board may then proceed with a public hearing and, upon finding of one or more violations of this division, any resulting punitive action authorized by this division against the licensee as decided by said board.

**Sec. 14-136. - Appeals.**

An aggrieved party, including the local governing body, may file a petition for writ of certiorari challenging a final order of the contractors review board in circuit court. Such appellate review shall not be a hearing de novo but shall be limited to appellate review of the record created before the contractors review board. A petition for writ of certiorari shall be filed within 30 days of the date of the order to be appealed.

**Sec. 14-137. - Additional compliance methods and remedies.**

- (a) It shall be unlawful for any person to violate or fail to comply with any provision of this division. The violation of any provision of this division may be prosecuted in the same manner as misdemeanors are prosecuted, and shall be punished by a fine not to exceed \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment. Each day a violation of any provision of this division shall continue shall constitute a separate offense.

- (b) The violation or failure to comply with any provision of this division may be referred by either the contractors review board or the City of Sanibel Building Official to the City of Sanibel Hearing Officer for enforcement proceedings in accordance with the provisions of Part I of Chapter 162, Florida Statutes.
- (c) A notice of violation for the violation or failure to comply with any provision of this division may be issued by a Code Enforcement Officer pursuant to Chapter 162, Florida Statutes and any applicable code enforcement codes or ordinances of the City of Sanibel.
- (d) It shall be unlawful and a violation of this division for any person to disregard or violate any provision of this division as provided by F.S. § 489.127(1), or to otherwise violate any provision of F.S. § 489.127(1) or 489.132(1). The Building Official of the City of Sanibel is hereby designated to enforce the provisions of F.S. § 489.127(1) and §489.132(1) against persons who engage in activity for which an authorized contractors license or state certification or registration is required. A code enforcement officer may issue a notice of violation for the violation of F.S. § 489.127(1) or § 489.132(1). For the schedule of penalties authorized by F.S. §489.127(5)(c), the civil penalty shall be \$500 \$1,000 for each violation of any provision of this division or any provision of F.S. § 489.127(1) or § 489.132. Each day a willful, knowing violation continues shall constitute a separate offense. In accordance with F.S. § 489.127(5)(f), ~~upon appeal, the contractors review board shall year in the event the violator is scheduled for hearing before the Code Enforcement Hearing Officer, the Hearing Officer shall conduct a hearing on~~ such citations and may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than \$1000 \$2,500 per day for each violation if a public hearing occurs. All provisions of F.S. § 489.127, including but not limited the form and issuance of citations, conduct of hearings, determination of penalties, the recording of certified copies of orders imposing civil penalties as liens against the real and personal property owned by violators, foreclosure of liens, and appeals, are incorporated herein by reference as fully as if set forth verbatim. Monies collected pursuant to F.S. 489.127(5)(f) shall be maintained by the Finance Director of City of Sanibel and used to support future enforcement activities against unlicensed contractors.
- (e) As to each violation, the building official and/or any authorized code enforcement officer shall have discretion to select appropriate compliance method and remedy from among those listed in this section or elsewhere available in this division.
- (f) The compliance methods and remedies provided under this section 14-137 are supplemental and alternative to any other penalties and remedies elsewhere provided in this division.

**Sec. 14-138. Types of authorized contractor licenses.**

Class I contractors shall include those that have major responsibility for public safety in entire buildings or whole systems and may supervise other class licenses. New authorized contractor's licenses in class I require successful completion of approved written examinations and all shall be registered with the Florida Department of Business and Professional Regulation, and are further defined in this section. Such contractors

shall also satisfy requirements of subsection 14-125(d)(b) relating to business and law knowledge.

Class II contractors shall include those not in class I where work supervised by licensees directly affects public health and safety through structural components or operating systems within a building. New authorized contractors licenses in class II require successful completion of an approved written examination, and are further defined in this section. Such contractors shall also satisfy requirements of subsection 14-125(d)(b) before contracting with the public.

