Summary of Ordinance

The purpose of this Ordinance is to update Chapter 6, Lake County Code, regarding the standards for construction in unincorporated Lake County, and the regulation of persons engaged in the construction industry in order to bring the Code into conformance with the Fifth edition of the Florida Building Code.

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING CHAPTER 6, LAKE COUNTY CODE, ENTITLED BUILDINGS AND CONSTRUCTION TO BRING THE CODE INTO COMPLIANCE WITH THE FIFTH EDITION OF THE FLORIDA BUILDING CODE; PROVIDING FOR DEFINITIONS; CLARIFYING ADMINISTRATIVE PROVISIONS; PROVIDING FOR EXEMPTIONS FROM BUILDING PERMITS; CLARIFYING THE DUTIES AND POWERS OF THE BUILDING OFFICIAL; PROVIDING A LOCAL LICENSE CLASSIFICATION FOR JOURNEYMAN; DELETING SECTION 14.14.03, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 14.14.02, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 9.07.14, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 6, Lake County Code, entitled "Buildings and Construction", sets forth the requirements for regulating the licensing of those persons engaged in the construction industry and to provide minimum codes and standards for construction in the county; and

WHEREAS, the Board of County Commissioners desires to amend Chapter 6, Lake County Code, entitled "Buildings and Construction", in order to make the code more consistent with the Fifth Edition of the Florida Building Code; and

WHEREAS, the Board of County Commissioners, in order to provide consistency, moves the building permit requirements of Section 14.14.03 into Chapter 6, Lake County Code; and

WHEREAS, the Board of County Commissioners has determined that the changes to Chapter 6, Section 14.14.03 and Section 14.14.02 of the Lake County Code, serve the interests of the citizens of Lake County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Chapter 6, Lake County Code, shall be amended to read as follows:

Chapter 6 - BUILDINGS AND CONSTRUCTION

ARTICLE I. - IN GENERAL

Sec. 6-1. - Purpose.

The board of county commissioners recognizes that the construction and home improvement industries are significant industries within the county. Such industries may pose significant harm to the public when incompetent or dishonest contractors provide unsafe, unstable or short-lived products or services. Therefore, it is necessary to the interest of the public health, safety and welfare to regulate the licensing of those persons engaged in the construction industry and to provide minimum codes and standards for construction in the county.

Sec. 6-2. - General enforcement.

This chapter, the Florida Building Code and the codes adopted hereunder shall be enforced by the board of building examiners; however, not withstanding any of the provisions herein, the county shall have the right to enforce the provisions of this chapter and the building codes adopted hereunder by any other lawful means. This chapter is enacted pursuant to F.S. Ch. 489, Ch. 162, Ch. 455, Ch. 775, and Ch. 286.

Sec. 6-3. - Fee schedule.

The fee schedule, which shall be used to determine fees required for issuance of a building permit and all other applicable fees, shall be established by resolution.

Sec. 6-4. - Qualifications for practice.

No person shall engage in the business of contracting in this county unless he or she obtains the appropriate license or is exempted pursuant to section 6-5. Any person who desires to engage in the contracting classifications listed in F.S. § 489.105 Part I~~(a—o)~~ or Part II shall be either state certified or state registered. Any person who desires to engage in the contracting classifications listed in this Code but not in F.S. § 489.105 Part I~~(a—o)~~ or Part II shall be locally licensed.

Sec. 6-5. - Exemptions.

This chapter shall not apply to persons or entities as enumerated in F.S. §§ 489.103 and 489.117.

Sec. 6-6. - Code enforcement officers.

This chapter will be administered by code enforcement officers <u>as authorized by and under the direction of the Building Official</u> as provided below.

(1) The board of county commissioners hereby authorizes the county manager or designee to designate certain persons as defined by F.S. Ch. 162, as code enforcement officers. Persons who are employed by the county as code enforcement officers are designated officers under F.S. Ch. 162 and shall have the powers and limitations prescribed herein and by statute.

(2) The training and/or qualifications of code enforcement officers shall be established by the county manager or designee.

(3) Pursuant to the authority established in F.S. Chs. 489 and 162, a code enforcement officer may issue a citation alleging violation of any prohibited activity outlined in this chapter.

(4) A code enforcement officer who finds a violation of this chapter may issue a citation to the alleged violator or recommend filing of an administrative complaint. Citations shall be enforced consistent with the provisions of this section.

Sec. 6-7. - Procedure for collecting funds.

(a) The county shall provide the appropriate guidelines and procedures for the administration, collection, record keeping, reporting, and accountability of penalties assessed under this chapter.

(b) The county may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties.

(c) All monies collected pursuant to this ordinance shall be used for administration of this chapter.

Sec. 6-8. - Emergency suspensions.

(1) If the building official finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the building official shall enter an emergency order summarily suspending, limiting, or restricting a license, or taking such other emergency action as is authorized by law. Any decision to take emergency action by the building official shall be reviewed by the board of examiners at a meeting to be held within thirty (30) days of issuance of the order. The order of the building official shall provide notification of the time and date of the meeting at which the board of examiners will review the emergency order. The board of examiners shall have the authority to continue the order, modify the order, or terminate the order.

(2) After action by the board of examiners which continues an emergency order, the board's order shall include a notice of the licensee's (or person or entity subject to the board's jurisdiction) right to an immediate appeal of the emergency final order to Circuit Court.

(3) In the case of the emergency suspension, limitation, or restriction of a license, within thirty (30) days after the board of examiner's order continuing such emergency action, the building official shall initiate disciplinary proceedings, in compliance with this Code or such order shall expire.

Sec. 6-9. - Variances to the flood resistant construction requirements of the Florida Building Code.

Requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential shall be heard before the Board of Adjustment as described in Chapter XIV, Lake County Land Development Regulations, 14.15.03.

Sec. 6-10. - Suspension for failure to pay impact fees.

(a) If a locally licensed contractor requests a deferral of impact fees for a residential use as authorized under Section 22-8 of this Code, and such contractor fails to pay the deferred impact fees when due, the building official shall suspend the contractor's license until such time as the fees are paid in full.

(b) If a state certified contractor requests a deferral of impact fees for a residential use as authorized under Section 22-8 of this Code, and such contractor fails to pay the deferred impact fees when due, the building official shall suspend the contractor's permitting privileges until such time as the fees are paid in full.

(c) Licensed contractors shall be responsible for the payment of the deferred impact fees even if they are no longer the contractor of record on the permit.

(d) Any decision taken by the building official under this section may be appealed to the board of examiners upon request of the licensed contractor.

Secs. 6-11—6-20. - Reserved.

ARTICLE II. - DEFINITIONS

Sec. 6-21. - Definitions.

Unless defined in this section, the terms in this chapter shall be defined as in F.S. Ch. 489.

For the purpose of this section:

~~Aluminum siding contractor shall mean a contractor whose services are directly related to the installation 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 shall mean a contractor whose services are 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, siding, soffit, fascia and gutters. It shall be limited to the construction of wood/framing incidental to the aluminum construction work. The scope of such work shall also include masonry concrete work and be limited to foundations, slabs and block knee walls incidental to the aluminum construction work. The aluminum structure contractor shall not perform any work that alters the structural integrity of the building including, but not limited to, roof trusses, lintels, load bearing walls and foundations.

Bedroom or sleeping area means an area within a dwelling unit that can be used for sleeping and that is a minimum of 70 square feet for site built construction and 50 square feet for manufactured homes, and contains one exterior wall or portion of an exterior wall and has a closet or adjacent area for storage that has a door or an opening where a door could be reasonably installed or an area designated as a bedroom by a contractor or design professional.

Board is defined as the Lake County Board of Building Examiners.

Carpentry contractor ~~means those who have the knowledge and skill to install rough structural framing, trusses and sheathing~~shall mean a contractor whose services are limited to light and heavy carpentry, rough framing, trusses, sheathing, metal framing, paneling, trim, cabinetry, doors, windows, stairs, and incidental hardware.

Concrete contractor ~~shall mean a contractor whose services are limited to concrete work, including formwork, placement of steel reinforcement, batching, mixing, delivery, placing, finishing, and curing.means a specialty of persons whose scope of work includes cement paver, cement finisher, concrete finisher, and concrete floater, including placement of mesh reinforcement, vapor barriers, and edge forms incidental thereto~~.

Concrete and masonry contractor shall mean a contractor whose services are limited to select, cut and lay brick and concrete block or any other unit masonry products, lay brick and other clay products, rough cut and dress stone, artificial stone and precast blocks, glass brick or block, or any person who is qualified to batch and mix aggregates, cement and water to agreed specifications, to construct forms and framework for the casting and shaping of concrete, to place and erect reinforcing steel and miscellaneous embedded steel, to place mesh reinforcement, plastic vapor barriers and edge forms, and to pour, place and finish concrete including flatwork. Concrete/masonry contractors can apply decorative materials to driveways, lanais and patios. This category shall also include those who are qualified to install tie beams and alternative wall systems, erect pre-cast or pre-stressed concrete products, and those who are qualified to install poured concrete roof deck systems. Concrete/masonry contractors shall also be permitted to perform the work of a plaster stucco and spraycrete contractor as provided herein~~shall mean a specialty of persons whose scope of work includes: cement finisher; cement paver; concrete finisher; and concrete floater, including placement of mesh reinforcement, vapor barriers, and edge forms incidental thereto, and laying building materials such as field stone, brick, structural tile, concrete or cinder block, glass, gypsum, and terra cotta block to construct or repair walls, partitions, arches, and sewers; fireplaces constructed of brick, masonry, or field stone~~.

County shall mean Lake County, Florida.

Demolition contractor shall mean a contractor whose services are limited to the demolition of all buildings or residences regardless of height or number of stories.

Emergency shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action.

Employee shall be defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

Garage door installer shall mean a contractor whose services are limited~~related~~ to ~~the knowledge of~~ garage door installation.

Hurricane protection installation contractor shall mean a contractor whose services are ~~related~~ limited to ~~the knowledge of~~ the fabrication, repair, maintenance, installation, and attachment of exterior opening protection assemblies, including hurricane shutter assemblies and similar products.

