

ORDINANCE NO. 25-018

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING CHAPTER 103 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE III – CONTRACTORS, BY AMENDING SECTION 103-86 BY MODIFYING AND DELETING CERTAIN DEFINITIONS; AMENDING SECTION 103-88 BY CORRECTING REFERENCE TO STATE STATUTE CHAPTER 489 AMENDING SECTION 103-89 BY REDUCING THE NUMBER OF BOARD OF EXAMINERS OF CONTRACTORS MEMBERS, PROVIDING FOR APPOINTMENT, PROVIDING FOR OFFICERS, DELETING THE REQUIREMENT OF REQUIRED MEETINGS, AND RESTATING THE BOARD’S POWER TO ADOPT BY-LAWS AND RULES; AMENDING SECTION 103-131 BY PROVIDING FOR APPLICATION REQUIREMENTS; AMENDING SECTION 103-135 TO DELETE CERTAIN FEES AND TO PROVIDE FOR AN APPEAL FEE; AMENDING SECTION 103-136 TO REFERENCE STATE CERTIFIED SPECIALTY CONTRACTORS, AND PROVIDE FOR ALTERNATIVES AND EXEMPTIONS FOR PROVIDING PROOF OF BUSINESS TAX RECEIPT; AMENDING SECTION 103-141 BY PRECLUDING DISCIPLINE OF STATE CERTIFIED CONTRACTORS AND ELIMINATING AUTOMATIC STAYS ON APPEAL; AMENDING SECTION 103-142 BY SPECIFYING ACTS IN WHICH A REGISTERED OR LOCAL CONTRACTOR MAY BE REPRIMANDED, OR THEIR COMPETENCY CARD MAY BE SUSPENDED OR REVOKED; AMENDING SECTION 103-143 BY MODIFYING PROHIBITIONS OF UNLICENSED CONTRACTORS, PROVIDING FOR ISSUANCE OF CITATIONS BY THE BUILDING OFFICIAL OR THEIR DESIGNEE, AND PROVIDING FOR CIVIL PENALTIES TO BE ASSESSED IN AN AMOUNT ADOPTED BY RESOLUTION; AMENDING SECTION 103-144 BY DELETING ALL EMERGENCY LICENSING PROCEDURES PREEMPTING PROCEDURES TO THE STATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on May 29, 2024, the Legislature of the State of Florida enacted Senate Bill 1142, preempting occupational licensing to the state and superseding local government licensing requirements with certain exceptions; and

WHEREAS, Section 489.117(4)(a)3., Florida Statutes allows for the City to continue to offer a license for aluminum gutters; siding; soffit or fascia; and fence installation so long as the City had such licensing requirement before January 1, 2021; and

WHEREAS, on January 17, 2017, the City of Fort Pierce, Florida adopted Ordinance 17-001, amending contractor license categories; and

WHEREAS, the City of Fort Pierce, Florida desires to reduce the number of board of examiners of contractors members to five (5) members, and restate its power to adopt by-laws and rules; and

WHEREAS, the City of Fort Pierce, Florida has determined it is necessary to amend sections of the Code of Ordinances herein for conformance and consistency with Florida State Statutes.

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

SECTION 1. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-86 – Definitions of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-86. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board of examiners or board means the board of examiners of contractors provided for in this article.

Certificate means a certificate of competency or a competency card.

Contractor (and the various classes of contractors) shall be defined as provided in F.S. §§ 489.105 and 489.505.

Owner-builder shall be defined as provided in F.S. §§ 489.103(7)(a) and ~~480.503(6)~~ 489.503(6). For the purposes of this chapter, the application for a building permit for the construction of more than one residence, duplex or commercial property in one year's time shall be construed as engaging in the construction business as an unlicensed contractor.

