

**ORDINANCE NO. 18-035**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **AMENDING CHAPTER 5, ARTICLE II** OF THE CODE OF ORDINANCES ENTITLED "**CONTRACTORS**"; AMENDING SECTION 5-19, TO PROVIDE ADDITIONAL RULES FOR BOARD OF EXAMINERS OF CONTRACTORS MEMBERS; AMENDING SECTION 5-20, PROVIDING BOARD SECRETARY DUTIES; AMENDING SECTION 5-21, TO PROVIDE CONDUCT OF BOARD MEMBER REQUIREMENTS; AMENDING SECTION 5-31, PROVIDING CONTRACTOR REGISTRATION REGULATIONS; AMENDING SECTION 5-33, TO CLARIFY CREDIT REQUIREMENTS FOR CERTIFICATE OF COMPETENCY APPLICANTS; AMENDING SECTION 5-36, TO PROVIDE FOR ADDITIONAL FEES; AMENDING SECTION 5-48, TO UPDATE RECIPROCITY PROCEDURES; AMENDING SECTION 5-49, TO CLARIFY THE EFFECT OF CERTIFICATE OF COMPETENCY ISSUANCE; AMENDING SECTION 5-51, MODIFYING CONTRACTOR DISCIPLINARY PROCEDURES; AMENDING SECTION 5-53, TO CHANGE THE VENUE OF CITATION ADMINISTRATIVE HEARINGS TO THE SPECIAL MAGISTRATE; AMENDING SECTION 5-55, TO CLARIFY EMERGENCY LICENSING PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Florida State Statute §489 provides, in part, municipal requirements for the review and issuance of certificates of competency; the regulation of state licensed contractors; and, enforcement of unlicensed contractors; and

**WHEREAS**, Florida State Statutes §286 and §289 provide, in part, municipal requirements for compliance with Florida's open meetings laws and sunshine law; and

**WHEREAS**, Chapter 5, Article II, of the Code of Ordinances, provides for the regulation of contractors; which shall be amended from time to time to ensure compliance with State Statutes and to provide exceptional service to the public.

**NOW, THEREFORE, BE IT ORDAINED** by City Commission of the City of Fort Pierce, Florida:

**SECTION 1.** Chapter 5, Article II, Division 1, Sec 5-19, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-19. - Board of examiners of contractors—members; officers generally; meetings; rules.

(a) There shall be appointed by a majority vote of the city commission a board of examiners of contractors, consisting of nine (9) members who have been residents of the county for at least two (2) years prior to the date of their appointment. The term of office of each member of the board shall be for four (4) years, but the city commission may remove any member of the board without cause, notice or hearing. After having served four (4) consecutive terms, a member shall not be eligible for reappointment to the board for a period of two (2) years. Members appointed to fill vacancies caused by death, resignation or removal shall serve during the unexpired terms of their predecessors. The board shall consist of three (3) consumer representatives, and six (6) members licensed in the State of Florida from any of the following fields: architect;

engineer; swimming pool, roofing, or other specialty contractor; general, residential, or building contractor; electrical contractor; plumbing contractor; or mechanical or air-conditioning contractor. The consumer representatives may be any resident of the city who is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.

(b) The board shall elect a chairman and such other officers as may be necessary from among its members.

(c) The board shall hold not less than four (4) regular meetings each fiscal year, one in July, one in October, one in January and one in April. The meetings shall be called by the chairman of the board and in his absence by the vice-chairman of the board. Absence from two (2) consecutive meetings of the board shall vacate the seat of that member, unless such absence is excused by the board.

(d) The board shall have the ~~right, power and authority~~ to make such by-laws, and procedural rules and regulations governing its body necessary to the orderly conduct of its meetings. Any such rule must be consistent with the Charter and ordinances of the city, and both state and federal law. ~~as it may deem necessary; provided, that the same do not conflict with the charter and ordinances of the city or the constitution and laws of the United States and of the state.~~

(e) Six (6) members of the board shall constitute a quorum and a majority vote of those present shall be required to make any decisions.

**SECTION 2.** Chapter 5, Article II, Division 1, Sec 5-20, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-20. - Same—Secretary; duties; authority.