Class III contractors shall include those not in class I or II whose scope of work include non-structural and finish trades, and are further defined in this section. Such contractors shall also satisfy requirements of subsection 14-125(d)(b) before contracting with the public.

~~Journeyman shall include persons licensed to perform the trades while employed and supervised by a master of the trade, and are further defined in this section. An active journeyman shall be authorized to represent his employer master licensee as an on-site job supervisor, in the absence of the master, and at least one such journeyman shall always be on-site in absence of the master license holder, including on service calls.~~

(1) Class I contractors: The following are class I contractors and licenses:

- a. ~~General Contractor~~: - Unlimited to the type of building that may be constructed.
- b. ~~Building Contractor~~: - Limited to construction of commercial buildings and single-family dwelling or multiple-family dwelling residential buildings, which do not exceed three stories in height, and accessory use structures in connection therewith, or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.
- c. ~~Residential Contractor~~: - Limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story, and accessory use structures in connection therewith.
- d. ~~Swimming Pool/Spa commercial Contractor~~: - Shall include the construction, repair, water treatment, and servicing of any swimming pool or hot tub or spa, whether public or private or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiber glassing, installation of

tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks (slabs incidental to the pool), construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. (However, the scope of work of such Contractor shall not include direct connections to a sanitary sewer or to potable water lines.) Such contractors may contract for screen enclosures if such work is performed by a sublicensed specialist, and contracted with pool work.

- e. ~~Swimming Pool/Spa residential Contractor~~ - Shall include, but is not limited to, the construction, repair, water treatment, and servicing of any residential swimming pool or hot tub or spa, regardless of use. Such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiber glassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior construction of decks, (slabs incidental to the pool), installation of housing for pool equipment, installation of package pool heaters. (However, the scope does not include direct connections to a sanitary sewer system or to potable water lines.) Such Contractors may contract for screen enclosures if work is performed by a licensed specialist, and contracted with pool work.
- f. ~~Swimming Pool/Spa servicing Contractor~~ - Shall mean those who are qualified to service, repair, perform water treatment, including, but not limited to the direct infusion of chlorine gas accomplished through the use of machinery attached to the pool, and maintenance of any swimming pool or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of new additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, re-plastering, reconstruction of decks, and reinstallation or addition of pool heaters.
- g. ~~Master Electrician unlimited Contractor~~ - Shall mean those who have the knowledge and skill, to install, repair, alter, add to or change any electrical wires, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms or utilizes electrical energy in any form for light, heat, power or communications, all in compliance with applicable plans, specifications, codes, laws and regulations.

- h. ~~Master Electrician residential Contractor~~ - Shall mean those who have the skills of a master electrician, as they apply strictly to installations in one- and two-family residences.
- i. ~~Master Plumber Contractor~~ - Shall mean those who have the knowledge and skill to install, maintain, repair, alter or extend plumbing, sanitary drainage or storm drainage facilities, venting systems, public and private water supply systems, septic tanks, drainage and supply wells, swimming pool piping, irrigation systems, or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping, and including the installation of water and storm and sewer lines, water and sewer plants and substations.
- j. ~~Master Heating, Air conditioning and refrigeration contractor, class A and/or class A air conditioning contractor~~ - Shall mean any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to perform the following: install, maintain, repair, fabricate, alter, extend or design, (when not prohibited by law) central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system (only to the extent such duct work is performed by the Contractor necessary to make complete an air distribution system), boiler and unfired pressure vessel systems, and all appurtenances, apparatus or equipment used in connection therewith; also piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air conditioning control wiring; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or new connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.
- k. ~~Master Heating, Air conditioning and refrigeration contractor, class B and/or class B air conditioning contractor~~ - Shall mean any person whose services are limited to 25 tons cooling and 500,000 B.T.U. heating (in any one system) in the execution of contracts requiring the experience, knowledge and skill to perform the following: install, maintain, repair, fabricate, alter, extend or design (when not prohibited by law) central air

conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system (only to the extent such duct work is performed by the contractor necessary to make complete an air distribution system) being installed under this classification; also, piping, insulation of pipes, vessels and ducts, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system, all in such a manner as to comply with all plans, specifications, codes, laws and regulations applicable thereto.