Specialty contractors shall be defined as provided in F.S. §§ 489.105. ~~means contractors who specialize in one or more of the crafts of the building construction and related contracting trades and whose scope of work and responsibility is limited to a particular phase of the building construction and related contracting trades as described in Florida Administrative Rule 61G4-15 or in this section. Specific requirements and license type for each classification, incorporated herein by reference, are listed on the city building department's webpage and are available in the building department.~~

~~*Acoustical/suspended ceiling contractor* means a contractor qualified to install, maintain, repair, alter or extend any acoustical/suspended acoustical ceiling system.~~

~~*Aluminum contractor with concrete* means a contractor whose services are limited to fabrication, installation, maintenance, repair, alteration or extension of accessories such as metal siding, soffits, gutters, awnings and prefabricated rooms. These contractors may also form, place reinforcing steel and miscellaneous steel and pour, place and finish concrete incidental to aluminum accessories. An aluminum contractor with concrete may also perform the scope of a canvas and fabric contractor and a hurricane protection contractor.~~

~~*Aluminum contractor without concrete* means a contractor whose services are limited to fabrication, installation, maintenance, repair, alteration or extension of accessories such as metal siding, soffits, gutters, awnings and prefabricated rooms. An aluminum contractor without concrete may also perform the scope of a canvas and fabric contractor and a hurricane protection contractor.~~

Aluminum siding contractor means a contractor whose services are limited to fabrication, installation, maintenance, repair, alteration or extension of aluminum siding, soffit, fascia and gutters. This work includes installation of insulation behind the siding and repair of the substrate incidental to the siding installation.

~~*Aluminum structure contractor* means a contractor whose services are limited to fabricating, assembling, handling, erecting, installing, dismantling, adjusting, altering, repairing, servicing and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturer's~~

~~specifications. The scope of work shall include and be limited to screened porches, screened enclosures, pool enclosures, pre-formed 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 square feet) siding, soffit, fascia and gutters. It shall be 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 aluminum construction work. The scope of work shall also include masonry concrete work and be limited to foundations, slabs and block kneewalls incidental to the aluminum construction work. Scope of work excludes any work that alters the structural integrity of the building, including, but not limited to, roof trusses, lintels, load-bearing walls, and foundations. An aluminum structure contractor may also perform the scope of a canvas and fabric contractor and a hurricane protection contractor.~~

~~*Apartment maintenance technician* means a contractor whose services are limited to apartment complexes with at least 100 apartments; equipment to be repaired is already installed on the property; equipment is commonly installed in similar locations; the equipment is not being modified except to replace components necessary to return the equipment to its original condition and the partial disassembly associated with the replacement. The equipment is repaired with new parts that are functionally identical to the parts being replaced. The individual repair does not involve replacement parts that cost more than \$1,000.00. The repair may not be so extensive as to be a functional replacement of the electric water heater or the existing electric heating, ventilating, or air conditioning system being repaired. For purposes of this section, an individual repair may not be part of a larger project that is divided into parts to avoid this restriction.~~

~~*Asphalt/concrete maintenance sealing and coating contractor* means a contractor qualified to fill potholes, coat an existing concrete or asphalt surface by squeegee, broom or mechanical applicator; and apply striping. Such contractor is not permitted to cut out existing concrete or asphalt for replacement; scope of work excludes paving.~~

~~*Canvas and fabric contractor* means a contractor qualified to manufacture, install, repair, maintain alter or extend canvas or other approved cloth/synthetic cover materials over a rigid metal frame or to any building or structure designed to be used as protection against sun and weather. Excludes aluminum and/or awning fabrication, installation and repair.~~

~~*Carpentry contractor* means a contractor qualified to install products in a building, including, but not limited to, rough framing, structural and nonstructural trusses, conventional rafters, metal framing, sheathing, wood decks and work of the finish carpentry contractor.~~

~~*Communication and sound system contractor* means a contractor qualified to install, maintain, repair, alter or extend wiring, apparatus, circuits and equipment operating at less than 50 volts, raceways, computer wiring, conduit for private telephone, cable television systems, intercom and public address systems. This contractor may connect to an existing power circuit beyond the last over current device, but shall not install burglar and fire alarm systems.~~

~~*Concrete forming and finishing contractor* means a contractor qualified to batch and mix aggregates, cement and water to agreed specifications, to construct forms and framework for the casting and shaping of concrete and pressure injected footings; to place and erect reinforcing steel and miscellaneous embedded steel; and to place, finish and coat concrete.~~