The director of building and community response, or his designee, shall ~~be~~ serve as the secretary of the board. The secretary shall keep a record of all the proceedings of the board, together with the necessary register showing all applicants for examination and licenses, showing thereon for each the date of application, name, qualifications, place of business and place of residence and whether the application was granted or refused. Such secretary shall prepare a roster of all contractors who have been granted a certificate as required in this article, in accordance with the provisions hereof.

**SECTION 3.** Chapter 5, Article II, Division 1, Sec 5-21, of the Code of Ordinances, is hereby amended to read as follows:

Secs. 5-21- ~~—5-30. —Reserved.~~ Conduct of Board Members.

(a) Any board member found guilty or responsible for committing a violation related to the construction industry by any city, county or state shall submit the order determining such violation or guilt to the City Clerk within seven (7) days of the date of the order.

(b) Any applicant seeking board appointment previously found guilty or responsible for committing a violation related to the construction industry by any city, county or state shall submit the order determining such violation or guilt to the City Clerk therein with their application for appointment.

**SECTION 4.** Chapter 5, Article II, Division 2, Sec 5-31, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-31. - Purpose and intent.

The purpose of this division is to provide a practical and adequate control of all contractors in the construction trades in the city by ~~requiring~~ regulating annual registration and competency cards, assurance of their proper coverage of required insurance and to insure the highest standard of building within the city. It is the intent of the city commission to protect the health, safety, and welfare of the residents of the city through the regulation of the construction and home improvement industries.

**SECTION 5.** Chapter 5, Article II, Division 2, Sec 5-33, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-33. - Investigation of applicants.

The board of examiners of contractors shall not issue a certificate of competency unless, by a majority vote of the board members present, the board finds:

(1) That the applicant, or if applicant is a business organization then the qualified representative, has made a score of seventy (70) per cent or higher on the contractor competency examinations or general specialty examinations and has the necessary experience for the type of certificate applied for.

(2) That the credit report and financial statement of the applicant, or if applicant is a business organization, then the credit report of the business organization, shows that the applicant is financially able to engage in the contracting business for which a license is required so that the public will be protected. If the credit report of the business organization does not, in the opinion of the board, establish that the applicant is financially able to engage in the contracting business for which a license is required so that the public will be protected, the board shall request and review individual credit reports for each officer of the corporation.

(3) That the applicant and each officer of the business organization possesses a reputation of honesty, integrity and good character and has not been convicted of a misdemeanor involving moral turpitude or a felony in the past five (5) years. This shall be determined by the board from the information contained in the letters of recommendation submitted by the applicant and any other statements submitted to or obtained by the board of examiners of contractors or its investigators. The lack of honesty, integrity or good character may be established by competent evidence that:

a. Applicant has committed an act within the last three (3) years which, if committed or done by a licensed contractor, would be grounds for suspension or revocation of the contractor's license.

b. Applicant has committed an act within the past three (3) years involving dishonesty, fraud, deceit or lack of integrity whereby the applicant has been benefited or whereby some injury has been sustained by another.

c. Applicant has in the past five (5) years refused to pay just bills of at least five (5) different persons or has been adjudged bankrupt.

d. Applicant has been convicted of a misdemeanor involving moral turpitude or felony during the past five (5) years.

**SECTION 6.** Chapter 5, Article II, Division 2, Sec 5-36, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-36. - Fees.

(a) Contractors shall pay the following fees for a certificate of competency:

(1) Application for a certificate of competency: Non-refundable fee, one hundred twenty five dollars (\$125.00).

(2) Initial issuance of a certificate of competency for contractors other than those with current certification issued by the state construction industry licensing board: Fee, fifty dollars (\$50.00). Charged in addition to the fee of a temporary certificate of competency, if applicable.