1. ~~Master Heating, Air conditioning and refrigeration contractor, class C and/or class C air conditioning contractor~~ - Shall mean any person whose business is limited to the servicing of air conditioning, heating or refrigeration systems, including duct alteration in connection with those systems they are servicing. No examinations, registration or certification is required under this part for the sales and installation of package heating or air conditioning units with no ducts or remote controls (maximum of three tons, 36,000 B.T.U. in capacity). No person not previously licensed as a class C air conditioning contractor as of October 1, 1988 shall be after October 1, 1988, however the board shall continue to license and regulate those class C licenses issued prior to October 1, 1988.
  
- m. ~~Master Mechanical contractor~~ - Shall mean any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to perform the following; install maintain, repair, fabricate, alter, extend or design (when not prohibited by law) central air conditioning, refrigeration, heating and ventilation (including duct work in connection with a complete system only to the extent such duct work is performed by the contractor necessary to make complete an air distribution system) boiler and unfired pressure vessel systems, lift stations, equipment and piping and all appurtenances, apparatus, or equipment used in connection therewith; also piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installation and piping for same, fire sprinkling systems and standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system, all in such a manner to comply with all plans, specifications, codes, laws and regulations applicable thereto. The scope of work for such contractor shall not include any work such as liquefied petroleum or natural gas fuel lines within

buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters and electrical power wiring.

- ~~n.~~ ~~Master sheet metal contractor.~~ Shall mean any person whose services are unlimited in the sheet metal trade and who has the experience, knowledge and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing and design, (when not prohibited by law) of ferrous or non-ferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and other materials, including, but not limited to, fiberglass, used in lieu thereof, and of air-handling equipment and reinforcement of same and including the balancing of air handling systems.
- n.e Roofing unlimited contractor. - Shall mean any persons whose services are unlimited in the roofing trade and who has the experience, knowledge and skill to install, maintain, repair, alter, extend, or design, (when not prohibited by law) and use materials and items in the installation, maintenance, extension and alteration of all kinds of roofing and waterproofing, all in such manner as to comply with all plans, specifications, codes, laws and regulations applicable thereto.
- ~~o.p.~~ Roofing limited contractor. - Shall mean those who are qualified to install repair and replace residential steep roof coverings. Work may include fabrication and installation of sheet metal incidental to residential steep roof coverings and installation of asphalt shingles, asphalt roll roofing materials, clay tile, concrete tile, slate, wood shake or shingles and other prefabricated shingle products.
- ~~p.q.~~ Solar contractor. - Shall mean those who services consist of the installation, alteration, repair, maintenance, relocation or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use.
- q.f. Underground utility contractor. - Shall mean those whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary, sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or

single-occupancy commercial properties, or on multi-occupancy commercial properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures.

~~r.s.~~ Alarm system contractor I (burglar and fire alarm) - Shall mean those whose services include the skill to layout, fabricate, install, maintain, repair, alter, or extend burglar and fire alarm systems. Any electrical installation shall be performed by a licensed electrical contractor.

~~t.~~ Alarm system contractor II (burglar alarm) - Shall mean those whose services include the skill to layout, fabricate, install, maintain, repair, alter or extend burglar alarm systems only. Any electrical installation shall be performed by a licensed electrical contractor.

~~s.u.~~ Sign contractor, electrical - Shall mean those who are qualified to install, repair, alter, add to, or change any electrical wires, apparatus, raceways, conduit or any part thereof on electrical signs and is qualified to erect signs also in accordance with sign ordinances and regulations. Nothing herein shall invalidate the requirement for independent lab inspection/label on closed electric signs, or invalidate the requirement for use of electrical contractors for electric power supply installation.