~~*Demolition contractor* means a contractor qualified to demolish and remove structures, such as dwellings, commercial buildings and foundations.~~

~~*Dredging contractor* means a contractor qualified to dredge using mechanical or hydraulic dredging methods and equipment; also provides for sediment disposal.~~

~~*Drywall contractor (gypsum drywall)* means a contractor qualified, and whose scope shall be limited to, the installation of gypsum drywall products to wood and metal studs. The scope also includes the installation of all necessary and incidental~~

metal accessories, including nonloadbearing metal studs, runners, hangers, channels, drywall metal suspension accessories and prefabricated ceiling materials; and the preparation of the surface over which drywall product is to be applied. This shall include the application of base and finish coats specifically designed for the gypsum drywall products.

Excavation contractor means a contractor qualified to excavate, trench, dig or remove materials such as rock, gravel and sand to construct or excavate canals, lakes, levees, including the clearing of land of surface debris and vegetation, the grubbing of roots, the removal of debris; and leveling of related surfaces.

Exterior surface coating contractor means a contractor qualified to lath and plaster, plaster and stucco or otherwise coat surfaces with a mixture of sand or other aggregate gypsum plaster, Portland cement plaster or quick lime and water, or any natural or synthetic materials as to create a permanent surface coating. This contractor may also apply and affix metal lath or any other product prepared or manufactured, including the placing of metal studs and runners to which lath is to be applied, to provide key or suction bases for the support of the plaster coating.

Fence contractor means a contractor qualified to construct, install, maintain, repair, extend or alter fencing, including, but not limited to, metal, wood, vinyl, precast concrete and prefabricated fences, child safety barriers and automatic gates. Excludes electrical wiring and installation.

Finish carpentry contractor means a contractor qualified to install finished wood products in a building, including, but not limited to, paneling, trim, cabinetry, interior doors, and all hardware incidental thereto.

Garage door installation contractor means a contractor qualified to install, maintain, repair, alter or extend residential or commercial type garage doors, including all hardware and operating devices. Excludes electrical wiring and installation.

Glass and glazing contractor means a contractor qualified to select, cut, assemble and install all makes and kinds of glass and glass work; and execute the glazing frames, panels, sash and door, add holding metal frames, ornamental decorations, mirrors, tub and shower enclosures.

Gunite contractor means a contractor qualified to mix materials and apply gunite or shotcrete.

Hurricane protection contractor means a contractor qualified to fabricate, install, maintain, repair or replace exterior opening protection assemblies, including, but not limited to, shutters and awnings that are designed to protect residential and commercial structures from hurricane and storm force winds and wind-borne debris. This contractor may brace existing garage doors to comply with this code, but shall not install new garage doors. Excludes electrical wiring and installation.

Insulation contractor means a contractor qualified to install, maintain, repair, alter or extend any insulation primarily installed to prevent loss or gain of heat from internal or external sources in pipes, vessels, ducts or built-up refrigerated boxes or rooms. This scope includes acoustical insulation and radiant barriers.

Irrigation sprinkler contractor means a contractor qualified to install, maintain, repair, alter or extend, all piping, sprinkler heads, control system components, pump, and chemical injectors for irrigation of lawns and plant materials. Electrical work is limited to 50 volts except for connection of pigtailed equipment or replacement of identical controls and motors.

Land clearing contractor means a contractor qualified to clear the land of vegetation, the grubbing of roots, the removal of surface debris and leveling of the surface lands incidental to the land clearing action.

Lightning protection systems contractor means a contractor qualified to install, maintain, repair or alter any lightning protection system, including all terminals, conductors, ground rods, fittings and all other system fastenings, connections and bonding necessary to complete a system designed to protect structures and open spaces. Excludes electrical wiring and installation.

