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1
 2 An act relating to the Pinellas County Construction
 3 Licensing Board, Pinellas County; codifying,
 4 reenacting, amending, and repealing special acts
 5 relating to the board; providing definitions; revising
 6 membership of the board; revising commencement and
 7 expiration of terms; removing provisions relating to
 8 registration; removing obsolete funding and
 9 certification provisions; removing provisions
 10 requiring a code compliance bond and proof of certain
 11 liability insurance as conditions for certification;
 12 repealing chapters 75-489, 78-594, 81-466, 85-490, 86-
 13 444, 89-504, 93-387, 99-441, 2002-350, 2003-319, 2004-
 14 403, 2018-179, and 2019-184, Laws of Florida;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. This act constitutes the codification of all
 20 special acts relating to the Pinellas County Construction
 21 Licensing Board, an agency that regulates certain construction
 22 and home improvement contractors practicing in Pinellas County,
 23 Florida.

24 Section 2. Chapters 75-489, 78-594, 81-466, 85-490, 86-
 25 444, 89-504, 93-387, 99-441, 2002-350, 2003-319, 2004-403, 2018-

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26 179, and 2019-184, Laws of Florida, are amended, codified,
 27 reenacted, and repealed as herein provided. Notwithstanding the
 28 codification or reenactment of any provision herein, nothing
 29 herein may be construed as preventing the sunset of certain
 30 license categories as provided for in chapter 2023-271, Laws of
 31 Florida.

32 Section 3. The charter for the Pinellas County
 33 Construction Licensing Board is re-created and reenacted to
 34 read:

35 Section 1. (1) It is hereby declared to be the public
 36 policy of the state that, in order to safeguard the life,
 37 health, property and public welfare of the citizens of Pinellas
 38 County, the business of construction and home improvement is a
 39 matter affecting the public interest and any person desiring to
 40 engage in the business as herein defined on a countywide basis
 41 without the necessity of meeting the competency requirements of
 42 each municipality in Pinellas County and the requirements of
 43 Pinellas County may establish his or her competency and
 44 qualification to be certified as herein provided.

45 (2) The Legislature recognizes that the construction and
 46 home improvement industries may pose a danger of significant
 47 harm to the public when incompetent or dishonest contractors
 48 provide unsafe, unstable, or short-lived products or services.
 49 Therefore, it is necessary in the interest of the public health,
 50 safety, and welfare to regulate the construction industry in

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51 Pinellas County.

52 Section 2. Definitions.—

53 (1) The definitions found in ss. 489.105(3) and (6) and
 54 489.505(1), (2), (9), and (12), Florida Statutes, as may be
 55 amended from time to time, apply to this entire act.

56 (2) Notwithstanding subsection (1), the definitions of the
 57 terms plumbing contractor, master plumber, tile and marble
 58 specialty contractor, irrigation system specialty contractor,
 59 carpentry specialty contractor, natural gas specialty
 60 contractor, painting specialty contractor, marine specialty
 61 contractor, flatwork masonry specialty contractor, structural
 62 masonry contractor, drywall specialty contractor, air
 63 conditioning journeyman, journeyman electric, journeyman
 64 plumber, and contracting may be determined by rules established
 65 by the Pinellas County Construction Licensing Board.

66 (3) The term "board" or "PCCLB" means the Pinellas County
 67 Construction Licensing Board.

68 Section 3. Pinellas County Construction Licensing Board;
 69 organization, meetings, and powers.—

70 (1) The PCCLB is created, within the County of Pinellas,
 71 consisting of 15 members. All members of the board must be
 72 residents of Pinellas County with the exception of any
 73 governmental building officials. All members of the board shall
 74 be appointed by the Pinellas County Board of County
 75 Commissioners, as follows:

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- 76 (a) Eight members including the following:
- 77 1. One general contractor who is licensed to do business
- 78 in this state and actively engaged in the profession.
- 79 2. One architect who is registered to practice in this
- 80 state and actively engaged in the profession.
- 81 3. One residential contractor who is licensed to do
- 82 business in this state and actively engaged in the profession.
- 83 4. One electrical contractor who is licensed to do
- 84 business in this state and actively engaged in the profession.
- 85 5. One plumbing contractor who is licensed to do business
- 86 in this state and actively engaged in the profession.
- 87 6. One mechanical contractor or Class A air-conditioning
- 88 contractor who is licensed to do business in this state and
- 89 actively engaged in the profession.
- 90 7. One roofing or sheet metal contractor who is licensed
- 91 to do business in this state and actively engaged in the
- 92 profession.
- 93 8. One swimming pool contractor, specialty structure
- 94 contractor, or veneer specialty contractor who is licensed to do
- 95 business in this state and actively engaged in the profession.
- 96 (b) A Pinellas County building official.
- 97 (c) Two consumer representatives not affiliated with the
- 98 construction industry.
- 99 (d) A fire official.
- 100 (e) Three building officials as follows:

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101 1. A North county building official from one of the
 102 following municipalities: Clearwater, Tarpon Springs, Dunedin,
 103 Oldsmar, Safety Harbor, Belleair, Belleair Bluffs, or Largo.

104 2. A South county building official from one of the
 105 following municipalities: St. Petersburg, South Pasadena,
 106 Gulfport, Seminole, Kenneth City, or Pinellas Park.