- (3) A certificate may be renewed upon payment of an annual renewal: Fee, seventy-five dollars (\$75.00), on or before September 30 (hereinafter referred to as the "renewal due date"). All certificates not renewed on or before the renewal due date shall be considered delinquent and subject to a delinquency penalty as follows: twenty-five (25) per cent of the annual renewal fee if paid within three (3) months of the renewal due date; fifty (50) per cent of the annual renewal fee if paid within four (4) to six (6) months of the renewal due date; seventy-five (75) per cent of the annual renewal fee if paid within seven (7) to nine (9) months of the renewal due date; and double the annual renewal fee if paid within ten (10) to twelve (12) months of the renewal due date.
  - (4) Replacement competency card: Fee, twenty dollars (\$20.00).
- (b) Contractors having a current valid certificate of competency shall pay the following fees for a change to the status of the certificate:
- (1) Placement of certificate of competency into inactive status: Fee, twenty-five dollars (\$25.00).
  - (2) Return inactive status of a certificate of competency to active status: Fee, fifty dollars (\$50.00).
  - (3) Change from business entity to another business entity: Fee, sixty dollars (\$60.00).
  - (4) Amend filed business organization name to another: Fee, fifty dollars (\$50.00).
  - (5) Change from an individual to a qualifying business: Fee, seventy-five dollars (\$75.00).
  - (6) Change from a qualifying business to an individual: Fee, seventy-five dollars (\$75.00).
  - (7) Business name change: Fee, one hundred dollars (\$100.00).
  - (8) Qualify an additional business entity: Fee, one hundred dollars (\$100.00).
- (c) Miscellaneous fees:
- (1) Service user fee: Fee, twenty-five dollars (\$25.00).
  - (2) Letters of reciprocity: Fee, thirty-five dollars (\$35.00).
  - (3) Temporary certificate of competency pursuant to Sec. 5-48(b): Fee, fifty dollars (\$50.00).
  - (3) Emergency certificate of competency pursuant to Sec. 5-55: Fee, two hundred fifty dollars (\$250.00).
  - (4) Sponsorship fee per exam: Fee, one hundred fifty dollars (\$150.00).
- (d) All fees are non-refundable.

**SECTION 7.** Chapter 5, Article II, Division 3, Sec 5-48, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-48. - Reciprocity.

- (a) The board may, by reciprocity, grant a certificate of competency to any applicant who has obtained a certificate of competency in any other county or municipality of the state having code licensing requirements and conducting examinations which are, in the reasonable opinion of the board, substantially similar to those of the city, upon payment of the application fee for the applicant's classification as herein set out and furnishing all information to the board in writing as required by section 5-32, and providing proof that the applicant has met all other criteria pursuant to this chapter.
- (b) Notwithstanding section 5-48(a), the director of building and community response, or his designee, is authorized, by such reciprocity, at his reasonable discretion, to grant a temporary certificate of competency to an applicant who has obtained a certificate of competency in any other county or municipality of the state having code licensing

requirements and conducting examinations which are, in the reasonable opinion of the director of building and community response, or his designee, substantially similar to those of the city, upon payment of the application fee for the applicant's classification as herein set out, furnishing all information in writing as required by section 5-32, and providing proof that the applicant has met all other criteria pursuant to this chapter. The temporary competency cards issued by the director of building and community response pursuant to this procedure shall be valid until the next board meeting at which action is taken by the board to approve or disapprove the application for certificate of competency. Following the approval or disapproval for certificate of competency by the board, the temporary certificate of competency shall be nullified.

(c) The burden of showing the substantial similarity of the code licensing requirements, demonstrating compliance with the requirements of section 5-32, and proving that the applicant has met all other criteria pursuant to this chapter shall be on the applicant.

(d) A certificate issued through reciprocity shall be subject to each of the other provisions of this article.

**SECTION 8.** Chapter 5, Article II, Division 3, Sec 5-49, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-49. - Effect of issuance.

The issuance of a ~~license~~ certificate of competency under this article shall be evidence that the licensee is entitled to all the rights and privileges of a contractor in the division for which the ~~license~~ certificate of competency is issued and while the ~~license~~ certificate of competency remains unrevoked or unexpired.

**SECTION 9.** Chapter 5, Article II, Division 3, Sec 5-51, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-51. - Disciplinary procedures.

(a) Any person including, but not limited to the director of building and community response of the city, may prefer charges against the holder of a contractor's certificate of competency issued pursuant to the provisions of this subchapter or a contractor certified by the state. Such charges shall be made in writing and sworn to by the complainant or complaining witness and submitted to the building official, ~~of the city who shall immediately notify the chairman of the receipt thereof.~~ The building official shall mail a copy of such charges to the respondent within fifteen (15) days from the receipt thereof.