~~*Marine contractor* means a contractor qualified with the experience and skill to construct, maintain, alter, install or repair seawalls, rip rap walls, bulkheads, revetments, docks, piers, wharfs, groins, boat lifts, davits, dune crossovers and other marine structures, including pile driving framing, concrete, masonry, dredge and fill. Excludes electrical wiring and installation.~~

~~*Masonry contractor* means a contractor qualified to select, cut and lay brick, concrete block, horizontal reinforcement incidental to the placement of the units or any other unit masonry products, lay brick and other baked clay products, rough cut and dress stone, artificial stone and precast blocks, structural glass brick or block, but shall not place, pour or finish concrete.~~

~~*Metal building contractor* means a contractor qualified to erect single story metal buildings, including site work, concrete, masonry, siding, roofing, windows and doors. Excludes the scope of electrical, plumbing, gas and HVAC.~~

~~*Painting and decorating contractor* means a contractor qualified to prepare surfaces, apply paints by any method, brush, roller or sprayer; coatings and other finishes; all types of faux finish applications, paper hanging, sandblasting, waterproofing, cleaning and painting of roofs.~~

~~*Paver brick/paver block system contractor* means a contractor qualified with the knowledge, skill and experience to prepare the base, provide for proper drainage, to select, cut and lay paver units. The contractor shall not place or finish concrete, except that which is required for the placing of the paver system. The contractor shall subcontract any additional concrete work over and above that which is required by the manufacturers' specifications for paver unit installation to a qualified contractor.~~

~~*Paving contractor* means a contractor qualified with asphalt and concrete experience and skill to construct roads, airport runways and aprons, parking lots, driveways, sidewalks, curbs and gutters, property line walls, storm drainage facilities, paver brick/paver brick systems and to perform the excavating, clearing and grading incidental thereto.~~

~~*Pile driving contractor* means a contractor qualified to drive piling, including sheet piling and construction foundations, including the excavating, forming and placing of reinforcing steel and concrete and performing other work incidental thereto.~~

~~*Pre-stressed, pre-cast concrete erection contractor* means a contractor qualified to erect structural precast concrete units such as deck, 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 precast concrete systems for guard rails and decorative panels above the ground floor, including such minor field fabrication as may be necessary.~~

~~*Reinforcing steel contractor* means a contractor qualified to fabricate, place and tie steel reinforcing bars (rods) of any profile, perimeter, or cross-section that are or may be used to reinforce concrete buildings and structures in such a manner that under all agreed specifications, steel reinforcing bars (rods) for concrete building and structure can be fabricated, placed and tied.~~

~~*Siding, window and door contractor* means a contractor qualified to install siding, windows and doors including vinyl, wood or aluminum siding, and all types of windows and doors. This includes the work necessary to prepare or repair the substrate to accomplish proper installation, but excludes any structural alterations.~~

~~*Sign contractor, non-electrical*, means a contractor qualified to install, paint, repair, add to or change interior or exterior nonelectrical signs according to the building code.~~

~~*Structural steel erection contractor* means a contractor 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 riveting, welding and rigging, only in connection therewith.~~

~~Tile and marble contractor means a contractor qualified to prepare the base and set tile and marble.~~

~~Tile, terrazzo and marble contractor means a contractor qualified to prepare the base, set, repair and refinish tile, terrazzo and marble.~~

~~Tree removal contractor means a contractor qualified to trim, prune, plant, and remove trees; includes climbing trees and ladders for the purpose of trimming and related work.~~

~~Welding contractor means a contractor qualified with experience in fabrication or sculpturing processes that join materials, usually metals or thermoplastics, by causing fusion.~~

State certification means certification of a contractor by examination from the state construction industry licensing board as provided in section F.S. §§ 489.111 and 489.511.

SECTION 2. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-88 – Exemptions of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-88. Exemptions.

This article shall not apply to exemptions as provided for in F.S. ~~§§ 489.103 and 489.503.~~ chapter 489, Florida Statutes.

SECTION 3. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-89 – Board of examiners of contractors - Members; officers generally; meetings; rules of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-89. Board of examiners of contractors—Members; officers generally; meetings; rules.