107 3. A Beach community building official from one of the
 108 following municipalities: Belleair Beach, Belleair Shore,
 109 Redington Beach, North Redington Beach, Madeira Beach, Indian
 110 Rocks Beach, Indian Shores, Redington Shores, Treasure Island,
 111 or St. Pete Beach.

112 (2)(a) To be eligible for appointment to the first board,
 113 each member, other than the building official, the architect,
 114 and the consumer member, shall personally hold an unexpired
 115 certified license issued by the City of St. Petersburg, the City
 116 of Clearwater, the County of Pinellas, or the State of Florida
 117 at the time of appointment; be actively engaged in his or her
 118 respective business and have been so engaged for a period of at
 119 least 5 consecutive years before the date of appointment; and be
 120 a citizen and resident of the county.

121 (b) Each member of the board, other than the building
 122 official, the architect, and the consumer member, succeeding the
 123 original appointees shall possess the qualifications prescribed
 124 in paragraph (a).

125 (3)(a) A board member may not serve more than two

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126 consecutive terms of 4 years but may be reappointed after a 2-
 127 year hiatus. This limitation shall not apply to any of the
 128 governmental buildings official or fire official appointees.

129 (b) The terms of the following members expire in even-
 130 numbered years: the general contractor, the architect, the
 131 residential contractor, the electrical contractor, the consumer
 132 representative, and the North county and Beach Community
 133 building officials. The terms of the following members shall
 134 commence in odd-numbered years: the mechanical contractor or
 135 Class A air conditioning contractor; the fire official; the
 136 roofing or sheet metal contractor; the swimming pool contractor,
 137 specialty structural contractor, or veneer specialty contractor;
 138 the plumbing contractor; the consumer representative; and the
 139 South county building official.

140 (c) As the terms of the members expire, the Board of
 141 County Commissioners shall appoint a member to fill the vacancy
 142 for a term for 4 years. The board shall elect from its members a
 143 chair and a vice chair for term of up to 2 years. All terms of
 144 office expire on September 30 of the last year of the term.
 145 Vacancies in the membership occurring prior to the end of a
 146 member's term for any cause shall be filled by the Pinellas
 147 County Board of County Commissioners.

148 (4) The board shall meet regularly as needed. Special
 149 meetings of the board may be held as the board provides in its
 150 rules and regulations. A majority of the members of the board

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151 constitutes a quorum.

152 (5) The board is authorized to adopt rules and regulations
 153 in accordance with s. 162.08, Florida Statutes, to carry out the
 154 provisions of this act.

155 (6) Any member of the board or duly appointed hearing
 156 officer designated by the board may administer oaths and take
 157 testimony about all matters within the jurisdiction of the
 158 board, issue subpoenas which shall be supported by affidavit,
 159 serve subpoena and other process, and compel the attendance of
 160 witnesses and the production of books, papers, documents, and
 161 other evidence. Chapter 120, Florida Statutes, will govern
 162 hearings conducted by or on behalf of the board. The board is
 163 designated an "agency" as defined in s. 120.52(1)(c), Florida
 164 Statutes, for purposes of utilizing the Division of
 165 Administrative Hearings of the Department of Administration.

166 (7) The board is authorized to employ personnel and incur
 167 expenses as necessary to perform its duties and enforce this act
 168 and shall sue and be sued in its official name.

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

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

175 (10) The board shall be empowered to issue cease and

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176 desist orders in accordance with s. 489.113, Florida Statutes,
 177 to prohibit any person from engaging in the business of
 178 contacting who does not hold the required certification for the
 179 type of work being performed under this act.

180 (11) The board shall be empowered to employ investigators
 181 or inspectors to enforce the provisions of this act and to issue
 182 citations in accordance with s. 489.127(5), Florida Statutes,
 183 for violations of this act.

184 (12) The board is authorized, for good cause shown, to
 185 establish such other reasonable classifications of contractors
 186 or journeymen in the construction industry as are required or
 187 requested by any municipal or county building department in
 188 addition to those specifically enumerated herein, including, but
 189 not limited to: aluminum contractors, swimming pool contractors,
 190 gas contractors, roofing contractors, and carpentry contractors.
 191 Certification of such contractors or journeymen shall be on a
 192 countywide basis in accordance with the procedure governing
 193 other contractors as set forth in this act.

194 (13) Board staff are employees of Pinellas County, and
 195 Pinellas County is responsible for all costs associated
 196 therewith. The board is a dependent agency of the Board of
 197 County Commissioners. The Board of County Commissioners may
 198 adopt rules to implement this act, including, but not limited
 199 to, rules relating to board finances and contribution for costs
 200 associated with this act to be borne by the county, and may

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201 remove any member of the board at will.

202 (14) (a) The board shall submit to all local governments in
 203 Pinellas County, and make available to the public, a complete
 204 report on finances and administrative activities of the board as
 205 of the end of each fiscal year.

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

208 (15) Each member of the board who is not otherwise
 209 required to file a financial disclosure statement pursuant to s.
 210 8, Art. II of the State Constitution or s. 112.3144, Florida
 211 Statutes, must file an annual disclosure of financial interests
 212 pursuant to s. 112.3145, Florida Statutes.

213 (16) Notwithstanding any law to the contrary, if the
 214 qualified electors of Pinellas County voting in a referendum
 215 approve the transfer of all authority of the board to the Board
 216 of County Commissioners, the board shall stand dissolved as of
 217 the effective date of the referendum.