Incidental to their business shall mean work performed exclusively on the supply side of the end use metering device and shall specifically exclude all work described in F.S. § 489.105(3) on the commercial side, house side, or customer side of the end use metering device except that specifically provided for below. Those tasks considered "incidental to their business" which occur on the commercial side, house side, or customer side of the end use metering device are inspections for leaks and the repair thereof, testing of water quality, ignition of pilot lights, termination of or activation of natural gas flow, or any activity specifically authorized by Florida Statute.

Irrigation/sprinkler contractor means a contractor who is qualified to install, construct, enlarge, modify, maintain, repair, or move all piping and sprinkler heads for the irrigation of any turf or landscape to include connection to the water source.

Journeyman electrician shall mean a trained worker whose services are limited to planning, installation, repair, alteration, and maintenance of electric conductors, raceways, and equipment for light, heat, and power. This is for competency only and they are unable to obtain permits.

Journeyman HVAC mechanic shall mean a trained worker who services are limited to installation, maintenance, repair, fabrication, alteration, and extension of air conditioning, refrigeration, piping vessels, warm air heating, low pressure boilers, ventilation systems, duct systems, insulation, and related appurtenances within a complete system unlimited in horsepower or tonnage. This is for competency only and they are unable to obtain permits.

Journeyman plumber shall mean a trained worker who services are limited to installation, repair, maintenance, and extension of any plumbing system, including drains, waste, sanitary vents, water supply, fixtures, and indirect wastes; installation, repair, and maintenance of gas piping systems, including gas piping, appliances, vents, flues, tanks, and other related appurtenances. This is for competency only and they are unable to obtain permits.

Licensed means possessing the local license or state certification required pursuant to F.S. Ch. 489, and/or Chapter 6, Lake County Code, or this section.

Licensed contractor means any contractor who possesses a local license issued by the county, or is certified by the State of Florida, Department of Business and Professional Regulation, Construction Industry Licensing Board or the Electrical Contractor's Licensing Board.

Licensing investigator means any authorized agent or employee of the county whose responsibility it is to enforce F.S. Ch. 489, and the codes and ordinances of Lake County. This term is synonymous with code enforcement officer.

Local license means a ~~local~~ license issued by the county~~ and the State of Florida, Department of Business and Professional Regulation, Construction Industry Licensing Board or the Electrical Contractor's Licensing Board~~.

Marine contractor (seawalls and docks) shall mean those who are qualified with the experience and skill to construct seawalls, bulkheads, revetments, docks, piers, wharfs, groins and other marine structures, including pile driving or jetting.

Masonry contractor shall mean a contractor whose services are limited to selection, cutting, and laying of brick, stone, and masonry products. This includes structural glass brick or block, insulated concrete units, and the placement of reinforcing steel, including concrete forming and placing incorporated into the masonry work~~means a specialty of persons whose scope of work includes laying building materials such as field stone, brick, structural tile, concrete or cinder block, glass, gypsum, and terra cotta block to construct or repair walls, partitions, arches, and sewers; fireplaces constructed of brick, masonry, or field stone~~.

Repeat violation shall mean a violation of a provision of this section by a violator whom Lake County has previously found to have violated the same provision or a violator against whom penalties were assessed for the same provision, within five (5) years prior to the violation.

Services incidental thereto shall mean all work on bridges, roads, streets, highways, and railroads except building construction and those subcontractor categories defined in F.S. § 489.105(3)(d)—(q). However, notwithstanding the previous provisions, services incidental thereto specifically includes storm drainage and excavation work necessary for the construction of bridges, road, streets, highways, and railroad.

Siding, windows and doors contractor shall mean a contractor whose services are ~~related~~ limited ~~to the knowledge of~~ siding, window and door installation including vinyl, wood or aluminum siding, soffit, fascia, gutters and all types of windows and doors. This includes the work necessary to prepare or repair the substrate to accomplish proper installation and does not include any structural alterations.

~~Solar water heater contractor means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, where the public, private, or the wise, regardless of use. A contractor, licensed or registered pursuant to the provisions of this chapter, is not required to become a licensed or registered solar contractor or to contract with a solar contractor in order to provide any services enumerated in this paragraph that are with the scope of the services such contractors may render under this part.~~

Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storable swimming or wading pool means those that are constructed on or above the ground and are capable of holding water with a maximum depth of 42 inches (1067mm), or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

Stucco/plastering contractor shall means a contractor whose services are limited to application of~~those who are qualified to coat surfaces with~~ a mixture of sand or other aggregate gypsum plaster, portland cement or quick-lime and water, or any combination of such material as to create a permanent surface coating. Such contractor may apply and affix gypsum or 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.

Unsafe building means any building or structure that has any of the following conditions, such that the life, health, property, or safety of its occupants or the general public is endangered:

(1) Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
(2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices, and fire resistive ratings, is in disrepair or in dilapidated or nonworking condition such as the means of egress could be rendered unsafe in case of fire or panic.
(3) The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in the Building Code for new buildings.
(4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Building Code for new buildings.
(5) Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Building Code for new buildings.
(6) If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
(7) The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
(8) The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Building Codes or of a city, county or state law.
(9) Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
(10) Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

Variance means a grant of relief from the requirements of the floodplain management regulations, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by these regulations or the Florida Building Code.

ARTICLE III. - ADOPTION AND ENFORCEMENT OF TECHNICAL CODES

Sec. 6-22. - Adoption and enforcement.

All construction in Lake County shall be in accordance with the Florida Building Code, Florida Fire Prevention Code and the 2015 International Property Maintenance Code as amended herein. All adopted codes shall include all appendixes thereto unless specifically exempted.

(1) The provisions of the International Property Maintenance Code, 2015 edition shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants;

and occupancy of existing premises and structures. International Property Maintenance Code is hereby amended as follows.

a. Section 102.3, replace International Zoning Code with Lake County Code.
b. Section 103, Department of Property Maintenance Inspection is excluded and replaced with Section 103 of the Florida Building Code.
c. Section 111, Means of Appeal is excluded.
d. All references to "International Code(s)" in the International Property Maintenance Code (with exception of the title) shall mean the Florida Building Code.

(2) Chapter 1, Scope and Administration, Florida Building Code. Chapter 1, of the Florida Building Code, is amended to add (or if indicated herein, to delete) the following language regarding the sections specified:

a. 101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.
b. 101.3.2 Permitting, plan review and inspection. The inspection, plan review or permitting of any building, system or plan by the jurisdiction under the requirements of this code shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection, plan review or permitting, unless the employee of the jurisdiction is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.
c. 102.2.5-1 A building permit shall not be required for the construction~~addition~~, alteration or repair performed by the property owner upon his or her own personal residence (the residence the owner lives in) for a one-story detached, freestanding, accessory structure to a one or two family dwelling used as a tool shed, storage shed, pergola, deck not exceeding thirty (30) inches above grade, gazebo, or playhouse or an attached/detached accessibility ramp (not exceeding a slope of one (1) unit vertically to twelve (12) units horizontally) that does not exceed a one hundred twenty-square foot footprint for the owner's personal use. This structure shall not incorporate electrical, HVAC, fuel gas, or plumbing. Zoning and flood requirements shall be met as required (utility rooms shall not be allowed under this exemption).

   Fences constructed of masonry or concrete type material, four (4) feet or less in height and all other fences six (6) feet or less in height are also exempt in accordance with this section. Zoning and flood requirements shall be met as required.
d. 102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.
e. 103.1 Establishment. There is hereby established a department to be called the building services division and the person in charge shall be known as the building official. ~~All code officials employed by the department shall be certified in accordance with F.S. Ch. 468, Pt. XII.~~

   103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers,

inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

f. 104 Duties and Powers of Building Official.

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. For the purpose of enforcing this chapter, the building official shall have the same authority as the code enforcement manager as provided in Chapter 8 of the Lake County Code in addition to those provided in this chapter.

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

104.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the applicable retention period.

g. 105 Permits. Generally, the erection, alteration, or reconstruction of any building or structure, shall not be commenced without obtaining a building permit from the building official.

105.2 Work exempt from permit.

1. Oil derricks.

2. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an accessible route.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Storable swimming or wading pools as defined by this code. Exception: Electrical alterations or connections except for cord-and-plug connection into an existing receptacle.
6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
7. Swings and other playground equipment accessory to detached one- and two-family dwellings.
8. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of detached one and two family dwellings.
9. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
10. Fences not made of masonry materials of any height when a license is obtained from the Florida Fish and Wildlife Conservation Commission for a Game Farm or Hunting Preserve.

he. 105.4.1.2. The following language is hereby deleted from section 105.4.1.2 of the Florida Building Code:
Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

if. 105.4.1.5. Permits issued for signs or the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be submitted in writing to the building official. ~~The request must be notarized.~~

gj. 105.4.1.6 Work commencing before permit issuance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. However, in all such cases the required permit(s) must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee, one hundred fifty dollars ($150.00) minimum. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The payment of this fee shall not relieve the applicant or holder of the permit from the payment of other fees or penalties that are prescribed by this code. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

~~h. 105.4.1.7 Building permit valuations. If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical,~~

~~plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code Council (ICC) or other applicable model code organization, at the option of the building official.~~

k. 105.5 Time Limitation of Building Permits. Building permits Shall expire and become null and void if work authorized by such permits is not commenced, having called for and received a satisfactory inspection, within six (6) months from the date of issuance of the permit, or if the work is not completed within one (1) year from the date of issuance of the building permit, except that the time may be extended by the Lake County Building Official, subject to compliance with the provisions of concurrency management procedures, if any of the following occur:

(a) A time schedule has been submitted and approved by the Lake County Building Official, predicated upon customary time for construction of similar buildings, prior to the issuance of the building permit, indicating completion of construction in excess of one (1) year; or

(b) The applicant furnishes the Lake County Building Official satisfactory evidence in writing that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in the specifications; or

(c) The delay is due to fire, weather conditions, civil commotion or strike. Increased costs of building materials or supplies or financial hardship shall not be considered by the Lake County Building Official as cause for continuation of the building permit.