- (a) Membership. There shall be appointed by a majority vote of the city commission a board of examiners of contractors, consisting of ~~nine~~ five members who have been residents of the ~~county~~ city for at least two years, ~~prior to the date of their appointment.~~ The term of office of each member of the board shall be for four years, but the city commission may remove any member of the board without cause, notice or hearing. After having served four consecutive terms, a member shall not be eligible for reappointment to the board for a period of two 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~~ two consumer representatives, and ~~six~~ three members licensed in the state 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. Each member of the city commission shall appoint one member to serve concurrently with the appointee's term. Any member may be removed with or without cause by the city commission, without notice or hearing.
- (b) Officers. The board shall elect a chairperson and ~~a vice-chairperson such other officers as may be necessary from among its members,~~ who shall serve in such capacity for a term of one year and until their successor has been selected. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- (c) ~~The board shall hold not less than four 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 chairperson of the board and in his absence by the vice-chairperson of the board. Absence from two consecutive meetings of the board shall vacate the seat of that member, unless such absence is excused by the board.~~ Meetings. Meetings of the board of examiners of contractors shall be held at the call of the chairperson

and at such other times as the board may determine necessary. All meetings shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall also keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be public record. Additional rules shall be adopted by the board for the transaction of its business which are consistent with the terms of this chapter and other applicable laws.

- (d) ~~The board shall have the authority to make such by-laws, and procedural rules 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.~~
- (ed) Six A majority of the members of the board shall constitute a quorum and a majority vote of the board members those present shall be required to make any decisions.

SECTION 4. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-90 – Board of examiners of contractors - Secretary; duties; authority of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-90. Board of examiners of contractors—Secretary; duties; authority.

The building official, or his or her designee, shall 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 5. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-131 – Certificate of competency; manner of obtaining of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-131. Certificate of Competency; manner of obtaining.

A contractor's certificate of competency shall be obtained in the following manner:

- (1) Any person required or desiring to be qualified as a contractor shall ~~make application on a file~~ an application on a standard application form provided by the city. A non-refundable application fee as provided in section 103-135 of this article shall be paid upon submittal of the application. The application shall be retained by the city together with all supporting papers.
- (2) Should the applicant be a business organization, the application shall be executed by the president or one legally qualified to act for the business organization, who shall show his authority to so act on the application, and shall name an authorized agent on behalf of the business organization showing his authority.
 - a. To act for the business organization in all matters in any manner connected with the contracting business.
 - b. To take the qualifying examination for the business organization, unless holding a current certificate of competency of the class and type necessary.

The business organization shall be qualified only through the qualifications of such agent taking the examination, or through an agent currently qualified and if the agent (qualifier) shall sever his affiliation with such business organization, the certificate of competency held by such business organization shall be automatically cancelled. The agent (qualifier) shall be restricted to the work of a business organization he is currently qualifying.

- (3) No application shall be considered by the board unless the applicant provides all information required by 5:00 p.m. on the Tuesday prior to the scheduled board meeting, which shall include:
 - a. A statement of applicant's proposed contracting business.

- b. The type of certificate being applied for.
- c. The name, residence and business address of applicant.
- d. If applicant is a business organization, the name and business address of the business organization, the name and residence of all directors and officers and their interest therein and the name and address of the applicant's qualified representative and information contained above. If applicant is a business organization, the certificate of incorporation.
- e. A sworn financial statement of the applicant, a credit report submitted directly from the credit reporting agency and an agreement authorizing the secretary of the board to obtain from any source dealing with the applicant, even though confidential, such additional information concerning the applicant's financial condition as the secretary deems necessary. The financial statement and credit report shall not be older than six (6) months at the time of submittal.
- f. A sworn list of businesses owned and operated or managed by applicant or in which the applicant has had an interest of any kind, or been employed by, during the past five (5) years and the addresses of these businesses.
- g. Three (3) letters of recommendation from reputable persons in a business or profession, not related by blood or marriage to the applicant, vouching for the applicant's reputation as to honesty, integrity and good character.
- h. A sworn statement under oath that the applicant has not been convicted of a misdemeanor involving moral turpitude or felony during the past five (5) years and that he is not presently charged with committing a felony or misdemeanor involving moral turpitude; if this is not the case, applicant shall specify the details of the conviction or charge.
- i. That the applicant has a practical and working knowledge of the statutes of the state and ordinances of the city applicable to the business in which he seeks to engage, including but not limited to the zoning and building codes of the city.
- j. That the applicant has a practical and working knowledge of the business of contracting or subcontracting in which he seeks to engage.
- k. An original and complete certificate of insurance issued by an insurance company authorized to do business in the State of Florida, as required in section 5-47.
- l. Copy of a current business tax receipt, or certificate of use issued by a county or municipality, or; proof that the county and/or municipality in which the applicant's proposed contracting business is located does not require a business tax receipt or certificate of use.
- m. Proof of having obtained a score of seventy (70) per cent or higher on the required contractor competency examinations or the required general specialty examinations. A letter of reciprocity in accordance with section 5-48 shall be accepted.