218 Section 4. Disposition of fees; expenses; compensation.-
 219 All moneys collected by the board shall be received, deposited,
 220 expended, and accounted for pursuant to law. The expenses of the
 221 board and its officers and of the examinations held by the
 222 board, and of other matters in connection with this act, shall
 223 be paid from the money collected under this act. Members of the
 224 board shall receive per diem and mileage as provided by law.

225 Section 5. Board jurisdiction and duties.-

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226 (1) Except as herein provided, the board shall have
 227 concurrent jurisdiction with municipal examining boards.

228 (2) The board shall have the duty to promulgate rules and
 229 regulations governing the certification of those engaging in
 230 county-wide contracting and shall provide for the examination of
 231 those so engaged.

232 (3) The board shall have the duty to promulgate rules and
 233 regulations governing the county-wide certification of
 234 journeymen and shall provide for the examination of those so
 235 engaged.

236 (4) The board shall have the authority to employ persons
 237 to enforce the provisions of Section 13(1) of this act.

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

242 Section 6. Examination committees.-

243 (1) The board shall establish four examination committees
 244 to establish the examinations required for certification under
 245 this act. One committee shall consist of the board itself to
 246 establish and administer the qualifications for certification
 247 and the examination for the general contractors, building
 248 contractors and residential building contractors, and specialty
 249 contractors; one committee shall consist of the Chief Mechanical
 250 Inspector from either the City of St. Petersburg, the City of

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251 Clearwater, or the County of Pinellas, and two mechanical
 252 contractors residing and engaged in business within the county,
 253 all of whom shall be appointed by the board to establish and
 254 administer, subject to approval by the board, the qualifications
 255 for certification and the examination for mechanical
 256 contractors; one committee shall consist of the Chief Electrical
 257 Inspector from either the City of St. Petersburg, the City of
 258 Clearwater, or the County of Pinellas and two electrical
 259 contractors residing and engaged in business within the county,
 260 all of whom shall be appointed by the board to establish and
 261 administer, subject to approval by the board, the qualifications
 262 for certification and the examination for electrical
 263 contractors; and one committee shall consist of the Chief
 264 Plumbing Inspector from either the City of St. Petersburg, the
 265 City of Clearwater or the County of Pinellas, and two plumbing
 266 contractors residing and engaged in business within the county,
 267 all of whom shall be appointed by the board to establish and
 268 administer, subject to approval by the board, the qualifications
 269 for certification and the examination for plumbing contractors.

270 (2) The examination committees for electrical contractors,
 271 plumbing contractors, and mechanical contractors shall also give
 272 examinations for certificates of competency for journeymen in
 273 the electrical, plumbing, and mechanical trades, respectively.
 274 For purposes of this act, the term "journeyman" means a person
 275 who is the holder of a valid certificate of competency issued by

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276 the board after passing the required examination as provided in
277 this act and who is thereby entitled to perform the manual work
278 of installing plumbing, mechanical, or electrical installations
279 under the general direction of a master in the trade. Each
280 examination committee shall determine the matter to be covered
281 by the examination. The examination shall be of a practical and
282 elementary character sufficiently strict to test the
283 qualifications of the applicant.

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

286 Section 7. Certification.-

287 (1) To obtain a PCCLB certificate, an applicant shall
288 submit an application in writing to the board containing the
289 statement that the applicant desires the issuance of a
290 certificate and the class of certificate desired on a form
291 containing the information prescribed by the board, accompanied
292 by the prescribed fee.

293 (2)(a) Examinations shall be held at times and places
294 within the county as the board determines, but there shall be at
295 least three examinations a year. Each applicant shall take an
296 objective written examination about his or her fitness for a
297 certificate in the category for which application is made. There
298 shall be a type of examination for all contractor categories
299 that shall apply to the type of work covered by the certificate
300 applied for. The examination shall cover knowledge of basic

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301 principles of contracting and construction applicable to the
302 category for which a certificate is requested. It shall be an
303 open-book examination consisting of multiple-choice, fill-in,
304 true-false, or short-answer questions and may include or consist
305 of diagrams, plans, or sketches in connection with which the
306 applicant is required to demonstrate his or her knowledge of
307 construction by answering questions keyed to the diagrams,
308 plans, or sketches or make a drawing if required by a
309 certificate of competency examination. All examinations shall be
310 prepared by an independent testing agency, subject to approval
311 of the board.

312 (b) A passing grade on the examination is 70 percent.

313 (c) Persons desiring to engage in specialty building
314 trades with the county which are not covered by this act and
315 require a municipal or county examination for licensing or
316 certification shall be required to take and pass only one such
317 examination that shall then be recognized in all other
318 municipalities and the county without the necessity for an
319 additional examination.

320 (3) Examinations for journeymen certificates of competency
321 shall be conducted by an independent agency and shall be held at
322 the times, conducted in the manner, require the passing grade,
323 and shall be otherwise similar to those prescribed in subsection

324 (2).

325 (4) Upon receipt of the fee and application, the board

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326 shall investigate the financial responsibility, credit, and
 327 business reputation of the applicant and of any business
 328 organization on behalf of which he or she proposes to engage in
 329 contracting, and the education and experience of the applicant.
 330 Within 30 days from the date of the examination, the board shall
 331 tell the applicant in writing whether he or she has qualified
 332 and, if the applicant has qualified, that it is ready to issue a
 333 certificate in the category for which application was made,
 334 subject to compliance with the requirements of subsection (5).