~~(b) The director of building and community response and the chairman of the board shall review the complaint for probable cause. If no probable cause is found, the complaint shall be denied and not referred to the board. A copy of the complaint and the findings of the director of building and community response and the chairman shall be placed in the respondent's file. The complainant or complaining witness shall have no right of appeal. Where a probable cause is found, the complaint shall be referred to the board for a hearing on the complaint.~~

(c) The complaint shall be referred to the board for a hearing on the complaint. proceedings of the board may be informal in nature and the board shall not be bound by the rules of evidence. The board shall be entitled to rely on such evidence as is regularly relied upon in the ordinary course of the conduct of business.

(d) The proceedings shall not be delayed, deferred or suspended without the approval of the board even though the respondent is made a party of civil litigation, or is a defendant or is acquitted in a criminal action, notwithstanding that either of such proceedings involves the subject matter of the investigation.

(e) At the hearing the respondent and complainant shall be allowed to testify and to produce evidence and other witnesses in his behalf. The respondent and complainant may be accompanied by counsel. The respondent and complainant shall be given an opportunity to make a statement personally or by counsel, verbally or in writing, sworn

or unsworn, explaining, refuting or admitting the alleged charges. The respondent and complainant shall be granted the right to be present at any hearing when evidence is to be presented to the board of examiners of contractors and to call witnesses or present evidence and to cross-examine, subject to reasonable limitation.

(f) If the respondent admits to the alleged charges the board may immediately make a finding of violation without further testimony. If the respondent fails to appear, the board may make its determination based upon the sworn complaint.

~~(g) The complainant or complaining witness is not a party to the disciplinary proceeding. Unless found to be impractical by the chairman of the board due to unreasonable delay or other good cause, the complainant or complaining witness shall be granted the right to be present at any board hearing when evidence is to be presented, subject to reasonable limitations. The complainant or complaining witness shall have no right of appeal from the decision of the board.~~

~~(h)~~ (g) Upon conclusion of the formal hearing, the board shall make a determination. If the respondent is found to be guilty of misconduct by the board, the board shall thereupon enter its findings, an order of guilt and determine the proper disciplinary action to be imposed upon the respondent.

~~(i)~~ (h) If a complaint is brought against a respondent whose competency card is in a state of expiration, or expires prior to the hearing, the proceedings on the complaint shall be stayed. Provided, however, that the competency card may not be renewed, re-issued or activated until the board has disposed of the complaint.

~~(j)~~ (i) *Quorum/vote*. No fewer than six (6) members shall constitute a quorum. All findings of guilt and recommendations of discipline shall be by affirmative vote of a majority of the committee members present, which majority must number at least four (4) members.

~~(k)~~ (j) *Appeal*. Any decision of the board imposing disciplinary action on a respondent may be appealed by the respondent to the city commission within fifteen (15) days of the date of the board's decision; provided, however, a written notice of such appeal shall be filed with the city clerk within such a period of time. The city clerk shall notify all interested parties of the date fixed for hearing the appeal, which date shall be not less than thirty (30) days after the date of the filing of the notice of appeal. The hearing on appeal shall be, to the extent possible, upon the record and shall not be a hearing de novo. The city commission shall review the transcript of the hearing before the contractors examining board together with any tangible evidence considered by the board that determined its decision. The city commission may also entertain any additional testimony or evidence offered by the respondent or other interested party that was not brought out at the board hearing.

~~(l)~~ (k) *Stay on appeal*. Any decision of the board imposing disciplinary action upon a respondent, other than revocation, which has been appealed by the respondent shall be automatically stayed upon receipt of the written notice of appeal by the city clerk.

**SECTION 10.** Chapter 5, Article II, Division 3, Sec 5-53, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-53. - Prohibitions; penalties and enforcement.