SECTION 6. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-135 – Fees of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-135. Fees.

- (a) Contractors shall pay the following fees for a certificate of competency. All such fees shall be in the amount established by resolution.
 - (1) Application for a certificate of competency: non-refundable fee.
 - (2) Initial issuance of a certificate of competency for contractors, other than those with current certification issued by the state construction industry licensing board or state electrical contractors' licensing board, 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 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: 25 percent of the annual renewal fee if paid within three months of the renewal due date; 50 percent of the annual renewal fee if paid within four to six months of the renewal due date; 75 percent of the annual renewal fee if paid within seven to nine months of the renewal due date; and double the annual renewal fee if paid within ten to 12 months of the renewal due date.
- ~~(4) Replacement competency card.~~
- (b) Contractors having a current valid certificate of competency shall pay the following fees in the amount established by resolution for a change to the status of the certificate:
 - (1) Placement of certificate of competency into inactive status.
 - (2) Return inactive status of a certificate of competency to active status.
 - (3) Change from business entity to another business entity.
 - (4) Amend filed business organization name to another.
 - (5) Change from an individual to a qualifying business.
 - (6) Change from a qualifying business to an individual.
 - (7) Business name change.
 - (8) Qualify an additional business entity.
- (c) Miscellaneous fees:
 - (1) Service user fee.
 - ~~(2) Letters of reciprocity.~~
 - ~~(3) Temporary certificate of competency pursuant to section 103-138(b).~~
 - (3) Appeal of a decision by the board.
 - ~~(4) Emergency certificate of competency pursuant to section 103-144.~~
 - ~~(5) Sponsorship fee per exam.~~
- (d) All fees are non-refundable.

SECTION 7. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-136 – State Certified Contractors of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-136. State Certified Contractors.

- (a) A state certified contractor or state certified specialty contractor who possesses a certificate of competency issued by the state department of professional regulation may contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.
- (b) A state certified contractor or state certified specialty contractor shall present to the building official at the time of each application for a building permit or related permit evidence of current state certification; ~~proof of a current business tax receipt for a primary place of business;~~ copy of a current business tax receipt or certificate of use issued by a county or municipality; or proof that the county and/or municipality in which the contracting business is located does not require a business tax receipt or certificate of use; and an original certificate of insurance as required in section 103-137.
- (c) Voluntary application for a competency card may be made by a state certified contractor or state certified specialty contractor who desires the city to maintain his records on file. ~~He~~ The contractor shall complete the appropriate application form, attach a copy of his current state certification; a copy of his current business tax receipt for a primary place of business, copy of a current business tax receipt, or certificate of

use issued by a county or municipality; or proof that the county and/or municipality in which the contracting business is located does not require a business tax receipt or certificate of use; and provide an original certificate of insurance required in section 103-137; and pay a service user fee as provided in section 103-135, to have such documents stored and kept on file to avoid the requirement of presenting such documents for every permit sought as provided in section 103-135.

SECTION 8. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-140 – Types of discipline of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-140. Types of discipline.

(4a) *Reprimand.* The board may order a reprimand for minor misconduct by a respondent. A reprimand shall state findings of the board that the conduct of the respondent, falls below the acceptable standards of conduct in the business of contracting but does not justify suspension or revocation of the competency card. A memorandum of such reprimand shall thereafter be made a part of the record of the proceedings and a part of the respondent's record maintained by the city.