335 (5) As a prerequisite to issuance of a contractor's PCCLB
 336 certificate, the board shall require the applicant to submit
 337 satisfactory evidence that he or she has obtained public
 338 liability and property damage insurance for the safety and
 339 welfare of the public in amounts to be determined by the board.
 340 Thereupon, the PCCLB certificate shall be issued forthwith, but
 341 this subsection does not apply to inactive certificates.

342 (6) If an applicant for an original PCCLB certificate,
 343 after having been notified to do so, does not appear for
 344 examination within 1 year from the date of filing his or her
 345 application, the fee paid by him or her shall be credited to the
 346 board as an earned fee. A new application for a PCCLB
 347 certificate shall be accompanied by another application fee.
 348 Forfeiture of a fee may be waived by the board for good cause.

349 (7) When a PCCLB certificateholder desires to engage in
 350 contracting in any area of the county, including municipalities,

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351 as a prerequisite therefor, he or she shall only be required to
 352 exhibit to the local building official evidence of holding a
 353 current certificate issued by the board accompanied by the fee
 354 for the occupational license and building permit required of
 355 other persons. He or she shall not be required to take a
 356 municipal examination to prove his or her competency to obtain a
 357 municipal license.

358 (8) When a state certificateholder desires to engage in
 359 contracting in any area of the county, including municipalities,
 360 as a prerequisite therefor, he or she shall be required to
 361 exhibit to the local building official, tax collector, or other
 362 person in charge of the issuance of licenses and building
 363 permits in the area evidence of holding a current state
 364 certificate accompanied by the fee for the occupational license
 365 and the building permit required of other persons. A state
 366 certificateholder shall not be required to take an examination
 367 to prove his or her competency for the county or municipality to
 368 obtain a county or municipal license.

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

370 (10) Persons not desiring to engage in contracting on a
 371 county-wide basis may take any required examination of any
 372 municipality within which he or she wishes to limit his or her
 373 business, except that he or she must register with the board in
 374 addition thereto.

375 (11) A municipality may require persons desiring to engage

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376 | in the business of contracting within its boundaries to comply
 377 | with the examination requirements provided in this act rather
 378 | than requiring its own examination, but it shall not require
 379 | both.

380 | Section 8. Business organizations.-

381 | (1) When a natural person proposes to do business in his
 382 | or her own name, a PCCLB certification, when granted, shall be
 383 | issued only to that individual.

384 | (2)(a) If the applicant proposing to engage in contracting
 385 | is a partnership, corporation, business trust, or other legal
 386 | entity, the application shall state the name of the partnership
 387 | and of its partners, or the name of the corporation and of its
 388 | officers and directors, or the name of the business trust and
 389 | its trustees, or the name of such other legal entity and its
 390 | members, and furnish evidence of statutory compliance if a
 391 | fictitious name is used. The application shall also show that
 392 | the person applying for the examination is legally qualified to
 393 | act for the business organization in all matters connected with
 394 | its contracting business and that he or she has authority to
 395 | supervise construction undertaken by the business organization.
 396 | The PCCLB certification shall be in the name of the qualifying
 397 | individual. If a natural person so qualified on behalf of the
 398 | business organization ceases to be affiliated with the business
 399 | organization, he or she shall inform the board as provided in
 400 | this act. In addition, if the natural person is the only

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401 qualified natural person affiliated with the business
402 organization, the business organization shall notify the board
403 of his or her termination and shall have a period of 60 days
404 from the termination of his or her affiliation with the business
405 organization in which to qualify another natural person under
406 the provisions of this act, failing which the certification of
407 the business organization shall be subject to revocation by the
408 board.

409 (b) The natural person shall also inform the board in
410 writing when he or she proposes to engage in contracting in his
411 or her own name or in affiliation with another business
412 organization, and he or she or the new business organization
413 shall supply the same information to the board as required for
414 an applicant under this act.

415 (c) After an investigation of the financial
416 responsibility, credit, and business reputation of the natural
417 person or the new business organization, and upon a favorable
418 determination, the board shall forthwith issue without charge or
419 examination a new PCCLB certificate in the natural person's
420 name.

421 (3) When a business organization makes application for an
422 occupational license in any municipality, the application shall
423 be made with the tax collector in the name of the business
424 organization, and the license, when issued, shall be issued to
425 the business organization upon payment of the appropriate

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426 licensing fee and exhibition to the tax collector of a valid
427 certificate issued by the board. The business organization's
428 certified representative shall not be required, upon exhibition
429 of this evidence, to take a municipal examination to prove
430 competency to obtain a municipal license.

431 Section 9. Reciprocal certification.—The board shall have
432 the authority to grant PCCLB certification to any person who
433 holds a certificate or is registered or otherwise similarly
434 licensed by any other municipality or county in the state.

435 Section 10. Renewal and restoration of certificates.—

436 (1) PCCLB certificates shall expire annually at midnight
437 on September 30.

438 (2) Failure to renew the certificate during September
439 shall cause the certificate to become inoperative, and it is
440 unlawful thereafter for any person to engage or offer to engage
441 or hold himself or herself out as engaging in contracting under
442 the PCCLB certificate unless the certificate is restored or
443 reissued.