(2) *Class II contractors:* The following are class II contractors and licenses:

a. Masonry contractor - Shall mean those who are qualified to select, cut and lay brick and concrete block or any other unit masonry products, rough cut and dress stone, artificial stone and precast blocks, structural glass brick or block. However, such contractor shall not pour or finish concrete.

b. Masonry/concrete contractor - Shall mean those who are qualified to do the work of a masonry contractor and to also pour, place, and finish concrete foundations and flatwork (footers, floors, sidewalks, etc.) including placement of mesh reinforcement, vapor barriers and edge forms incidental thereto.

- c. ~~Concrete form & and place contractor~~ - Shall mean those who are qualified to batch and mix aggregates, cement and water to agreed specifications, to construct forms and formwork for the casting and shaping of concrete, to place miscellaneous embedded steel and to pour, place and finish concrete.
- d. ~~Concrete place & and finish contractor~~ - Shall mean those who are qualified to pour, place and finish concrete, foundations and flatwork (footers, floors, slab on grade, sidewalks, etc.) including placement of mesh reinforcement, plastic vapor barriers and edge forms incidental thereto.
- e. ~~Pre-stressed/pre-cast concrete~~ - Shall mean those who are ~~qualified to erect structural pre-cast concrete units such as decks, beams girders, walls, columns, and stairs that are or may be used as structural members for buildings and structures, including welding and rigging in connection therewith and to erect pre-cast concrete units for guard rails and decorative panels above the ground floor, including such minor field fabrication as may be necessary.~~
- e.f. Aluminum construction contractor - Shall mean those who are qualified to fabricate, install, maintain, repair, alter or extend accessories such as metal siding, soffits, gutters, awnings and prefabricated rooms, excluding screen enclosures.
- f.g. ~~Aluminum/concrete contractor~~ - Shall mean those who are qualified to fabricate, install, maintain, repair, alter or extend accessories such as metal siding, soffits, gutters, awnings and prefabricated rooms. These contractors may form, place reinforcing steel and miscellaneous steel, and pour, place and finish concrete incidental to an aluminum accessory structure only, on grade only.
- g.h. Aluminum structures erection contractor - Shall mean those whose scope of work shall include and be limited to screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, mobile home panel roof-overs, residential glass window and door enclosures, vinyl panel window enclosures, single story self-contained aluminum utility storage structures (not to exceed 500 sq. ft.), siding, soffit, fascia and gutters. The scope of such work may include wood work incidental to the aluminum construction work, limited to the construction of wood framing for

the walls of uninhabitable utility storage structures, raised wood decks for enclosures and the repair and/or replacement of wood incidental to the installation of non-glass windows and doors, installation of siding, soffit, fascia, gutters, and preformed panel-post and beam roofs. The scope of such work may also include masonry concrete work but shall be limited to foundations, slabs and block knee walls incidental to the aluminum construction work. The aluminum erection contractor shall not perform any work that alters the structural integrity of the primary building including, but not limited to, roof trusses, lintels, load bearing walls and foundations.

- h.i. ~~Structural steel/framing contractor~~ - Shall mean those who are qualified to erect structural steel shapes and plates, including such minor field fabrication as may be necessary, of any profile, perimeter, or cross-section, that are or may be used as structural members for buildings and structures, including metal decking, siding, joists, riveting, welding, and rigging, only in connection therewith.
- i.j. ~~Carpentry contractor~~ - Shall mean those who have the knowledge and skill to install any wood products in a building including, but not limited to, any framing, trusses, windows, sheathing and finish trim materials.
- j.k. ~~Carpentry finish contractor~~ - Shall mean those who are qualified to install finish wood products including paneling, trim cabinetry, doors, windows (including metal), stair treads and handrails and all hardware incidental thereto.
- k.l. ~~Sign contractor non-electrical~~ - Shall mean those who are qualified to install, repair, add to or change non-electrical signs in accordance with sign ordinance and regulations.
- l.m. ~~Building maintenance contractor~~ - Shall mean those who are qualified to perform general maintenance and repair of existing buildings and structures to include drywall, plaster, non-structural wood and paint. No mechanical, plumbing, electrical or roofing components are included.
- m.n. ~~Drywall contractor unlimited~~ - Shall mean those who are qualified to install gypsum drywall products to wood and metal studs and their finishing joints, wood and steel framing and metal runners in buildings of unlimited area and height. The scope