(2b) *Suspension.* The board may suspend the certificate of competency of the respondent for a definite period of time. During such suspension, the respondent shall not requalify to obtain a certificate of competency within the city. Upon the expiration of the suspension period and the satisfaction of all conditions accompanying the suspension, the respondent shall become eligible to apply for reinstatement of his the certificate of competency. If any disciplinary actions have resulted in a suspension of 180 days, or longer, the application shall be subject to the same requirements as though the applicant were applying for an original certificate of competency, including the payment of fees.

(3c) *Revocation.* The board may revoke the respondent's certificate of competency. No application for reinstatement or the issuance of a new certificate of competency may be accepted or considered by the board within five years after the date of revocation.

(4d) *Other certificates.* If the board suspends any certificate of competency held by any contractor it may, simultaneously, suspend or revoke any other certificate of competency issued by the city to that contractor.

(5e) *Work in progress.* The board may permit any disciplined contractor to complete projects for which a building permit has been issued, even though the competency card upon which said permit was issued has been suspended or revoked.

SECTION 9. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-141 – Disciplinary procedures of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-141. Disciplinary procedures.

(a) Any person, including, but not limited to, the building official 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. The building official shall mail a copy of such charges to the respondent within 15 days from the receipt thereof.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

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

(i) *Appeal.* Any decision of the board imposing disciplinary action on a respondent may be appealed by the respondent to the city commission within 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 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.

(j) *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. An appeal does not automatically stay enforcement of the appealed order.~~

SECTION 10. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-142 – Ground for discipline of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-142. Grounds for ~~revocation or suspension~~ discipline.

The board shall have the power, in addition to all other powers provided for in this division, to issue a reprimand, or suspend or ~~revoke or suspend~~ the certificate of any

contractor approved hereunder, who shall be found to have violated any one or more of the following acts or omissions:

- (1a) Obtaining a certificate by fraud or misrepresentation;
- (2b) Committing fraud or deceit in the practice of contracting;
- (3c) Committing incompetency or misconduct in the practice of contracting;
- (4d) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property;
- (5e) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, ~~including the days;~~
- (6f) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:
 - a1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;
 - b2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; or
 - c3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.
- (7g) Substantial departure from, or disregard, of, plans or specifications without consent the owner or his duly authorized representative;
- (8h) Knowingly or deliberately disregarding or violating any applicable building codes or laws of the state, county or the city;
- (9i) Willfully and deliberately engaging in a type or class of contracting for which the contractor is not licensed or registered;
- (10j) Being disciplined by the state or any other municipality or county;
- (11k) Failing to actively supervise construction projects for which the contractor has applied for and obtained a building permit; or for projects for which the contractor is, by contract, responsible;
- (12l) Contracting with persons or business organizations not having a certificate of competency issued by the city for work or services to be performed within the city when said persons or business organizations are required by this chapter to possess such a certificate of competency in order to perform the contracted work or services;

(13m) Proceeding on any job without obtaining the applicable building department permits and inspections;

(14n) Being convicted or found guilty, by judge or jury in court of competent jurisdiction, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting; and

(15o) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his certificate or registration to be used by the uncertified or unregistered person with intent to evade the provisions of this Code. When a certificate holder or registrant allows his certificate or registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this Code.

SECTION 11. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-143 – Prohibitions; penalties and enforcement of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-143. Prohibitions; penalties and enforcement.

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

(1) 1. Falsely hold himself or a business organization out as a certificate holder, registrant or holder of a certificate of competency issued by the board;

(2) 2. Falsely impersonate a certificate holder or registrant or the holder of a certificate of competency issued by the board;

(3) 3. Present as his own the certificate, registration, or certificate of competency of another;

(4) 4. Knowingly give false or forged evidence to the board or member thereof for the purpose of obtaining a certificate of competency;

(5) 5. Use or attempt to use a certificate, registration or certificate of competency which has been suspended or revoked;

(6) 6. Engage in the business of, or act in the capacity of, or advertise themselves or a business organization as available to engage in the business of a certified contractor, certified specialty contractor, aluminum siding contractor or fence contractor 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) 7. Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent;