444 (3) A certificate that is inoperative because of failure
445 to renew shall be restored on payment of the proper renewal fee
446 if the application for restoration is made by September 30 of
447 the subsequent year. If the application for restoration is not
448 made within the 1-year period, the fee for restoration shall be
449 equal to the original application fee and, in addition, the
450 board may require reexamination of the applicant.

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451 (4) A person who is registered or holds a valid PCCLB
452 certificate from the board may go on inactive status, during
453 which time he or she shall not engage in contracting but may
454 retain his or her certificate on an inactive basis on payment of
455 an annual renewal fee during the inactive period.

456 Section 11. Fees.—

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

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

464 Section 12. Records.—

465 (1) All information required by the board of any applicant
466 for a PCCLB certificate or journeymen shall be a public record,
467 except that financial information and examination grades are
468 confidential and shall not be discussed with anyone except
469 members of the board and its staff, but the applicant is
470 entitled to see his or her examination papers and grades. An
471 applicant may waive in writing the confidentiality of his or her
472 examination for the purpose of discussion at meetings of the
473 board.

474 (2) If a PCCLB certificateholder changes his or her name
475 style, address, or employment from that appearing on his or her

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476 current certificate, he or she shall notify the board of the
 477 change within 30 days after it occurs.

478 (3) All examinations shall be retained for a period of 2
 479 years from the date of the examination.

480 Section 13. Prohibitions; penalties.-

481 (1) No person shall:

482 (a) Falsely hold himself or herself out as a
 483 certificateholder;

484 (b) Falsely impersonate a certificateholder;

485 (c) Present as his or her own the certificate of another;

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

488 (e) Use or attempt to use a certificate which has been
 489 suspended or revoked;

490 (f) Engage in the business or act in the capacity of a
 491 contractor or advertise himself or herself as available to
 492 engage in the business or act in the capacity of a contractor
 493 without being duly certified; or

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

497 (2) Any person who violates any of the provisions of
 498 subsection (1) is guilty of a misdemeanor of the first degree,
 499 punishable as provided in s. 775.082 or s. 775.083, Florida
 500 Statutes.

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501 Section 14. Revocation or suspension of certificate.—
 502 (1) On its own motion or the verified written complaint of
 503 any person, the board may investigate the action of any
 504 contractor certified under this act and hold hearings pursuant
 505 to law. When any complaint involves a contractor certified or
 506 registered under this act for acts or omissions occurring in any
 507 area of the county that has a local board, the board shall
 508 forward the complaint to the local board where the alleged
 509 violation occurred for its action. Where no local board exists,
 510 or when such local board waives its jurisdiction, the board
 511 shall take jurisdiction. The board may take appropriate
 512 disciplinary action if the contractor is found to be guilty of
 513 or has committed any one of the acts or omissions constituting
 514 cause for disciplinary action set out herein or adopted as rules
 515 or regulations by the board.
 516 (2) The following acts constitute cause for disciplinary
 517 action:
 518 (a) Obtaining a certificate by fraud or misrepresentation.
 519 (b) Being convicted or found guilty, regardless of
 520 adjudication, of a crime in any jurisdiction which directly
 521 relates to the practice of contracting or the ability to
 522 practice contracting.
 523 (c) Violation of chapter 455, Florida Statutes.
 524 (d) Willfully or deliberately disregarding and violating
 525 the applicable building codes or laws of the state, the board,

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526 or any municipality or county of this state.

527 (e) Performing any act which assists a person or entity in
 528 engaging in the prohibited uncertified and unregistered practice
 529 of contracting, if the certificateholder knows or has reasonable
 530 grounds to know that the person or entity was uncertified.

531 (f) Knowingly combining or conspiring with an uncertified
 532 person by allowing his or her certificate to be used by the
 533 uncertified person with the intent to evade the provisions of
 534 this act. When a certificateholder allows his or her certificate
 535 to be used by one or more business organizations without having
 536 any active participation in the operations, management, or
 537 control of such business organizations, such act constitutes
 538 prima facie evidence of an intent to evade the provisions of
 539 this act.

540 (g) Acting in the capacity of a contractor under any
 541 certificate issued hereunder except in the name of the
 542 certificateholder as set forth on the issued certificate, or in
 543 accordance with the personnel of the certificateholder as set
 544 forth in the application for the certificate, or as later
 545 changed as provided in this act.

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

548 Financial mismanagement or misconduct occurs when:

549 1. Valid liens have been recorded against the property of
 550 a contractor's customer for supplies or services ordered by the

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551 contractor for the customer's job; the contractor has received
552 funds from the customer to pay for the supplies or services; and
553 the contractor has not had the liens removed from the property,
554 by payment or by bond, within 30 days after the date of such
555 liens.

556 2. The contractor has abandoned a customer's job and the
557 percentage of completion is less than the percentage of the
558 total contract price paid to the contractor as of the time of
559 abandonment, unless the contractor is entitled to retain such
560 funds under the terms of the contract or refunds the excess
561 funds within 30 days after the date the job is abandoned.

562 3. The contractor's job has been completed, and it is
563 shown that the customer has had to pay more for the contracted
564 job than the original contract price, as adjusted for subsequent
565 change orders, unless such increase in cost was the result of
566 circumstances beyond the control of the contractor, was the
567 result of circumstances caused by the customer, or was otherwise
568 permitted by the terms of the contract between the contractor and
569 the customer.