of the work shall include the preparation of the surface over which the drywall product is to be applied, including the placing of metal studs and runners, blocking and necessary trim.

- n.ø. Hurricane shutter ~~contractor~~ - Shall mean those who fabricate and install opening protection for structures.
- o.p. Glass and glazing ~~contractor~~ - Shall mean those who are qualified to select, cut, assemble, and install all makes and kinds of glass and glasswork and execute the glazing of frames, panels, sash, door and window holding metal frames, ornamental decoration, mirrors, tub and shower enclosures.
- p.g. Garage Door – Those who are qualified to install, maintain, repair or alter horizontal and vertical type garage doors, including all hardware and operating devices, provided a licensed electrical contractor does any of the necessary electrical installations.
- q.f. Irrigation ~~contractor~~ - Shall mean those who have the knowledge and skill to install, repair, maintain, and replace, lawn sprinkler irrigation systems.
- r.s. Marine – Shall mean those who have the knowledge of the construction of seawalls, bulkheads, docks, piers, wharfs, piles and other marine structures.
- s.t. Specialty Structure – Is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers specifications in the aluminum, metal, canvas, vinyl and fiberglass screening, doors and window, hurricane protection devices and allied construction materials.

(3) *Class III contractors:* The following are class III contractors and licenses:

- a. Authorized for general public practice: (after subsection 14-1325(d)(b) requirements are met)

- (1) Asphalt Sealing/Coating - Those who are qualified to coat and seal asphalt on roads, driveways and parking lots.

Awning

- (2) Cabinet Installer, manufacturing, Resurfacing & counters
- (3) Cabinet & Millwork - Assemble, manufacture, install, dismantle, maintain, adjust, alter, extend and design, where not prohibited by law, cabinets and millwork, Corian and cultured marble style counter tops.
- (4) Trim Carpentry – Install cabinets, interior doors, baseboards, finished wood work & crown.

Decorative Stone

- (5) Drywall Hang ~~and~~ Finish Residential- Hang & finish gypsum board.
- (6) Elevator Installation Residential - Install indoor/outdoor approved personnel elevator or equipment lift.
- (7) ~~Excavating~~ Excavation - Any person who is qualified to excavate, to obtain or remove materials such as rock, gravel and sand to construct or to excavate canals, lakes and levees including the clearing of land of surface debris and vegetation, including the grubbing of roots, the removal of debris and leveling of the surface land incidental and necessary thereto in compliance with all environmental laws.
- (8) Fence - Any person who is qualified to install, maintain or repair fencing on grade, construct on site; including pre-cast concrete and pre-fabricated fences which meet all applicable safety, zoning and building codes.

Fireplace Installer (residential)

Fire Stopping

- (9) Floor Covering – ~~Carpet & Viny~~ All types

Garage Door

Gunite

Gutters & downspouts

(10) Insulation – Installation of thermal barriers in walls, ceilings & roofs.

Lath-only

Lath & Plaster

LP Tank

(11) Limited Low Voltage Energy Systems Specialty - Includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit and fiber optics or any part thereof not to exceed 98 volts. The scope of work of this license does not include installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, that are part of an alarm system.

Mangrove Trimming

(12) Marciting – Install pool finish.

Marine contractor

(13) Painting & Wall Treatment – Any surface treatment.

(14) Paving – Installation of asphalt.

(15) Paving Interlock Blocks – Installation of pervious & im-pervious pavers.