~~i~~l. 107.1.1 Quality of building plans. Building plans shall be drawn to a minimum one-eighth (1/8) inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish, through department policy, standards for plans and specifications in order to provide conformity to its record retention program. This policy may include such things as minimum size, shape, contrast, clarity or other items related to records management. All construction plans shall bear the name and signature of the person responsible for the design.

m. 107.3.4 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

~~j~~n. The following language is added to section 107.3.5 minimum plan review criteria for buildings; the remainder of the section is unchanged.

Manufactured/mobile homes.

1. Site requirements:
a. Setback/separation (assumed property lines)
b. Location of septic tank(s), if applicable
c. Location of existing and proposed structures
2. Structural:
a. Wind zone
b. Anchoring
c. Blocking
~~3. Plumbing:~~
~~a. Backflow protection~~
~~4. Mechanical:~~
~~a. Exhaust systems~~
~~b. Clothes dryer exhaust~~
~~c. Kitchen equipment exhaust~~
~~5. Electrical:~~
~~a. Exterior disconnect location~~

~~k~~o. The following language is added to section 110.3 Required Inspections; the remainder of the section is unchanged. 110.3 Required inspections. The building official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.
Note: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

p. 110.3.6 Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell.
1. Steel reinforcement and initial bonding inspection.
2. Underground electric inspection.
3. Underground piping inspection including a pressure test.
4. Underground electric inspection under deck area (including the equipotential bonding).
5. Underground piping inspection under deck area.
6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place.
7. Safety Inspection: Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
8. Final Electrical inspection.
9. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

q~~l~~. The following language is added to section 110 Inspections (placed in 110.3 Required Inspections after Gas); the remainder of the section is unchanged.
Site Debris.

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, such that accumulation of construction debris must not remain on the property for a period of time exceeding fourteen (14) days.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

r~~m~~. For purposes of the Florida Building Code, the exact location of wind speed lines shall be determined by overlaying the ~~GIS~~ line provided in the Florida Building Code ~~provided by the Department of Community Affairs (DCA)~~ on the corresponding GIS map of Lake County streets, roads and highways. Determination of wind speed, with respect to structures bearing on the wind line, shall be made by the building official.

~~n. Add a new section 104.10.1 as follows:~~

~~104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.~~

~~o. Add a new section 107.6.1 as follows:~~

~~107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.~~

~~p. Add a new section 117 as follows:~~

~~117 VARIANCES IN FLOOD HAZARD AREAS~~

~~117.1 Flood hazard areas. Pursuant to F.S. § 553.73(5), the variance procedures adopted in the local floodplain management regulations shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.~~

(3) Chapter 3, Building Planning. Chapter 3, of the Florida Building Code, Residential is amended to add (or if indicated herein, to delete) the following language regarding the sections specified:

a. Modify Sec. R322.2.1 as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation, plus eighteen (18) inches or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus one (1)

foot (three hundred five (305) mm), or to the design flood elevation, whichever is higher.

3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM, or at least two (2) feet (six hundred ten (610) mm) if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation, plus eighteen (18) inches or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

(4)~~b.~~ Modify Florida Building Code, Building Sec. 1612.4 as follows:

1612.4 Design and construction. The design and construction of buildings and structures located in flood hazard areas, including flood hazard areas subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24. Utilities and attendant equipment, which includes mechanical, plumbing (excluding waste lines) and electrical equipment as referenced in Florida Building Code, shall be elevated to eighteen (18) inches above the base flood elevation or as specified in Chapter 5 of ASCE 7 or ASCE 24, whichever is higher.

Sec. 6-23. - Used mobile homes.

Any used mobile/manufactured home and/or park trailer being relocated within, or from outside Lake County for residential use, shall be inspected internally and meet the following requirements prior to receiving a certificate of occupancy or being approved for connection to an electric utility:

(1) An application for permit shall be requested prior to the installation of any relocated structure. If any portion of the structure, inside or out, is altered, repaired, renovated, or remodeled plans shall be submitted for the permitting process as required for building, plumbing, electrical, and mechanical where applicable.
(2) All alterations, repairs, renovations, or remodeling must conform to Florida Administrative Code (FAC) 15C-2.0081.
(3) The joining of two (2) or more mobile/manufactured homes or park trailers for any reason shall only be allowed when it can be proven that said units were originally engineered for this purpose (i.e. other than stand alone).
(4) The use of any mobile/manufactured home or park trailer for other than which it was originally engineered and intended shall not be allowed.
(5) Tie down requirements shall conform to the manufacturer's installation instructions or FAC 15C-1.
(6) Additions, including, but not limited to add-a-rooms, roof over and porches shall be freestanding and self supporting with only the flashing attached to the main unit unless the added unit has been professionally designed to be married to the existing unit. All additions shall be constructed in compliance with state and locally adopted building codes.
(7) The Building Official shall establish the administrative procedures for inspections of used mobile homes.

Secs. 6-24—6-39. - Reserved.

ARTICLE IV. - BOARD OF BUILDING EXAMINERS

Sec. 6-40. - Creation.

The board of building examiners is created.

Sec. 6-41. - Authorization.

The board shall have the authority to:

(1) Adopt rules for the conduct of its hearings.
(2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff or as otherwise provided by law.
(3) Subpoena evidence to its hearing.
(4) Take testimony under oath.
(5) Suspend and revoke local and registered licenses.
(6) Determine whether cited violations occurred.
(7) Determine whether a reasonable time period for compliance was given.
(8) Assess and order the payment of civil penalties and administrative costs as provided under this chapter.
(9) Impose liens as provided herein.
(10) Award restitution to the aggrieved party.
(11) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
(12) Deny, suspend, or revoke the authority of state certified contractors to obtain a building permit or limit such authority to obtaining a permit(s) with specific conditions.
(13) Recommend disciplinary actions to the department of business and professional regulations.
(14) Hear appeals from any decision of the building official or designee.
(15) Impose disciplinary actions on locally licensed contractors.

Sec. 6-42. - Intent.

It is the intent of this article to assure that the board of building examiners will comply with the requirements of F.S. Ch. 489, in the board of building examiners' exercise of its disciplinary control over locally licensed and unlicensed contractors.

Sec. 6-43. - Members.

(a) The board of building examiners shall have nine (9) members. The membership of the board of building examiners shall, whenever practical, include at a minimum an architect, a business person, an engineer, and at least one (1) contractor who is registered or certified under section F.S. § 489.105(3)(a)—(c), and at least one (1) contractor who is registered or certified under section F.S. § 489.105(3)(d)—(o), and must include three (3) consumer members who are not and have never been members of a profession regulated under this part, or a member of any closely related profession under F.S. Ch. 471, Ch. 481, or Ch. 489. Members of the board of building examiners shall be appointed by the board of county commissioners. Each appointee must be a resident of Lake County.

(b) Members of the board of building examiners shall serve terms of four (4) years in length or until their successors are appointed. The initial terms of the members representing the contractor registered under F.S. § 489.105(a)—(c), the engineer and one (1) consumer shall expire on January 14, 2009. The initial terms of the members representing an architect, a

contractor registered under F.S. § 489.105 (d)—(o), and the second consumer shall expire on January 14, 2010. The initial terms of the members representing a business person, the third consumer, and the at large representation shall expire on January 14, 2011. Thereafter, all membership terms shall be for four (4) years. The term of office shall commence on January 15 of the year of appointment. The board of county commissioners may remove any member of the board of building examiners for any reason. Any vacancy occurring during the unexpired term of office of any member shall be filled by appointment of the board of county commissioners for the remainder of the term. A board member who is absent for more than three (3) board meetings without cause within a one-year period shall be automatically removed from the board of building examiners, and no written notice or public hearing shall be given.

(c) Each board of building examiner member shall be entitled to a per diem in an amount set by the board of county commissioners for each meeting attended.

(d) A quorum necessary to hold a meeting and take any official action shall be a majority of the currently appointed members, but not less than three (3) members.

Sec. 6-44. - Officers and rules of procedure.

The board of building examiners shall elect a chairman and a vice-chairman from its members each February. Terms for such officers shall be for one (1) year with eligibility for reelection. The board of building examiners shall be scheduled to meet once a month, or as deemed necessary. All meetings of the board shall be public.

Sec. 6-45. - Appeals.

(a) The board of building examiners shall act as the board of appeals to hear appeals from any decision of the building official or designee in interpreting the Florida Building Code, this chapter or any of the codes adopted by this chapter, with the following exception: The board of adjustment shall act as the board of appeals to hear appeals from any decision of the building official or designee in interpreting flood resistant construction requirements of the Florida Building Code, as described in Chapter XIV, Land Development Regulations, 14.15.04.

(b) Appeals to the board of building examiners may be taken by any affected person within thirty (30) days after the action appealed. The appeal shall be filed in writing and shall state facts sufficient to show that the person seeking relief is affected and facts sufficient to show the grounds for the appeal.

(c) Appeals shall be heard at the next regular meeting of the board of building examiners for which the agenda has not been finalized but no applicant shall be required to wait for more than ~~forty-five (45)~~sixty (60) ~~business~~ days after filing to have his appeal considered. Final decision on appeals shall be made within twenty-five (25) business days of the public hearing at which it was considered, and shall be in the form of an order, which shall set forth the reasons for the determination made, and if in favor of the applicant, shall set forth any conditions or safeguards required or any time limitations prescribed. The decision of the board of building examiners is final agency action to be appealed to the Circuit Court of the Fifth Judicial Circuit.

Secs. 6-46—6-~~70~~69. - Reserved.

ARTICLE V. - STATE CERTIFIED CONTRACTORS

Sec. 6-70. – Compliance with Florida Building Code. State certified contractors shall comply with all applicable provisions of the Florida Building Code, and shall comply with all provisions of any other applicable local law.

Sec. 6-71. - Investigation and hearing procedure.

(a) Upon receiving a written complaint from a consumer or governmental agency, or if the building services division has reasonable cause to believe that a state certified contractor has committed fraud or a willful building code violation, the building ~~department~~ services division shall initiate an investigation. Failure to comply with an order of the building official will be construed as a willful violation.

(b) If the investigation determines that fraud or a willful building code violation has occurred, the building department shall, unless mediated, file an administrative complaint with the board of building examiners, if applicable. If an administrative complaint is filed against a state certified contractor, the board of building examiners shall hold a public hearing to determine if disciplinary action should be taken against the contractor and if so, specify the action. Each administrative complaint shall provide, as a minimum, the following information:

(1) The name and address of the contractor being charged.
(2) A clear statement of the violations charged.
(3) A clear statement of the factual basis for the charges.
(4) A recommendation to the board of building examiners for action to be taken against the contractor.