570 (i) Being disciplined by any municipality or county for an
571 act or violation of this act, which discipline shall be reviewed
572 by the board before the board takes any disciplinary action of
573 its own.

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

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576 (k) Abandoning a construction project in which the
577 contractor is engaged or under contract as a contractor. A
578 project is to be considered abandoned after 90 days if the
579 contractor terminates the project without notification to the
580 prospective owner and without just cause.

581 (l) Signing a statement with respect to a project or
582 contract falsely indicating that the work is bonded; falsely
583 indicating that payment has been made for all subcontracted
584 work, labor, and materials which results in a financial loss to
585 the owner, purchaser, or contractor; or falsely indicating that
586 workers' compensation and public liability insurance are
587 provided.

588 (m) Being found guilty of fraud or deceit or of gross
589 negligence, incompetency, or misconduct in the practice of
590 contracting.

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

593 (3) If a contractor disciplined under subsection (1) is a
594 qualifying agent for a business organization and the violation
595 was committed in connection with a construction project
596 undertaken by that business organization, the board may impose
597 an additional administrative fine not to exceed \$1,000 against
598 the business organization or against any partner, officer,
599 director, trustee, or member if such person participated in the
600 violation or knew or should have known of the violation and

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601 failed to take reasonable corrective action.

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

604 (5) The board is authorized to take the following
 605 disciplinary action:

606 (a) Suspend the certificateholder from all operations as a
 607 contractor during the period fixed by the board, but the board
 608 may permit the certificateholder to complete any contracts then
 609 uncompleted.

610 (b) Revoke a certificate.

611 (c) Impose an administrative fine or penalty not to exceed
 612 \$1,000, which shall be recoverable by the board only in an
 613 action at law.

614 (d) Require restitution and impose reasonable
 615 investigative and legal costs.

616 (6) After suspension of the certificate on any grounds set
 617 forth in this section, the board may remove the suspension on
 618 proof of compliance by the contractor with all conditions
 619 prescribed by the board for removal of suspension, or, in the
 620 absence of the conditions, as in the sound discretion of the
 621 board.

622 (7) After revocation of a certificate, the certificate
 623 shall not be renewed or reissued for at least 1 year after
 624 revocation and then only on a showing of rehabilitation of the
 625 contractor. The lapse or suspension of a certificate by

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626 operation of law or by order to the board or a court, or its
 627 voluntary surrender by a certificateholder, does not deprive the
 628 board of jurisdiction to investigate or act in disciplinary
 629 proceedings against the certificateholder.

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

632 Section 15. Applicability.—

633 (1) Nothing in this act limits the power of a municipality
 634 or the county to regulate the quality and character of work
 635 performed by contractors through a system of permits, fees, and
 636 inspections that are designed to secure compliance with and aid
 637 in the implementation of state and local building laws or to
 638 enforce other local laws for the protection of the public health
 639 and safety.

640 (2) Nothing in this act limits the power of a municipality
 641 or county to collect occupational license and inspection fees
 642 for engaging in contracting, or examination fees from persons
 643 who are registered with the board pursuant to local examination
 644 requirements.

645 (3) Nothing in this act limits the power of the
 646 municipalities or counties to adopt any system of permits
 647 requiring submission to and approval by the municipality or
 648 county of drawings and specifications for work to be performed
 649 by contractors before commencement of the work.

650 (4) Nothing in this act shall be construed to waive any

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651 requirements of any existing local ordinance or resolution of
 652 the board of county commissioners regulating the type of work
 653 required to be performed by a specialty contractor.

654 (5) Any official authorized to issue building or other
 655 related permits shall ascertain that the applicant contractor is
 656 duly certified before issuing the permit. The evidence shall
 657 consist only of the exhibition to him or her of current evidence
 658 of certification.

659 (6) Municipalities or cities may continue to provide
 660 examinations for their territorial areas, provided that:

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

663 (b) All local contractors' licensing boards or agencies
 664 shall transmit annually during August to the board the names of
 665 all local licensees, the status of the license, and a report of
 666 any disciplinary action taken against the licensee.

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

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

670 (8) This act applies to any contractor performing work for
 671 the state, county, or any municipality. They are required to
 672 determine compliance with this act before giving a commencement
 673 order on any of its contracts for construction, improvement,
 674 remodeling, or repair.

675 (9) If an incomplete contract exists at the time of death

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676 of a contractor, the contract may be completed by any person
 677 even though not certified. The person shall notify the board
 678 within 30 days after the death of the contractor of his or her
 679 name and address. For purposes of this subsection, an incomplete
 680 contract is one which has been awarded to, or entered into by,
 681 the contractor before his or her death or on which he or she was
 682 the low bidder and the contract is subsequently awarded to him
 683 or her regardless of whether any actual work has commenced under
 684 the contract before his or her death.

685 Section 16. Exemptions.—This act does not apply to:

686 (1) Contractors who work exclusively on bridges, roads,
 687 streets, highways, railroads, or utilities and services
 688 incidental thereto.

689 (2) Any employee of a certificateholder who is a
 690 subordinate of such certificateholder if the employee does not
 691 hold himself or herself out for hire or engage in contracting
 692 except as an employee.

693 (3) An authorized employee of the United States, Florida,
 694 or any municipality or county, irrigation district, reclamation
 695 district, or other municipal or political corporation or
 696 subdivision of this state as long as the employee does not hold
 697 himself or herself out for hire or otherwise engage in
 698 contracting except in accordance with his or her employment.