(8) 8. Commence or perform work for which a building permit is required pursuant to this chapter without such building permits being in effect;

(9) 9. Willfully or deliberately disregard or violate any city or county ordinance relating to uncertified or unregistered contractor;

(10) 10. Act in the capacity of a contractor different from the scope of work for which the contractor is registered, certified, state certified or the holder of a certificate of competency to perform;

(11) 11. Fail to secure required inspections;

~~(12)~~ 12. Willfully and deliberately obtain or attempt to obtain a permit for an entity unregistered or unlicensed.

(b) The building official, ~~the deputy building official, building inspectors, and licensing investigators of the city or his or her designee,~~ is hereby designated, authorized and charged with enforcement responsibilities to enforce the provisions of F.S. §§ 489.127(1), 489.132(1), and 489.531(1) and this article, against persons who engage in activities for which a city certificate of competency is required.

~~(1)~~ 1. The enforcement authorities designated herein may issue a citation, as provided herein, for any violation of F.S. §§ 489.127(1), 489.132(1), and 489.531(1) and this article whenever, based upon personal investigation, the enforcement officer has reasonable and probable grounds to believe that such a violation has occurred.

~~(2)~~ 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) 1. The maximum civil penalty which may be levied pursuant to any citation shall not exceed \$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.

2. The civil penalty to be assessed when issuing a citation shall be in the amount established by resolution.

~~(d)-(1)~~ 1. The act for which a citation is issued shall be ceased upon the receipt of the citation.

~~(2)~~ 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 days of receipt of the citation, exclusive of weekends and legal holidays, request in writing an administrative hearing before the 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)~~ 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)~~ 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 special magistrate, the special magistrate may dismiss the citation unless the violation is irreparable or irreversible.

~~(5)~~ 5. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this section.

~~(6)~~ 6. If the special magistrate finds that a violation exists the 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 \$2,500.00 per day for each violation. In determining the amount of the penalty the 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)~~ 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 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)~~ 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 months from the filing of any such lien which remains unpaid, the 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)~~ 9. An aggrieved party, including the city, may appeal a final administrative order of the 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 special magistrate. An appeal shall be filed within 30 days of the execution of the order appealed.

~~(10)~~ 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 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)~~ The schedule of penalties to be assessed by the enforcement officer when issuing a citation shall be as follows:

<i>Penalties for Contractor Violations</i>
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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 12. Chapter 103 – Buildings and Building Regulations, Article III – Contractors, Section 103-144 – Emergency licensing procedures of the Code of Ordinances of the City of Fort Pierce, is hereby amended as follows:

Sec. 103-144. Emergency licensing procedures. Reserved.

~~(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 building official 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 building official may temporarily suspend existing requirements for obtaining a local contractor's license and institute the following procedures:~~

~~(1) The building official shall honor, upon display, all current state certified contractor competency cards.~~

~~(2) The building official shall be authorized to cause to be issued emergency city competency cards to all existing county and city licensed contractors.~~

~~(3) The building official, or his designee, shall be authorized to issue 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) Emergency competency cards issued by the building official pursuant to this procedure shall be valid for a period of 120 days unless earlier revoked by the building official.~~

~~(5) During the period of 120 days during which an emergency competency card is valid, the contractor or subcontractor shall provide the building official with the necessary background checks and licensing information for presentation to the contractor's licensing board.~~

~~(6) The issuance of any 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 building official is authorized, at his discretion, to extend an emergency competency card for one additional 120-day period.~~

~~(d) The building official may refuse to issue an emergency competency card or may revoke an 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 13. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 14. If any provision of this Ordinance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this article, which shall be deemed separate, distinct and independent provisions to the fullest extent possible.

SECTION 15. This ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

Sara K. Hedges
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. 25-018 was duly advertised by title only in the St. Lucie News Tribune on XXX; 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 Monday, June 16, 2025; and was duly introduced, read by title only, and passed on second and final reading on Monday, July 7, 2025, 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 7th day of July, 2025.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)