(a) It shall be unlawful for any person to:

- (1) Falsely hold himself or a business organization out as a licensee, certificate holder, registrant or holder of a certificate of competency issued by the board;
- (2) Falsely impersonate a certificate holder or registrant or the holder of a certificate of competency issued by the board;
- (3) Present as his own the certificate, registration, or certificate of competency of another;
- (4) Knowingly give false or forged evidence to the board or member thereof for the purpose of obtaining a certificate of competency;

- (5) Use or attempt to use a certificate, registration or certificate of competency which has been suspended or revoked;
  - (6) Engage in the business or act in the capacity of a contractor or advertise himself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered, certified or the holder of a certificate of competency;
  - (7) Operate a business organization engaged in contracting after sixty (60) days following the termination of its only qualifying agent without designating another primary qualifying agent;
  - (8) Commence or perform work for which a building permit is required pursuant to this chapter without such building permits being in effect;
  - (9) Willfully or deliberately disregard or violate any city or county ordinance relating to uncertified or unregistered contractor;
  - (10) Act in the capacity of a contractor different from the scope of work for which the contractor is certified to perform; or
  - (11) Fail to secure required inspections.
  - (12) Willfully and deliberately obtain or attempt to obtain a permit for an entity unregistered or unlicensed.
- (b) The director of building and community response, the building official, the deputy building official, building inspectors, and licensing investigators of the city are hereby designated, authorized and charged with enforcement responsibilities to enforce the provisions of F.S. §§ 489.127(1) and 489.132(1) and Chapter 5, Article II, of this Code, against persons who engage in activities for which a city certificate of competency is required.
- (1) The enforcement authorities designated herein may issue a citation, as provided herein, for any violation of F.S. §§ 489.127(1) and 489.132(1) and Chapter 5, Article II, of this Code, whenever, based upon personal investigation, the enforcement officer has reasonable and probable grounds to believe that such a violation has occurred.
  - (2) The citation issued by an enforcement officer pursuant to this section shall be in the form prescribed by the city commission, which form shall state:
    - a. The time and date of issuance.
    - b. The name and address of the person to whom the citation is issued.
    - c. The time and date of the violation.
    - d. A brief description of the violation and the facts constituting reasonable cause.
    - e. The name of the enforcement officer.
    - f. The procedure for the person to follow in order to pay a civil penalty or to contest the citation.
    - g. The applicable civil penalty if the person elects not to contest the citation.
- (c) The maximum civil penalty which may be levied pursuant to any citation shall not exceed two thousand five hundred dollars (\$2,500.00). The monies collected pursuant to this section shall be retained by the city and shall be set aside in a specific fund to support future enforcement activities against unlicensed contractors.
- (d) (1) The act for which a citation is issued shall be ceased upon the receipt of the citation.
  - (2) The person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request in writing an administrative hearing before the ~~board of examiners of contractors~~ Special Magistrate to appeal the issuance of the citation by the

enforcement officer and specify in such written request the grounds for such appeal.

- (3) Failure of the violator to appeal the decision of the enforcement officer within the time period set forth herein shall constitute a waiver of the violator's right of an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly.
- (4) If the person issued the citation or his designated representative shows that the citation is invalid or that the violation has been corrected prior to appearing before the ~~board of examiners of contractors~~ Special Magistrate, the ~~board~~ Special Magistrate may dismiss the citation unless the violation is irreparable or irreversible.
- (5) Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this section.
- (6) If the ~~board of examiners of contractors~~ Special Magistrate finds that a violation exists the ~~board~~ Special Magistrate may order the violator to pay a civil penalty of not less than the amount set forth on the citation but not more than two thousand five hundred dollars (\$2,500.00) per day for each violation. In determining the amount of the penalty the ~~contractor's examining board~~ Special Magistrate shall consider the following factors.
  - a. The gravity of the violation.
  - b. Any action taken by the violator to correct the violation.
  - c. Any previous violations created by the violator.
- (7) Upon written notification by the enforcement officer that a violator has not contested the citation or paid the civil penalty within the time frame allowed on the citation the ~~board of examiners of contractors~~ Special Magistrate shall enter an order ordering the violator to pay the civil penalty set forth on the citation and a hearing shall not be necessary for the issuance of such order.
- (8) A certified copy of an order imposing a civil penalty against an unlicensed contractor may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state including a levy against personal property; however, such order shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the ~~board of examiners of contractors~~ Special Magistrate may authorize the foreclosure on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.
- (9) An aggrieved party, including the city, may appeal a final administrative order of the ~~board of examiners of contractors~~ Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the ~~contractor's examining board~~ Special Magistrate. An appeal shall be filed within thirty (30) days of the execution of the order appealed.
- (10) All notices required by this section shall be provided to the alleged violator by certified mail, return receipt requested; by hand-delivery by the sheriff or other law enforcement officer or enforcement officer; by leaving the notice at the violator's usual place of residence with some person of his family above fifteen (15) years of age and informing such person of the contents of the notice; or by including a hearing date within the citation. Notice of the Special Magistrate hearing shall be provided by U.S. and Certified Mail.
- (11) Any person who willfully refuses to sign and accept a citation issued by an enforcement officer commits a misdemeanor of the second degree punishable as provided by F.S. §§ 775.082 or 775.083.