699 (4) An officer appointed by a court when he or she is
 700 acting within the scope of his or her office as defined by law

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701 or court order. When construction projects that were not
702 underway at the time of appointment of the officer by the court
703 are undertaken, he or she shall employ or contract with a
704 certificateholder.

705 (5) Public utilities on construction, maintenance, and
706 development work performed by their forces and incidental to
707 their business.

708 (6) The sale or installation of any finished products,
709 materials, or articles or merchandise which are not actually
710 fabricated into and do not become a permanent fixed part of the
711 structure, except for spas or inground swimming pools with a
712 capacity in excess of 200 gallons, and for above-ground swimming
713 pools with a capacity in excess of 200 gallons that involve
714 excavation, plumbing, chemicals, or wiring of any appliance
715 without a factory-installed electrical cord and plug. This
716 subsection shall not be construed to limit the exemptions
717 provided in subsection (7).

718 (7) Owners of property building or improving one or two-
719 family residences thereon for the occupancy of such owners and
720 not offered for sale. In all actions brought under this act,
721 proof of the sale or offering for sale of more than one such
722 structure by the owner-builder within 1 year after completion of
723 same is prima facie evidence that such structure was undertaken
724 for purposes of sale. This subsection does not exempt any person
725 who is engaged by such owner or any person other than the owner

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726 who acts in the capacity of a contractor.

727 (8) Any construction, alteration, improvement, or repair
 728 carried on within the limits of any site the title to which is
 729 in the United States, or to any construction, alteration,
 730 improvement, or repair on any project where federal law
 731 supersedes this act.

732 (9) Any work or operation of a casual, minor, or
 733 inconsequential nature in which the aggregate contract price for
 734 labor, materials, and all other items is less than \$500, but
 735 this exemption does not apply:

736 (a) If the construction, repair, remodeling, or
 737 improvement is a part of a larger or major operation whether
 738 undertaken by the same or a different contractor or in which a
 739 division of the operation is made in contracts of amounts less
 740 than \$500 for the purpose of evading this act or otherwise.

741 (b) To a person who advertises as a contractor or
 742 otherwise represents or exhibits by any manner or device that he
 743 or she is qualified to engage in contracting.

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

746 (b) Regularly constituted irrigation districts or
 747 reclamation districts; or

748 (c) Clearing or other work on the land in rural districts
 749 for fire prevention purposes or otherwise, except when performed
 750 by a certificateholder or registrant under this act.

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751 (11) A registered architect or engineer acting in his or
 752 her professional capacity.

753 (12) Any person who only furnishes materials or supplies
 754 without fabricating them into or consuming them in the
 755 performance of the work of the contractor.

756 (13) Any person as defined and licensed under chapter 527,
 757 Florida Statutes, when such person is performing the work
 758 authorized by such license.

759 (14) Any person who is certified under chapter 489,
 760 Florida Statutes.

761 Section 17. It is the intent of the Legislature to provide
 762 for uniform building codes and uniform life safety codes for
 763 Pinellas County. It is further the intent of the Legislature to
 764 provide for continuing uniformity of the aforementioned codes by
 765 placing the sole authority for making technical amendments to
 766 the codes, applicable within the boundaries of Pinellas County,
 767 with the Pinellas County Construction Licensing Board.

768 Section 18. For the purpose of establishing rules and
 769 regulations for the construction, alteration, removal,
 770 demolition, equipment, use, occupancy, location, and maintenance
 771 of buildings and structures, Pinellas County hereby recognizes
 772 as applicable to the county the codes known as:

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

775 (2) The applicable version of the National Fire Protection

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776 Association Life Safety Code 101 adopted through the provisions
777 of the Florida Fire Prevention Code or adopted pursuant to the
778 powers of the Florida State Fire Marshal as described in Florida
779 Administrative Code s. 4A-60, as either may be subsequently
780 amended.

781
782 Copies of all amendments or variations thereto adopted by the
783 board pursuant to the provisions of Section 19 shall be filed
784 with and available for inspection at the office of the board.

785 Section 19. The board shall have the power to amend the
786 codes from time to time, subject to the requirements of s.
787 553.73(4), Florida Statutes, and may adopt variations for
788 different areas of the county if the variations are justified
789 under the procedures contained herein and in s. 553.73, Florida
790 Statutes. Before making any amendment or variation, the board
791 shall refer the proposed amendment to the appropriate county-
792 wide Board of Adjustment and Appeals described in Section 22 for
793 study and recommendations. The board shall then hold a public
794 hearing on the proposed amendment or variation and shall reject,
795 adopt, or defer action upon the recommendation of the Board of
796 Adjustment and Appeals. A two-thirds vote of the board is
797 required to reject any recommendation of the Board of Adjustment
798 and Appeals. The board may adopt amendments to the codes that
799 are necessary as a condition precedent to any federal or state-
800 sponsored program, and the governing body of any municipality or