(16) Pile Driving – Installing of wood or concrete pilings.

(17) Plaster, & Stucco & Lath – Installation of moisture barrier, lath and base and top coating.

Plastering

Pollutant Storage

Prefab Building Installation

River Rock

Roof Spraying

Sandblasting

(18) Screen Repair – Replacement and repair of screen.

(19) Siding – Installation of vinyl, cement, wood siding, trim and soffits.

Stucco

(20) Tennis Court – Install, repair and maintain tennis courts.

(21) Tile, & Marble & Granite - to all surfaces

Welding

(22) Wood Flooring – Installation of any type of wood flooring.

- b. Authorized subcontractors only to pool builders:  
Pool/spa, designated subtrade (steel/pipe, shell, tile, deck, marcite)
- (1) ~~Swimming Pool excavation specialty contractor~~: means a swimming pool specialty contractor whose scope of work is limited to the excavation and earthmoving required for the installation of pools, spas, and hot tub shells.
  - (2) ~~Swimming Pool trim specialty contractor~~: means a swimming pool specialty contractor whose scope of work is limited to the installation of tile and coping for pools, spas, and hot tub shells. Decorative or interactive water displays or areas that use recirculated water, including waterfalls and spray nozzles, are also included in this rule within this scope of work.

- (3) ~~Swimming Pool decking specialty contractor~~: means a swimming pool specialty contractor whose scope of work is limited to the construction and installation of concrete flatwork, pavers and bricks, retaining walls, and footings associated with the construction of pools, spas, and hot tub shells.
- (4) ~~Swimming Pool finishes specialty contractor~~: means a swimming pool specialty contractor whose scope of work is limited to the coating or plastering of the interior surfaces of pools, spas, or hot tub shells.
- (5) ~~Swimming Pool layout specialty contractor~~: means a swimming pool specialty contractor whose scope of work is limited to the layout, shaping, steel installation, and rough piping of pools, spas, and hot tub shells.
- (6) ~~Swimming Pool structural specialty contractor~~: means a swimming pool specialty contractor whose scope of work is limited to the shaping and shooting of gunite, shot crete, concrete, or similar product mix used in the construction of swimming pools and spas. This scope of work includes the installation of fiberglass shells and vinyl liners.
- (7) ~~Swimming Pool piping specialty contractor~~: means a swimming pool specialty contractor whose scope of work is limited to the installation of piping or the installation of circulating, filtering, disinfecting, controlling or monitoring equipment and devices used in the construction of pools, spas, hot tubs, and decorative or interactive water displays or areas.

(4) ~~Journeyman class: The following are journeyman class individuals and licenses:~~

- a. ~~Journeyman electrician. Shall mean those qualified and tested to perform work in the electrical trades while employed by a master electrician.~~
- b. ~~Journeyman plumber. Shall mean those qualified and tested to perform work in the plumbing trades while employed by a master plumber.~~
- e. ~~Journeyman heating, air conditioning, refrigeration. Shall mean those who are qualified and tested to install, maintain, repair, fabricate, alter, extend or design (when not prohibited by law) central air conditioning, refrigeration, heating and ventilating,~~

~~including duct work, pneumatic control piping, and installation of a condensate drain from an approved disposal other than a direct connection to a sanitary system when employed and supervised by a master heating, air conditioning, refrigeration contractor.~~

- d. ~~*Journeyman sheet metal.* Shall mean those who are qualified and tested to fabricate, install, repair, alter or extend sheet metal work while employed by a master sheet metal contractor.~~
- e. ~~*Journeyman HVAC installer.* Shall mean those qualified by experience, as verified by acceptable testimonial letters, to fabricate and install HVAC system including ducts and to set preassembled equipment when employed by a master heating, air conditioning, refrigeration, sheet metal or mechanical contractor. However, the scope of such work does not include starting and testing the operation of such equipment.~~