Copies of contracts, drawings or specifications shall be attached as an exhibit to the complaint.

(c) Upon the filing of an administrative complaint, the alleged violator will be notified that the board will conduct a public hearing to investigate the allegations in the complaint by certified mail, return receipt requested or by hand delivery by the sheriff or other law enforcement officer or code enforcement officer. The alleged violator shall be given at least ten (10) days written notice prior to the date of the public hearing. Each contractor shall be responsible for keeping his/her current mailing address on file with the building official. The building official shall be responsible for timely mailing or delivering a notice of hearing to the contractor.

(d) Lake County or the contractor may request a thirty-day postponement of a scheduled public hearing. A request for a postponement must be made in writing at least five (5) days prior to the scheduled hearing date. The building official may grant or deny a request for postponement, but in no event shall the building official postpone a hearing for more than ~~forty-five (45)~~sixty (60) days from the initially scheduled hearing date~~, except upon a showing of extreme hardship or unusual circumstances~~. The ~~county manager or designee~~building official shall notify the contractor~~ and complainant, if any~~, of the rescheduled hearing date in writing, sent by regular mail to contractor's current mailing address on file with the County.

Sec. 6-72. - Actions against state certified contractors.

If, after public hearing, the board of building examiners finds a state certified contractor to be guilty of fraud or a willful building code violation within Lake County or if the board has proof that such contractor had been found guilty in another county or municipality within the past twelve (12) months of fraud or a willful building code violation and finds that such fraud or violation would have been fraud or violation if committed in Lake County, the board may deny, suspend, or revoke the authority of such state certified contractor to obtain a building permit or limit such authority to obtaining a permit(s) with specific condition. Notification of and information concerning such disciplinary action shall be submitted to DBPR within fifteen (15) days after the board decides to

deny the permit. Any such notification to DBPR may also include recommended penalties. The board of building examiners may also deny issuance of, or suspend, any outstanding building permit when a state certified contractor fails or refuses to provide proof of public liability and property damage insurance coverage as required by F.S. § 489.115(5), and workers' compensation insurance coverage as required by F.S. § 489.114.

Sec. 6-73. - Appeals~~ of orders issued pursuant to section 6-72~~.

Any state certified contractor aggrieved by an order notifying the construction industry licensing board of disciplinary action may appeal pursuant to section F.S. § 489.131. Any person aggrieved by an order notifying the electrical contractors' licensing board may appeal pursuant to F.S. Ch. 489, Pt. II. Additionally, any person aggrieved by an order may appeal the local action by filing a petition for writ of certiorari in the Circuit Court of Lake County within thirty (30) days after entry of such order.

Sec. 6-74. - Expired/void permits.

The building official shall suspend the permitting privileges of any contractor when the contractor has permit(s) in an expired/void status, if such permits remain in an expired/void status fifteen (15) days after written notice is issued to the contractor providing notice of the expired/void status. The suspension shall remain in effect until such time as the expired/void permit(s) have been re-issued and a final inspection has been obtained.

Secs. 6-75—6-81. - Reserved.

ARTICLE VI. - LOCALLY REGISTERED AND LOCALLY LICENSED CONTRACTORS

Sec. 6-82. - Locally licensed contractors.

To obtain a local license or to locally register for any contractor classification listed in F.S. § 489.105 Pt. I ~~(a)—(o)~~ and Pt. II, or for the following specialty classification categories, a person must first establish and register such license as required.

The specialty classification categories are:

(1) Aluminum ~~siding~~ structure contractor.
(2) Carpentry contractor.
(3) Concrete contractor.
(4) Concrete and masonry contractor.
(5) Garage door installer.
(6) Hurricane protection installation contractor.
(7) Masonry contractor.
(8) Marine contractor~~ (seawalls and docks)~~.
(9) Siding, windows and doors contractor.
(10) Stucco/plastering contractor.
(11) Irrigation/sprinkler contractor.
(12) Demolition contractor.
(13) Journeyman plumber/pipefitter (Competency only-Unable to obtain permits).
(14) Journeyman HVAC mechanic (Competency only-Unable to obtain permits).
(15) Journeyman electrician (Competency only-Unable to obtain permits).

Sec. 6-83. - Requirements for local license.

(a) Each person desiring to be a locally licensed contractor within Lake County shall apply to the building official or designee for a local license on an official application form. In order for a person to receive a local license, he or she shall be at least eighteen (18) years old, of good moral character, and meet all other eligibility requirements.

(1) For purposes of this section, good moral character means a personal history of honesty, fairness, and respect for the rights of others and for local and state law.

(2) The building official may determine that an individual applying for local license is not of good moral character only if there is substantial connection between the lack of good moral character of the individual and the professional responsibilities of a registered contractor and the finding of the building official or board of examiners is supported by clear and convincing evidence.

(3) If an individual is denied a local license because of a lack of good moral character, the building official must furnish the individual a statement containing the findings of the building official, a complete record of evidence upon which the determination was based, and a notice of the rights of the individual to appeal.

(4) Proof of education in the form of a transcript or other proof acceptable to the building official. Proof of experience in the form of a notarized affidavit executed by a licensed architect, licensed engineer, licensed contractor or building official not related to the applicant. The applicant either:

a. Has received a baccalaureate degree from an accredited four-year college in an appropriate field of engineering, architecture, or building construction and has one (1) year of proven field experience in the category in which the person seeks to qualify. For the purpose of this article, a minimum of two thousand (2,000) man-hours shall be used in determining full-time equivalency; or

b. Has at least four (4) years of active experience as a workman who has learned his/her trade by serving an apprenticeship as a skilled workman who is able to command the rate of mechanic in his particular trade, and has at least one (1) year of active experience at the level of foreman who is in charge of a group of workmen and is responsible to a superintendent or a contractor or equivalent; or

c. Has a combination of not less than one (1) year of experience as a foreman and not less than ~~three (3)~~four (4) years of credits for accredited college-level courses; or has a combination of not less than two (2) years' experience as a skilled workman, one (1) year of experience as a foreman, and not less than ~~one (1)~~two (2) years of credits for accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses. For credits for any accredited college-level courses to satisfy this requirement, the applicant shall show that the courses were in a construction related field.

(b) In addition to the application form, each applicant must provide the following with his or her application:

(1) Proof of a passing grade of seventy-five (75) percent or better on an exam approved by the building official.

(2) The appropriate fee for the local license as established by the board of county commissioners.

(3) Certificate of insurance with the certificate holder reading Lake County Board of County Commissioners, for commercial general liability insurance for the safety and welfare of the

public in the minimum amounts of three hundred thousand dollars ($300,000.00) per occurrence.

(4) A copy of a current ~~local~~ business tax receipt.

(5) Certificate of insurance with the certificate holder reading Lake County Board of County Commissioners, for Florida Worker's Compensation insurance, or a copy of an approved DWC-252 or DWC-253 Exempt form from the State Division of Worker's Compensation Bureau.

(6) A bond in the amount of five thousand dollars ($5,000.00) conditioned on the contractor following and complying with all provisions of this chapter. Any such bond shall be made payable to the Florida Homeowners Construction Recovery Fund. Bond reciprocity shall be granted in accordance with F.S. § 489.131.

(7) An affidavit stating that the applicant will not undertake any work which is outside the scope of the local license for which he <u>or she</u> is applying and that he <u>or she</u> will comply with all county regulations applicable to his work.

(8) A list of any disciplinary actions against the applicant in any jurisdiction within the last five (5) years, if applicable.

(c) The building official shall issue a local license to each person who meets all of the qualifications of this chapter.

(d) If the application is denied by the building department staff, the applicant has the right to appeal the decision to the board of building examiners.

(e) Any contractor holding a local license is required to keep a current address and phone number on file with the Lake County Building Services Department. Within fifteen (15) days of a change in address or phone number, the contractor shall notify Lake County Building Services of the new information.

Sec. 6-84. - Exception to local licensing requirements.

A registered or certified contractor who has an active license with Lake County on or before March 1, 2015 as a residential, building or general contractor shall be allowed to make application to receive a license for a specialty classification contractor without taking an examination, if the following requirements are met:

(1) Submit proof of experience in the form of a notarized affidavit executed by a licensed architect, licensed engineer, licensed contractor or building official not related to the applicant that the applicant has twenty (20) years of active experience as a craftsperson, with ten (10) years of supervisory experience in the specialty classification category in which the person seeks to qualify.

(2) In addition to the application form, each applicant must provide the following:

a. The appropriate fee for the local license as established by the Board of County Commissioners.

b. An affidavit stating that the applicant will not undertake any work which is outside the scope of the local license for which he/she is applying and that he/she will comply with all county regulations applicable to his/her work.

c. A list of any disciplinary actions against the applicant in any jurisdiction within the last five (5) years, if applicable.

d. Verification that residential, building or general contractor's license is active and in good standing.

(3) The building official shall issue a local license to each person who meets all of the qualifications of this Section. If the application is denied, the applicant has the right to appeal the decision to the Board of Building Examiners.

(4) This exception to the licensing requirement shall expire on March 1, 2016.

Sec. 6-85. - Persons to whom local licenses will not be issued.

(a) The building official shall not issue or renew a local license to any person who has been assessed a fine, interest payments, or costs by the board of examiners until such fine, interest payments, or associated costs are paid in full.

(b) Any person with a local license who has had his/her license revoked shall not be eligible to be a partner, officer, director, or trustee of a business organization or be employed in a managerial or supervisor capacity for a five (5) year period. Such person shall also be ineligible to reapply for certification under this part for a period of five (5) years after the effective date of the revocation.

(c) If a business organization or any of its partners, officers, directors, trustees, or members is or has previously been fined for violating this chapter, the board may, on that basis alone, revoke, suspend, place on probation, or deny issuance of a local license to a qualifying agent or financially responsible officer of that business organization.

Sec. 6-86. - Continuing education.