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801 the county may adopt amendments to the administrative chapter of
 802 the Florida Building Code. For the purposes of s. 553.73,
 803 Florida Statutes, and chapter 98-287, Laws of Florida, as
 804 amended by chapter 98-419, Laws of Florida, and chapter 2001-
 805 186, Laws of Florida, and as may be subsequently amended, the
 806 Pinellas County Construction Licensing Board shall be the sole
 807 local governing body authorized to make technical amendments to
 808 the Florida Building Code or the version of the National Fire
 809 Protection Association Life Safety Code 101 as described in
 810 Section 18 and is deemed to be the county-wide compliance review
 811 board for Pinellas County as required by s. 553.73(4)(f),
 812 Florida Statutes. The PCCLB shall likewise be the local
 813 administrative board for the provision of interpretations upon
 814 request of local building officials and for the resolution of
 815 conflicts of interpretations between local building officials
 816 and local fire code enforcement officials. The resolution of
 817 these disputes shall be in accordance with applicable general
 818 law. The decision of the board interpreting a code, resolving a
 819 conflict of interpretation, or adopting an amendment following a
 820 recommendation by the applicable Board of Adjustment and Appeals
 821 shall be the final local determination of the matter which is
 822 subject to the appeal to the Florida Building Commission
 823 pursuant to s. 553.73, Florida Statutes, or the State Fire
 824 Marshal pursuant to chapter 633, Florida Statutes.

825 Section 20. Except as provided in this law for amendments

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826 and variations, the codes shall be exclusively controlling in
 827 the construction of all buildings and structures within Pinellas
 828 County, and no municipality or the county shall adopt any
 829 technical amendments, ordinances, rules, or regulations for the
 830 construction, alteration, removal, demolition, equipment, use,
 831 occupancy, location, and maintenance of buildings and structures
 832 that conflict with the codes as amended.

833 Section 21. Inspection and enforcement of the codes shall
 834 be effected by the county, the municipalities in Pinellas
 835 County, or the authorized designees of either.

836 Section 22. (1) The board shall create four Boards of
 837 Adjustment and Appeals as follows:

838 (a) A plumbing, mechanical, and gas Board of Adjustment
 839 and Appeals consisting of one mechanical engineer, two plumbing
 840 contractors, two natural gas contractors, and two mechanical or
 841 Class A air conditioning contractors. This Board of Adjustment
 842 and Appeals shall have the powers and duties specified in
 843 subsection (2) for appeals relating to plumbing, mechanical, and
 844 gas provisions of the Florida Building Code.

845 (b) An electrical Board of Adjustment and Appeals
 846 consisting of one electrical engineer, two electrical
 847 contractors, and one member of the building industry at large.
 848 This Board of Adjustment and Appeals shall have the powers and
 849 duties provided in subsection (2) for appeals relating to the
 850 electrical code.

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851 (c) A Board of Adjustment and Appeals for the Florida
852 Building Code provisions not falling within the jurisdiction of
853 the board created by subsection (a) or subsection (b).

854 (d) A life safety and fire code Board of Adjustment and
855 Appeals consisting of two active fire marshals, two active
856 building officials, and a fifth member to be selected from the
857 joint recommendation of the fire marshals and building officials
858 comprising such Board of Adjustment and Appeals.

859 (2) Any appeal which may be brought before either the
860 Board of Adjustment and Appeals for the Florida Building Code or
861 the Board of Adjustment and Appeals for the Life Safety and Fire
862 Code shall be referred to the latter. The Board of Adjustment
863 and Appeals for the Life Safety and Fire Code shall determine
864 whether it has jurisdiction over said appeal. Upon a
865 determination that said board has no jurisdiction, the appeal
866 shall be considered by the Board of Adjustment and Appeals for
867 the Florida Building Code. The Boards of Adjustment and Appeals
868 shall meet as frequently as is required but not less often than
869 once every 3 months. Members of the boards shall serve without
870 compensation. Any person aggrieved by a ruling of a building
871 director or a fire marshal or other fire official of any
872 municipality or of the county, or any building director or fire
873 marshal or other fire official desiring interpretation of a
874 code, may file a written appeal to the proper Board of
875 Adjustment and Appeals. However, if the municipality in which

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876 the dispute occurred has established a Board of Adjustment and
877 Appeals, the aggrieved party must first appeal to the municipal
878 board. After a decision is rendered by the municipal board, the
879 aggrieved party shall have 15 days to file the appeal provided
880 for in this subsection. The decision of the boards shall be
881 furnished to the appealing party in writing within 15 days after
882 the meeting at which the appeal was considered. The decisions of
883 the boards are subject to appeal pursuant to s. 553.73, Florida
884 Statutes.

885 Section 23. Each Board of Adjustment and Appeals shall
886 have authority to interpret its respective code adopted for the
887 county. Interpretations of the codes shall be based upon
888 specific findings of fact and may be made when any provision of
889 the code is ambiguous as applied to an activity subject to the
890 code or to allow alternate material and types of construction if
891 found to be in conformity with the intent of said code. The
892 codes shall be interpreted liberally to provide safe, economic,
893 and sound buildings and structures in the county. Code
894 interpretations of any Board of Adjustment and Appeals made
895 under this section shall be final administrative actions and
896 shall not be subject to review by the board. Final decisions of
897 the board or any Board of Adjustment and Appeals shall be based
898 upon substantial competent evidence and shall be subject to
899 review by the Florida Building Commission or the Florida State
900 Fire Marshal.

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901 Section 4. Chapters 75-489, 78-594, 81-466, 85-490, 86-
902 444, 89-504, 93-387, 99-441, 2002-350, 2003-319, 2004-403, 2018-
903 179, and 2019-184, Laws of Florida, are repealed.

904 Section 5. This act shall take effect upon becoming a law.