**Sec. 14-139. - Emergency special license provisions.**

In event of official state declared disaster in the City of Sanibel, emergency licenses may be issued to contractors whose trade abilities are desired to assist recovery efforts provided the contractor complies with all following conditions:

- (1) Completes the heretofore described application for license; and
- (2) Provides for review an original valid verifiable contractor license in the contractors home jurisdiction obtained by written exam; and
- (3) Provides certification of required insurance to be effective in the City of Sanibel; and
- (4) Pays all required license fees; and
- (5) Obtains a city occupational license, as required. The application, complete with evidence of all conditions above having been met, may be temporarily approved by the licensing administrator or his designee, plus the senior available member of the contractors review board prior to issuance of any such emergency license. A record of all emergency licenses shall be submitted for public hearing and confirmation at the next occurring full contractors review board meeting, and any contractor not confirmed shall thereupon lose all contracting rights in the city.

All board confirmed emergency licenses shall expire six months after the date of official disaster declaration, with 90-day extensions authorized only in those license categories deemed necessary by contractors review board formal action.

All building permits issued to emergency licensed contractors shall require an original and notarized property owners signature on permit applications, and such contractors shall not be granted agency signature authority on permit applications for rebuilding disaster damage.

**Sec. 14-140. - Recognition of state construction rules.**

The provisions of this division, of the contractors review board herein created, and of administrative formats for complaints against contractors, of disciplinary hearings for contractor and any resulting orders, do and shall comply with State of Florida, Department of Business and Professional Regulation, Construction Industry Licensing Board, Rule 61G4-20.001 entitled "Local Disciplinary Actions".

**Sec. 14-141. - Establishment of fees, and changes to fees by resolution.**

Any and all fees applicable to the contractors license matters set forth in this division, including but not limited to license applications and renewals, shall be established and adopted by resolution of city council, and thereafter all revisions to such fees shall also be made by adopted resolution.

**Sec. 14-142. - Conflict and liberal construction.**

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this division conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

**Sec. 14-143. - Severance.**

If any section, subsection, sentence, clause, phrase or portion of this division, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

**Sec. 14-144. - Effective date; implementation period.**

This division shall take effect immediately upon adoption provided, however, there is hereby established an implementation period in order to allow contractors operating within the city to obtain an authorized contractors license, such implementation period expiring on May 1, 2005. Prior to May 1, 2005, all activities by the city necessary to provide for the issuance of applications, testing, contractors licenses and related matters, including the establishment and operation of the city contractors review board, shall occur. However, no enforcement of any penalty for failure to obtain an authorized contractors license or for any other violation of this division shall occur prior to May 1, 2005, at which time all provisions of this division shall be in full force and effect and fully enforceable by the city. The purpose of the transition period from the date of ordinance adoption until May 1, 2005, the enforcement date, is to assure smooth operation of this contractors licensing division and assist in fostering cooperation between the

city and the building industry with regard to the implementation and enforcement of these regulations.

**SECTION 2. Codification.**

In Part II, Subpart B, Land Development Code, Chapter 94 Floods, Article I., In General; Section 94-2. Definition, Substantial Improvement” is hereby amended. This ordinance shall be deemed an amendment to the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment.

**SECTION 3. Conflict.**

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

**SECTION 4. Severance.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

**SECTION 5. Effective Date.**

This ordinance shall be effective immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 10<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
Kevin Ruane, Mayor

AUTHENTICATION:  
  
\_\_\_\_\_  
Pamela Smith, City Clerk

APPROVED AS TO FORM:   
\_\_\_\_\_  
Kenneth B. Cuyler, City Attorney

  
\_\_\_\_\_  
Date

Publication and Hearing Dates:

First Reading: August 2, 2016

Publication Date: August 31, 2016

Second Reading: September 10, 2016

Vote of Council Members:

Ruane        yea

Denham     yea

Goss        yea

Harrity     yea

Jennings   yea

Date Filed with City Clerk: September 10, 2016