Any contractor holding a local license with Lake County must complete the continuing education requirements before his or her local license will be renewed. A total of fourteen (14) classroom hours, of at least fifty (50) minutes each, of continuing education courses will be required during each two-year period prior to the renewal date. The contractor must complete at least one (1) hour of workplace safety class, one (1) hour of a business practices class, and one (1) hour of a worker's compensation class, <u>(1) hour of building code, and (1) hour of laws and rules</u> which is included in the total fourteen (14) required hours of class. The contractor shall provide proof of completion the core curriculum courses or passing the equivalency test of the building code training program established in F.S. § 553.841, specific to the licensing category sought, within two (2) years of initial issuance of the local license. Classroom hours spent taking core curriculum courses shall count toward the fourteen (14) hours required for renewal.

(1) If a contractor is on an inactive status with Lake County, the contractor must complete fourteen (14) hours of continuing education before renewing their license on an active status.

(2) A person is not required to complete continuing education requirements for the year in which a local license is initially issued. Any person who obtains a local license more than twelve (12) months prior to the license renewal date is required to complete two (2) classroom hours of approved continuing education per quarter, not to exceed seven (7) hours for the first year, as a condition of the first renewal of the local license.

(3) Courses must be approved by the building official.

(4) In order to verify completion of the continuing education requirement, the local license holder shall submit proof of the following by ~~notarized statement on the renewal application~~ providing a copy of the certificates.

a. Number of classroom hours attended;

b. Course name;

c. Location of the course; and

d. Date of the course.

~~(5) If a certificate holder or registrant holds licenses under both F.S. Ch. 489, Pt. I and Pt. II (electrical and alarm system contracting), and is required to have continuing education courses under F.S. § 489.517(3), the certificate holder or registrant may apply those course hours for workers compensation, workplace safety, and business practices towards the required classroom hours.~~

Sec. 6-87. - Renewal.

(a) All local licenses shall be good for two (2) years. All locally licensed electricians, plumbers, and air conditioning contractors shall renew in odd numbered years. All other local licenses shall be renewed in even numbered years.

(b) The ~~department~~division shall notify each local license holder and provide an application for renewal to be completed and returned prior to September 30th. The application shall include all information required below.

(c) Proof of satisfaction of continuing education requirements as outlined in section 6-85 is required for renewal of local licenses.

(d) Updated bond or bond continuation certificate.

(e) Updated general liability insurance in the minimum amount of three hundred thousand dollars ($300,000.00) per occurrence and proof of worker's compensation insurance or current exemption from the state.

(f) Current ~~local~~ business tax receipt.

(g) If contractor is state registered, provide updated copy of state license.

(h) The applicable renewal fee.

~~(i) Each renewal application shall include a statement that the contractor has not been disciplined in any other jurisdiction in the past two (2) years.~~

(i~~j~~) Local licenses renewed after September 30th but on or before December 31st of the renewing year shall be assessed an additional fee as established by the board of county commissioners. Local licenses not renewed on or before December 31st shall become null and void. A contractor whose local license has become null and void will be required to ~~be re-tested,~~ reapply for their local license by submitting all required items, and pay the applicable license fee and meet all other requirements.

(j~~k~~) If a local license has been obtained without examination and such license becomes expired, null and void, or revoked, prior to reinstatement proof of a passing grade of seventy-five (75) percent or better on an exam approved by the building official will be required before license can be issued or renewed.

(k) If the renewal application is denied by the building official, the applicant has the right to appeal the decision before the board of building examiners.

Sec. 6-88. - Inactive local licenses.

A person who holds a valid local license may go on inactive status. During this time such person shall not engage in contracting but may retain the local license on inactive status by payment of a fee established by the board of county commissioners. The inactive status shall be for a five-year cycle and may be renewed for an additional five-year term upon payment of an additional fee as established by the board of county commissioners. If a person wishes to reactivate his license, he or she must submit all items in section 6-83(b), with the applicable fee ~~for the remaining time period of the renewal,~~ and adhere to the continuing education requirements of section 6-85.

Sec. 6-89. - Business organizations; qualifying agents.

(a) If an individual proposes to engage in contracting in his or her own name or fictitious name, the county local license shall be issued only to that individual or fictitious name. If using a fictitious name or if incorporated, evidence of registration with the Secretary of State is required.

(b) If the applicant proposes to engage in contracting as partnership, corporation, business trust, or other legal entity, the applicant shall apply through a qualifying agent. The application shall state the name of the partnership and of its partners, the name of the corporation and of its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members. The applicant shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the qualifying agent is legally qualified to act for the business organization in all matters connected with its contracting business and has authority to supervise construction undertaken by such business organization. The local license shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon. If there is a change in any information that is required to be on the application, the qualifying agent shall within ten (10) days after such change occurs mail the correct information to the building official.

(c) The qualifying agent shall be registered under this chapter for the business organization to be certified in the category for which the qualifying agent is certified or registered. If any qualifying agent ceases to be affiliated with such business organization, he shall so inform the building official. In addition, if such qualifying agent is the only certified individual affiliated with the business organization, the business organization shall notify the building official of the termination of the qualifying agent and shall have a maximum of sixty (60) days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed, unless the building official has granted a temporary nonrenewable certificate or registration to the financially responsible officer, the president, a partner, or the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary certificate or registration shall only allow the entitled to proceed with incomplete contracts. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization prior to the cessation of affiliation of the qualifying agent with the business organization. An incomplete contract also includes a situation where the business organization submitted the low bid and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.

(d) The qualifying agent shall inform the building official in writing when he or she proposes to engage in contracting in his own name or in affiliation with another business organization, and shall supply the required application information in section 6-83 to the building official.

(e) Upon determination that all requirements have been met by the new qualifying agent, the building official shall issue a new local license in the qualifying agent's name, and the name of the new business origination shall be noted thereon.

(f) Each qualifying agent shall pay the building official an amount equal to the original fee for licensing a new business entity. If the qualifying agent desires to qualify more than two (2) business entities, he or she shall be required to appear before the board of building examiners and present evidence of ability and financial responsibility of each such entity. Such local license will be issued by the board of building examiners.

Sec. 6-90. - Reciprocity.

Contractors with local licenses from other counties or municipalities who have been state registered, if required, shall be issued a county local license in their respective class of contracting, provided that the standards of qualification for licensing in such other county or municipalities are as high as those in Lake County, ~~and provided that the county has a reciprocity agreement with the other county or municipality~~as determined by the building official. The fee for a letter of reciprocity certifying that a contractor holds a valid county local license shall be established by the board of county commissioners.

Sec. 6-91. - Disciplinary process for locally licensed contractors.

(a) Upon receiving a written complaint from a consumer or governmental agency, or if the building department has reasonable cause to believe that a locally licensed or registered contractor has violated the terms and provisions of this code, Florida Statutes, or any adopted building code, the building department shall initiate an investigation.

(b) After investigation, the code enforcement officer shall issue a notice of noncompliance as its first response to a minor violation in any instance in which it is reasonable to assume that the violator was unaware of such a law or unclear as to how to comply with it. A violation is a "minor violation" if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. The designation of violations as minor for the purposes of this section is limited to initial violations which are corrected within fifteen (15) days of the building department's issuance of a notice of noncompliance. A notice of noncompliance shall not be accompanied with a fine or other disciplinary penalty. The notice of noncompliance shall identify the specific ordinance that is being violated, provided information on how to comply with the ordinance, and specify that the violator has fifteen (15) days or another specified time frame to comply with the ordinance. Failure of a licensee to take action correcting the violation within a set period of time shall then result in the institution of further disciplinary proceedings.

(c) If the investigation determines that a violation of this code other than a minor violation has occurred, the building department shall, unless mediated, file an administrative complaint with the board of building examiners or issue a citation. The board of building examiners shall hold a public hearing to determine if disciplinary action should be taken against the contractor and if so, specify the action. Each administrative complaint shall provide, as a minimum, the following information:

(1) The name and address of the contractor being charged.
(2) A clear statement of the violations charged.
(3) A clear statement of the factual basis for the charges.
(4) A recommendation to the board of building examiners for action to be taken against the local license.

Copies of contracts, drawings or specifications shall be attached as an exhibit to the complaint.

(d) Upon the filing of an administrative complaint, the alleged violator will be notified that the board will conduct a public hearing to investigate the allegations in the complaint by certified mail, return receipt requested or by hand delivery by a code enforcement officer. The alleged violator shall be given at least ten (10) days written notice prior to the date of the public hearing. Each contractor holding a local license from the county shall be responsible for keeping his/her current mailing address on file with the building official. The building official shall be responsible for timely mailing or delivering a notice of hearing to the contractor in substantially the following form:

NOTICE OF HEARING

You are hereby notified that Lake County has filed an administrative complaint against your competency as a building contractor in Lake County, Florida. A copy of the complaint is attached to this notice for your information.

On _____ (date) at _____ (time) at the _____ (place of public), the Lake County Board of Building Examiners will hear testimony concerning the allegations in the administrative complaint. You are urged to attend this meeting and to present testimony before the Board to explain or refute the charges in the complaint. You may be represented by an attorney at the meeting and you may bring witnesses to testify on your behalf. If you are unable to attend, you must request a postponement of the hearing in writing at least five (5) days prior to the scheduled hearing date.

The Lake County Board of Building Examiners has the power to suspend or revoke your local license in Lake County. Your failure to attend the hearing may result in the suspension or revocation of your local license.

(e) Lake County or the contractor may request a thirty-day postponement of a scheduled public hearing. A request for a postponement must be made in writing at least five (5) days prior to the scheduled hearing date. The building official shall grant a request for postponement, but in no event shall the building official postpone a hearing for more than ~~forty-five (45)~~sixty (60) days from the initially scheduled hearing date~~, except upon a showing of extreme hardship or unusual circumstances~~. The building official shall notify the contractor and complainant, if any, of the rescheduled hearing in writing, sent by regular mail to contractor's current mailing address on file with the County.

(f) Each case before the board shall be presented by the county attorney. All hearings shall be open to the public. All testimony shall be taken under oath and shall be recorded. The board shall take testimony from the investigator and the alleged violator. Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any relevant matter, as determined by the board. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a State of Florida Court. At the conclusion of the hearing, the board shall issue findings of the fact and conclusions of law and shall issue an order.