(e) Nothing contained herein shall prohibit the city from enforcing its codes or ordinances by any other means.

(f) (1) The schedule of penalties to be assessed by the enforcement officer when issuing a citation shall be as follows:

Number of Violations	Licensed Contractor Penalty	Unlicensed Contractor Penalty
First offense	\$500.00	\$500.00
Second offense	\$1,000.00	\$1,250.00
Third and subsequent offenses	\$1,500.00	\$2,500.00

**SECTION 11.** Chapter 5, Article II, Division 3, Sec 5-55, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 5-55. - Emergency licensing procedures

(a) The purpose of this section is to define procedures for the licensing of contractors entering the city to perform construction as defined in F.S. ch. 489, during and immediately following a declared state of emergency as a result of severe damage to the structures in the community resulting from a hurricane or catastrophic storm.

(b) Upon the declaration of a state of emergency by the governor of the state or the mayor, the director of building and community response shall conduct a damage assessment to determine the need for the initiation for emergency licensing procedures which would allow contractors to temporarily work within the city to rebuild, repair or assist in the rebuilding and repairing of the damage caused by the event.

(c) If deemed necessary due to the extent of damage caused by the event, the director of building and community response ~~shall consult with the chairman of the city contractor's examining and licensing board, and with his concurrence,~~ may temporarily suspend existing requirements for obtaining a local contractor's license and institute the following procedures:

(1) The director of building and community response shall honor, upon display, all current state certified contractor competency cards.

(2) The director of building and community response shall be authorized to cause to be issued ~~temporary~~ temporary emergency city competency cards to all existing St. Lucie County and City of ~~Fort Pierce~~ Port St. Lucie licensed contractors.

(3) The director of building and community response, or his designee, shall be authorized to issue ~~temporary~~ temporary emergency city competency cards to contractors or subcontractors from other jurisdictions, inside the state, whose licensing requirements are substantially comparable to the licensing requirements of the city. The burden of proving the similarity of the licensing requirements shall be on the contractor applying for a temporary competency card.

(4) ~~Temporary~~ temporary emergency competency cards issued by the director of building and community response pursuant to this procedure shall be valid for a period of one hundred twenty (120) days unless earlier revoked by the building official.

(5) During the period of one hundred twenty (120) days during which a ~~temporary~~ temporary emergency competency card is valid, the contractor or subcontractor shall provide the director of building and community response with the necessary background checks and licensing information for presentation to the contractor's licensing board.

(6) The ~~issue~~ issuance of any ~~temporary~~ emergency competency card and any subsequent regular competency card shall be contingent upon the payment of the appropriate application fees in effect at the date of application.

(7) The director of building and community response is authorized, at his discretion, to extend a ~~temporary~~ emergency competency card for one additional one-hundred-twenty-day period.

(d) The director of building and community response may refuse to issue a ~~temporary~~ emergency competency card or may revoke a ~~temporary~~ emergency competency card for any of the following actions on the part of a contractor:

- (1) Working without benefit of a competency card.
- (2) Contracting without building permits.
- (3) Failing to call for proper inspections in a timely manner.
- (4) Violation of any city codes.

**SECTION 12.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 13.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further course or effect whatsoever.

**SECTION 14.** This ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
Ben Bryan, Jr.  
Interim City Attorney

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-035 was duly advertised by title only in the St. Lucie News Tribune on September 21, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on October 1, 2018; and was duly introduced, read by title only, and passed on second and final reading on Monday, October 15, 2018, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 15h day of October, 2018.

\_\_\_\_\_  
Linda Hudson  
MAYOR COMMISSIONER

ATTEST

\_\_\_\_\_  
Linda W. Cox  
CITY CLERK

(CITY SEAL)