(g) A citation issued by a code enforcement officer shall be in a form prescribed by the county and shall state:

(1) The time and date of issuance.

(2) The name and address of the person to whom the citation is issued.

(3) The time and date of the violation.

(4) A brief description of the violation and the facts constituting reasonable cause.

(5) The name of the code enforcement officer.

(6) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.

(7) The applicable civil penalty if the person elects not to contest the citation.

(h) The act for which the citation is issued shall be ceased upon receipt of the citation; and 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 an administrative hearing before the board of building examiners. If the alleged violator fails to pay the citation or to request an

administrative hearing within ten (10) days from the date of the citation, his or her license shall be automatically suspended until a hearing is held or the citation paid.

(i) A person issued a citation may choose to appeal the citation to the board of building examiners. If the board finds that a violation exists, the board may order the violator to pay a civil penalty of not less than the amount set forth on the citation, and not more than one thousand dollars ($1,000.00) per day for each violation. In determining the amount of the penalty or other discipline, the board shall consider the following factors:

(1) The gravity of the violation.

(2) Any actions taken by the violator to correct the violation.

(3) Any previous violations committed by the violator.

(j) Hearings shall be held before the board of building examiners and shall be conducted pursuant to the requirements this chapter.

(k) Failure of a violator to appeal the decision of the code enforcement officer within the time period set forth in this paragraph shall constitute a waiver of the violator's right to a hearing. A waiver of the right to a hearing shall be deemed an admission of the violation, and penalties may be imposed accordingly.

(g) Upon written notification by the code enforcement officer that a violator has not contested the citation or paid the civil penalty within the timeframe allowed on the citation, or if a violation has not been corrected within the timeframe set forth on the notice of violation, the board of building examiners shall enter an order ordering the violator to pay the civil penalty set forth on the citation or notice of violation and suspend the violator's license until penalty is paid or a hearing held, and a hearing shall not be necessary for the issuance of such order.

Sec. 6-92. - Disciplinary actions.

If, after a public hearing, the board of building examiners finds a violation other than a minor violation has occurred, the board may impose any of the following penalties against any contractor holding a local license in Lake County: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the local license, require financial restitution to a consumer, impose an administrative fine not to exceed five thousand dollars ($5,000.00) per violation, require continuing education, require the contractor to bring work done by him or her up to minimum code standards or to replace substandard or defective building materials or supplies, order the contractor to bring work done by him or her up to acceptable trade or construction industry standards for quality workmanship and design, or assess costs associated with investigation and prosecution, or a combination thereof.

Sec. 6-93. - Prohibited acts and citation penalties~~by contractors~~.

(a) A code enforcement officer designated pursuant to this chapter may issue a citation for a violation of this chapter whenever, based upon personal investigation, the code enforcement officer has reasonable and probable grounds to believe that a violation has occurred. It shall be a violation of this chapter for any locally licensed contractor to commit any of the following:

(1) Obtaining a local license by fraud or misrepresentation. First violation $500.00; Repeat violations $1,000.00.

(2) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting. First violation $500.00; Repeat violations $1,000.00.

(3) Allowing one's local license to be used by any unlicensed or unregistered person. When a local license holder allows his local license to be used by one (1) or more persons or

business organizations without having any active participation in the operation, management or control of such business organizations or project, such action constitutes prima facie evidence of intent to evade the provisions of this chapter. First violation $500.00; Repeat violations $1,000.00.

(4) Acting in the capacity of a contractor under a different name than that which is on their state license or local license card. First violation $500.00; Repeat violations $1,000.00.

(5) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. First violation $500.00; Repeat violations $1,000.00. Financial mismanagement or misconduct occurs when any of the following activities occur:

a. 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 seventy-five (75) days after the date of such liens.

b. 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 contractor is entitled to retain such funds under the term of the contract, or refunds the excess funds within thirty (30) days after the date the job is abandoned.

c. 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 increases in cost was the result of circumstances beyond the control of the contractor, 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.

d. The contractor fails, within six (6) months, to pay or comply with a repayment schedule of a judgment obtained against the contractor or a business qualified by the contractor and relating to the practice of contracting.

(6) Abandonment of a construction project in which the contractor is engaged or under contract as a contractor. A project is considered abandoned after ninety (90) days if the contractor terminates the project without proper notification to the prospective owner and/or without just cause, including the reason for termination, or fails to perform work without just cause for thirty (30) consecutive days. First violation $500.00; Repeat violations $1,000.00.

(7) Knowing or negligent use of substandard or defective building materials or supplies in any construction project, which is not corrected pursuant to a notice of correction. First violation $500.00; Repeat violations $1,000.00.

(8) Making any material false statements in an application for a local license. Such statements include: signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and commercial general liability insurance are provided. First violation $500.00; Repeat violations $1,000.00.

(9) Committing fraud or deceit in the practice of contracting. First violation $500.00; Repeat violations $1,000.00.

(10) Committing incompetence or misconduct in the practice of contracting. First violation $500.00; Repeat violations $1,000.00.

(11) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property. First violation $500.00; Repeat violations $1,000.00.

(12) Proceeding on any job without obtaining applicable local building department permits and inspections. (Excluding emergency situations). First violation; $500.00 Repeat violations $1,000.00.

(13) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under F.S. Ch. 713. First violation $500.00; Repeat violations $1,000.00.

(14) Failing to satisfy, within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession. This section shall not apply when there is a stay ordered by a bankruptcy court. First violation $500.00; Repeat violations $1,000.00.

(15) Performing any act which assists a person or entity in engaging in the prohibited unlicensed and unregistered practice of contracting, if the registrant knows or reasonably should have known that the person or entity was unlicensed or unregistered. First violation $500.00; Repeat violations $1,000.00.

(16) Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the board of building examiners. First violation $500.00; Repeat violations $1,000.00.

(17) Using a subcontractor not authorized for use on building permit~~, without first notifying the building department in writing~~. First violation $500.00; Repeat violations $1,000.00.

(18) Conceal or caused to be concealed, or assist in concealing, from the primary qualifying agent, any material activities or information about the contracting firm. First violation $500.00; Repeat violations $1,000.00.

(19) Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent. First violation $500.00; Repeat violations $1,000.00.

(20) Expired permits; allowing a building permit to expire without obtaining a final inspection. First violation $250.00; Repeat violations $1,000.00.

(21) Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the Board. First violation $250.00; Repeat violations $1,000.00.

(22) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part 1 of Chapter 713 or a notice to contractor under Chapter 255 or part 1 of Chapter 713. First violation $250.00; Repeat violations $1,000.00.

(23) Knowingly cause any part of the contracting firm's activities, financial or otherwise, to be conducted without the primary qualifying agent's supervision. First violation; $250.00; Repeat violations $1,000.00.

(24) Knowingly or negligently violating the applicable building or electrical codes or laws of the state or county, which is not corrected pursuant to a notice of correction. First violation $250.00; Repeat violations $1,000.00.

(25) Operate a business organization engaged in contracting after sixty (60) days following the determination of its only qualifying agent without designating another primary qualifying agent. First violation $500.00; Repeat violations $1,000.00.

(26) Performing any act which assists a person or entity in engaging in the prohibited unlicensed and unregistered practice of contracting, if the registrant knows or reasonably

should have known that the person or entity was unlicensed or unregistered. First violation $500.00; Repeat violations $1,000.00.

(27) Use or attempt to use a local license or local registration which has been suspended or revoked. First violation $500.00; Repeat violations $1,000.00.

(28) Willfully or deliberately disregard or violate any municipal or county ordinance relating to unlicensed or unregistered individuals. First violation $500.00; Repeat violations $1,000.00.

(29) Failure to maintain a valid address of record and contact information on file with Lake County Building Services Division. First violation $500.00; Repeat violations $1,000.00.

(30) Violation of the provisions of a Stop Work Order. First violation $500.00; Repeat violations $1,000.00.

(31) Failure to notify the building official in writing of any disciplinary action in any jurisdiction for any license or registration covered by this chapter within thirty (30) days of such action. First violation $500.00; Repeat violations $1,000.00.

(b) Circumstances which may be considered for the purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

(1) Monetary or other damage to the licensee's customer, in any way associated with the violation, which damage the licensee has not relieved, as of the time the penalty is to be assessed. (This provision shall not be given effect to the extent it would contravene federal bankruptcy law.)

(2) Actual job-site violations of building codes, or conditions exhibiting gross negligence, incompetence, or misconduct by the licensee, which have not been corrected as of the time the penalty is being assessed.

(3) The severity of the offense.

(4) The danger to the public.

(5) The number or lack of repetitions of offenses.

(6) The number of complaints filed against the licensee.

(7) The length of time the licensee has practiced.

(8) The actual damage, physical or otherwise, to the licensee's customer.

(9) The effect of the penalty upon the licensee's livelihood.

(10) That the board has revoked or suspended his local license on prior occasions.

(11) That the contractor has a good reputation as a builder or tradesman in the community.

(12) That the consumer refused to assist or cooperate with the board in investigating the complaint, or refused to cooperate with the contractor or allow said contractor to make any corrections.

(13) That the contractor is willing to correct any violations at no cost to the complaining party.

(14) Any other mitigating or aggravating circumstances.

Alleged mitigating and aggravating circumstances must be submitted to the building official prior to the hearing whenever possible so they may be evaluated by the building official or designee and challenged by the opposing party.

(c) If a contractor disciplined under this section is a qualifying agent or financially responsible officer for a business organization and the violation was performed in connection with a construction project undertaken by that business organization, the board may impose an additional fine not to exceed five thousand dollars ($5,000.00) per violation against the business organization or against any partner, officer, director, trustee, or member if such person participated in the violation knew or should have known of the violation and failed to take

reasonable corrective action. An individual may be cited only once per violation regardless of his/her position with the business organization.

(d) Each order issued by the board of building examiners against a locally licensed contractor must include the following:

(1) A clear statement of the violations charged.

(2) A clear statement of the factual basis for the charges.

(3) Evidence that the contractor was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges.

(4) Findings of fact made by the disciplinary authority.

(5) Conclusions of law which demonstrate the facts alleged constitute a violation of F.S. § 489.129(1), or the governing local ordinance.

(6) A statement of the penalty imposed against the local license, or certificate of competency.

(7) A recommendation to the construction industry licensing board (CILB) for action to be taken against the state registration.

(8) A clear statement informing the contractor of the right to appeal the action against the local license, and of the right of the contractor to challenge the recommendation to the CILB.

(e) The rate of interest payments on all fines imposed under this chapter against any person or business organization which has not paid the imposed fine by the due date established by final order shall be determined by F.S. § 55.03(1).

(f) If the alleged violator is found guilty of the violation, the violator may be held liable for the reasonable costs of the hearing, at the discretion of the board.

(g) A certified copy of an order imposing a civil penalty may be recorded in the public records and thereafter shall constitute a lien against the real and personal property of the violator. The order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but 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 may authorize the county attorney to foreclose on the lien. No lien created pursuant to this chapter may be foreclosed on property which is homestead under Article X, Section 4 of the Constitution of the State of Florida.

Sec. 6-94. - ~~Schedule of citation penalties for locally licensed contractors.~~Reserved.

~~(a) A code enforcement officer designated pursuant to this subsection may issue a citation for a violation of this chapter whenever, based upon personal investigation, the code enforcement officer has reasonable and probable grounds to believe that a violation, other than a minor violation, has occurred. If the code enforcement officer issues a citation to a locally licensed contractor for a violation of this chapter, the penalties shall be as follows:~~

[Table deleted]

~~(b) A citation issued by a code enforcement officer shall be in a form prescribed by the county and shall state:~~

~~(1) The time and date of issuance.~~

~~(2) The name and address of the person to whom the citation is issued.~~

~~(3) The time and date of the violation.~~

~~(4) A brief description of the violation and the facts constituting reasonable cause.~~

~~(5) The name of the code enforcement officer.~~

~~(6) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.~~

~~(7) The applicable civil penalty if the person elects not to contest the citation.~~

~~(c) The act for which the citation is issued shall be ceased upon receipt of the citation; and 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 an administrative hearing before the board of building examiners. If the alleged violator fails to pay the citation or to request an administrative hearing within ten (10) days from the date of the citation, his or her license shall be automatically suspended until a hearing is held or the citation paid.~~

~~(d) A person issued a citation may choose to appeal the citation to the board of building examiners. If the board finds that a violation exists, the board may order the violator to pay a civil penalty of not less than the amount set forth on the citation, and not more than one thousand dollars ($1,000.00) per day for each violation. In determining the amount of the penalty or other discipline, the board shall consider the following factors:~~

~~(1) The gravity of the violation.~~

~~(2) Any actions taken by the violator to correct the violation.~~

~~(3) Any previous violations committed by the violator.~~

~~(e) Hearings shall be held before the board of building examiners and shall be conducted pursuant to the requirements this chapter.~~

~~(f) Failure of a violator to appeal the decision of the code enforcement officer within the time period set forth in this paragraph shall constitute a waiver of the violator's right to a hearing. A waiver of the right to a hearing shall be deemed an admission of the violation, and penalties may be imposed accordingly.~~

~~(g) Upon written notification by the code enforcement officer that a violator has not contested the citation or paid the civil penalty within the timeframe allowed on the citation, or if a violation has not been corrected within the timeframe set forth on the notice of violation, the board of building examiners shall enter an order ordering the violator to pay the civil penalty set forth on the citation or notice of violation and suspend the violator's license until penalty is paid or a hearing held, and a hearing shall not be necessary for the issuance of such order.~~

Sec. 6-95. - Appeals.

A locally licensed contractor who has had disciplinary action taken against him or her may appeal to the circuit court within thirty (30) calendar days after the order is entered. The appeal shall be filed in writing and shall state facts sufficient to show that the person seeking relief is affected and to show the grounds for the appeal.

Sec. 6-96. - Expired/void permits.

The building official shall suspend the permitting privileges of any contractor when the contractor has permit(s) in an expired/void status, if such permits remain in an expired/void status fifteen (15) days after written notice is issued to the contractor providing notice of the expired/void status. The suspension shall remain in effect until such time as the expired/void permit(s) have been re-issued and a final inspection has been obtained.

Secs. 6-97—6-99. - Reserved.

ARTICLE VII. - UNLICENSED ~~CONTRACTORS~~ INDIVIDUALS

Sec. 6-100. - Unlicensed individuals and firms.; Violations and Fines.

(a) Purpose. It shall be a violation of this section for any person to engage in the business or act in the capacity of a contractor or advertise himself, herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified pursuant to F.S. Ch. 489, or obtaining a local license pursuant to this chapter unless exempted pursuant to section 6-5.

(b) Prohibited activities. It shall be a violation of this ordinance for any person, individual, partnership, corporation, association or other entity to:

(1) Falsely hold himself/herself or a business organization out as a licensee, locally licensed or locally registered contractor. First violation $500.00; Repeat violations $1,000.00.

(2) Falsely impersonate a locally licensed or locally registered contractor. First violation $500.00; Repeat violations $1,000.00.

(3) Present as his/her own the local license of another. First violation; $500.00 Repeat violations $1,000.00.

(4) Knowingly give false or forged evidence to the board or a member thereof. First violation $500.00; Repeat violations $1,000.00.

(5) Use or attempt to use a local license which has been suspended or revoked. First violation $500.00; Repeat violations $1,000.00.

(6) Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly licensed or registered. First violation $500.00; Repeat violations $1,000.00.

(7) Operate a business organization engaged in contracting after sixty (60) days following the termination of it's only qualifying agent without designating another primary qualifying agent. First violation $500.00; Repeat violations $1,000.00.

(8) Willfully or deliberately disregard or violate any municipal or county ordinance relating to unlicensed or unregistered contractors. First violation $500.00; Repeat violations $1,000.00.

(9) Commence or perform work for which a building permit is required without such building permit being in effect. First violation $500.00; Repeat violations $1,000.00.

(10) Conceal or caused to be concealed, or assist in concealing, from the primary qualifying agent, any material activities or information about the contracting firm. First violation $500.00; Repeat violations $1,000.00.

(11) Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent. First violation $500.00; Repeat violations $1,000.00.

(12) Knowingly cause any part of the contracting firm's activities, financial or otherwise, to be conducted without the primary qualifying agent's supervision. First violation; $500.00 Repeat violations $1,000.00.

(13) Assist or participate with any local license holder in the violation of any provision of this chapter. First violation $500.00; Repeat violations $1,000.00.

(14) Violation of the provisions of a Stop Work Order. First violation $500.00; Repeat violations $1,000.00.

Sec. 6-101. - Citations and notices.

(a) A code enforcement officer may issue a citation for any violation of this article whenever based upon personal investigation; the code enforcement officer has reasonable and probable grounds to believe that such a violation has occurred.

(b) All citations issued by a code enforcement officer shall be on a form prescribed by the board of county commissioners and at a minimum shall state: ~~state the time and date of issuance, the name and address of the person to whom the citation is issued; the time and date of the violation; a brief description of the violation; the facts constituting reasonable cause; the name of the code enforcement officer; the procedure for the person to follow in order to pay the civil penalty or to contest the citation; the applicable civil penalty if the person elects not to contest the citation.~~ (1) The time and date of issuance.

(2) The name and address of the person to whom the citation is issued.

(3) The time and date of the violation.

(4) A brief description of the violation and the facts constituting reasonable cause.

(5) The name of the code enforcement officer.

(6) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.

(7) The applicable civil penalty if the person elects not to contest the citation.

(c) 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 code enforcement officer; or by leaving the notice at the violator's usual place of residence with some person of his or her 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.

(d) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer commits a misdemeanor of the second degree, punishable as provided in F.S § 775.082 or § 775.083.

(e) Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this subsection. A citation must be issued to the alleged violator for each day an alleged violation continues to exist in order for a separate fine to be imposed.

(f) A person cited for a violation pursuant to this section is deemed to be charged with a non-criminal infraction.

(g) For the purpose of this subsection, a person or business organization operating on an inactive or suspended license, or operating beyond the scope of work or geographical scope of the license is not duly licensed.

(h) Lake County may issue a stop-work order for all unlicensed work on a project upon finding probable cause to believe that construction work which requires licensing is being performed without a current valid license.

Sec. 6-102. – Reserved~~Violations and fines for unlicensed contractors.~~

~~(a) [Violations and fines.]~~

~~Section~~	~~Violation~~	~~First Violation~~	~~Subsequent Violations~~
~~(1)~~	~~Falsely hold himself or a business organization out as a licensee, or local license holder.~~	~~$250.00~~	~~$500.00~~
~~(2)~~	~~Falsely impersonate a local license holder.~~	~~$250.00~~	~~$500.00~~

~~(3)~~	~~Present as his/her own the local license of another.~~	~~$250.00~~	~~$500.00~~
~~(4)~~	~~Knowingly give false or forged evidence to the Board or a member thereof.~~	~~$250.00~~	~~$500.00~~
~~(5)~~	~~Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly licensed or registered.~~	~~$500.00~~	~~$500.00~~

Sec. 6-103. - Procedure after citations.

(a) The act for which the citation is issued must cease upon receipt of the citation. The person charged with the violation shall either 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 an administrative hearing in writing before the board to appeal the issuance of the citation.

(b) Upon receipt of a timely written request for a hearing to contest a citation, the building official shall set the matter for hearing within ~~forty-five (45)~~ sixty (60) days of receipt of such request.

(c) If the violator fails to request an administrative hearing within the time period set forth above, the violator shall be considered to have waived the right to 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.

(d) If the alleged violator pays the applicable penalty before the date he or she is scheduled to appear before the board, he or she shall have the option to admit the commission of the infraction or to indicate that he or she does not wish to contest the citation. If such person forfeits his/her right to appear before the board at the designated time and location, he or she shall be deemed to have waived his/her right to a hearing, and to have admitted the commission of the infraction.

(e) Any person electing to appear before the board shall be deemed to have waived his/her right to pre-payment of the penalty.

(f) Upon receipt of a request for hearing, the building official or designee shall serve a written notice of hearing by regular U.S. mail to the alleged violator, which shall include, but not be limited to, the following:

(1) Place, date and time of hearing;

(2) Right of alleged violator to be represented by an attorney;

(3) Right of alleged violator to present witnesses and evidence and conduct cross-examination, and;

(4) A conspicuous statement reflecting the requirements of F.S. Ch. 286, that a person deciding to appeal any decision of the board will need to ensure that a verbatim record of the proceedings is made.

(g) If the alleged violator or designated representative shows that the citation is invalid or that the violation has been corrected prior to appearing before the board, the board may dismiss the citation unless the violation is irreparable or irreversible.

(h) No hearing shall be scheduled on a date sooner than ten (10) days from the date of service of the citation on the alleged violator unless there is reason to believe that a violation presents a serious threat to the public health, safety and welfare. All hearings shall be administratively scheduled by the building official.

Sec. 6-104. - Board hearings.

(a) Each case shall be presented by the county attorney before the board. All hearings shall be open to the public. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a Florida Court. At the conclusion of the hearing, the board shall issue findings of the fact and conclusions of law and shall issue an order consistent with this section. Said order shall be binding on all parties, and shall be recorded.

(b) Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any relevant matter, as determined by the board.

(c) Lack of state certification may be established by confirming with the Department of Business and Professional Regulation (DBPR) that the named violator does not hold a state certificate/certification. An affidavit from the building official or designee, that he or she contacted DBPR and confirmed no record of certification exists for the named violator shall be admissible into evidence and sufficient to establish the presumption that the alleged violator is not a state certified contractor. The alleged violator has the right to present evidence to overcome this presumption.

(d) Lack of a local license may be established by confirming with the building official or designee that the named violator does not hold a local license. An affidavit of the building official or designee that he or she has reviewed the record of the Lake County Building Department and confirmed that no record of local license exists for the alleged violator shall be admissible into evidence and sufficient to establish the presumption that the alleged violator is not a locally licensed contractor. The alleged violator has the right to present evidence to overcome this presumption.

(e) Upon written notification that a violator had not contested the citation or paid the civil penalty within the time frame allowed on the citation, or if a violation has not been corrected within the time frame set forth on the notice of violation, the board shall enter an order ordering the violator to pay the civil penalty set forth on the citation or notice of violation.

(f) If the board finds that a violation exists, the board may order the violator to pay a civil penalty of not less than the amount set forth on the citation, and not more than one thousand dollars ($1,000.00) per day for each violation. In determining the amount of the penalty, the board shall consider the following factors:

(1) The gravity of the violation.

(2) Any actions taken by the violator to correct the violation.

(3) Any previous violations committed by the violator.

(g) If found guilty of the violation, the violator may also be held liable for the reasonable costs of the hearing, at the discretion of the board.

(h) A certified copy of an order imposing a civil penalty against an unlicensed or unregistered 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 his state, including a levy against personal property: however, such order shall not be deemed to be a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three (3) months from the filing of any such lien which remains unpaid, the board may authorize the

local governing body's attorney to foreclose on the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.

(i) The board shall, at its sole discretion, determine whether to file a complaint with the state attorney's office or utilize the citation procedure, depending upon the severity of the violation(s).

(j) Complaints shall be filed with the state attorney's office in those instances where severe loss has been incurred by a customer or a supplier as a direct result of the actions of the unlicensed individual or firm.

Sec. 6-105. - Appeal procedure.

An aggrieved party, including the local governing body, may appeal a final administrative order of the board 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 board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

{ARTICLE VIII. – GREEN BUILDING STANDARDS SHALL REMAIN UNCHANGED}

Section 3. Amendment. Section 14.14.03, Lake County Code, Appendix E, Land Development Regulations, entitled Building and Sign Permits, shall deleted in its entirety.

Section 4. Amendment. Section 14.14.02, Lake County Code, Appendix E, Land Development Regulations, entitled Zoning Permits, shall be amended as follows:

A. Generally. A zoning permit Shall be required prior to the issuance of any building permit or sign permit. Applications for a zoning permit Shall be available from the County Manager or designee.

B. Submittal Requirements. For any proposed residential or commercial building or structure, any proposed addition to an existing residential or commercial building or structure, any proposed residential or commercial accessory building or structure, or boat dock, the County Shall require the following:

1. A zoning permit/building permit application completed by the applicant.
2. A copy of the current tax receipt or property record card and a copy of the current recorded warranty deed.
3. A plot plan depicting the submittal requirements in Subsection 14.14.~~03.C~~02D so that it may be determined whether the proposed development complies with the county ordinances and regulations.

C. Expiration of Zoning Permit Approval. Zoning permits Shall expire and become null and void within thirty (30) calendar days from the date of issuance of the permit, unless a completed application for a building permit has been submitted within the thirty (30) calendar days. However, any zoning permit issued prior to the effective date of these regulations Shall expire and become null and void ninety (90) calendar days from the date of issuance of such permit.

D. Plot Plan.

1. Submittal Requirements. For any proposed residential building, or structure, any proposed addition to an existing residential building or structure, any proposed

residential accessory building or structure, or boat dock, the County Shall require a plot plan drawn to scale. The following Shall be included or shown in the submittal:

a. All property lines.

b. All road rights-of-way with road names labeled, if applicable.

c. All easements.

d. The location of the proposed building or structure that is to be occupied, the location of the proposed accessory building or structure, or the proposed location of the boat dock, including all setbacks.

e. The location of all existing buildings or structures, including proposed additions.

f. The location of all adjacent surface water bodies, wetlands, jurisdiction wetland line or high water line when necessary to establish a setback distance that is not available with the current information possessed by staff.

g. The location of special flood hazard areas showing base flood elevation and lowest adjacent grade to proposed structure.

h. On parcels which contain or abut water bodies, wetlands or are located in a flood hazard area, an Affidavit of No Wetland Alteration is required prior to the issuance of a building permit. If alteration of wetlands is proposed, the applicant must show proof of all applicable permits from the appropriate agencies; Florida Department of Environmental Protection, St. Johns River Water Management District, Southwest Florida Water Management District and U.S. Army Corps of Engineers.

i. The location of the septic tank, drain field and well.

j. If the lot is located in a subdivision with an approved mass grading plan, those sections of the mass grading plan which include the lot and all adjoining lots Shall be provided. If the lot approval is proposed using the simplified approval procedure set forth in subsection 9.07.09 of these Regulations, relative elevation changes Shall be shown on the plot plan. If the lot requires the submittal of a lot grading plan as provided in subsection 9.07.09, such plan Shall be provided.

The applicant must depict the above submittal requirements on the plot plan so that it may be determined whether the development complies with county ordinances and regulations.

2. Preparation.

a. An engineer, surveyor, general contractor, building contractor, residential contractor, landscape architect registered with the State of Florida, or property owner Shall prepare a plot plan.

b. If a plot plan is superimposed upon a professional engineer, surveyor or landscape architect's work, a note Shall be placed on the plot plan and signed by the applicant stating that this has been done. The note Shall state "this is not an original plan or survey."

c. A surveyor licensed and registered with the State of Florida is required to certify existing elevations and topography, and provide jurisdictional wetland line when required. An engineer or landscape architect is required for proposed improvements and changes to existing drainage patterns.

3. Submittal Requirements.

a. All plot plans Shall be drawn at an appropriate scale not less than one (1) inch equals forty (40) feet (1″ = 20 or 1″ = 30 scale may also utilized), unless the County Manager or designee determines that a different scale is sufficient or

necessary for proper review of the proposal, or another provision of these regulations requires a different scale.

b. The plans Shall be either eight and one-half (8½) inches by eleven (11) inches; or seventeen (17) by eleven (11) inches in size. A one-half (½) inch margin Shall be provided on all sides.

c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity Shall be shown.

d. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s), if not the owner.

4. Compliance.

a. The issuance of a building permit does not assure that the building setbacks have been met or that the structure does not encroach on an easement. The owner and/or contractor have the sole responsibility of determining compliance with setbacks and non-encroachment of easements.

b. If the County determines the structure does not meet applicable setbacks or improperly encroaches on an easement the owner is responsible for moving the structure, restoring the easement to its original condition, or otherwise making the structure comply with County setbacks and other land use requirements.

E. Upon completion of work authorized by a development order or permit, and before the development is occupied, the developer Shall apply to the County for a certificate of occupancy. The County Shall inspect the work and issue.

Section 5. Amendment. Section 9.07.14, Subsection D, Lake County Code, Appendix E, Land Development Regulations, entitled Grading, shall be amended as follows:

D. Simplified Lot Grading Approval for Lots in Subdivisions where no Mass Grading Plan has been Approved or Individual Residential Lots not in Subdivisions. Lots in subdivisions where a mass grading plan has not been approved, or residential lots outside of subdivisions may utilize a simplified lot grading approval if the provisions of this subsection are met. If the required provisions have been met, a lot grading plan shall not be required, but inspection of the lot shall be conducted by the County to insure that the lot grading is consistent with this subsection. The approximate change in elevation shall be included on the plot plan required under Section 14.14.0~~3~~2 of these Regulations. The lot grading approval is authorized in the following situations:

1. The requirements of subsection (A) shall be complied with; any proposed driveway (other than a shared driveway) is five (5) feet or more from the property line; the change in grade shall be no more than one (1) foot above the ground level as it existed prior to any lot grading and no grading shall occur within five (5) feet of the property line.

2. The requirements of subsection (A) above shall be complied with; any proposed driveway (other than a shared driveway) is five (5) feet or more from the property line; the change in grade shall be no more than two (2) foot above the ground level as it existed prior to any lot grading and no grading shall occur within ten (10) feet of the property line.

3. The requirements of subsection (A) shall be complied with; any proposed driveway (other than a shared driveway) is five (5) feet or more from the property line; and stem walls are used in construction resulting in slopes no greater (steeper) than a ratio of four to one (4:1) (horizontal to vertical) on the lot.

Section 6. Severability. If any section, sentence, clause or phrase or the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portion of this Ordinance.

Section 7. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 9. Effective Date. This Ordinance shall become effective upon filing with the Secretary of State.

Enacted this 2nd day of February, 2016.

Filed with the Secretary of State February 8, 2016.

BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA

ATTEST:

Neil Kelly, Clerk of the Board of County Commissioners of Lake County, Florida

Sean M. Parks, Chairman

This 2nd day of February 2016.

Approved as to form and legality:

Melanie Marsh, County Attorney