

Ashley Hofecker

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Tuesday, November 04, 2014 3:06 PM
To: Ashley Hofecker
Cc: County Ordinances
Attachments: Hernando20141104_Ordinance2014_22_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 4, 2014

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 241
Brooksville, Florida 34601-2800

Attention: Ashley Hofecker

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2014-22, which was filed in this office on November 4, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2014 - 22

AN ORDINANCE AMENDING HERNANDO COUNTY CODE CHAPTER 8, ARTICLE 2, DIVISION 2, CONSTRUCTION LICENSING CODE, TO REMOVE BONDING REQUIREMENTS AND REFERENCES TO SAME; AMENDING HERNANDO COUNTY CODE CHAPTER 8, ARTICLE 2, DIVISION 2, CONSTRUCTION LICENSING CODE, REGARDING RETENTION AND POWERS OF SPECIAL MASTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

Section 1. Qualifications for Practice; Restrictions. Hernando County Code Section 8-29(4) is hereby amended to read as follows, with added text underlined and deleted text struck through:

(4) When a state certified contractor desires to engage in contracting in Hernando County, as a prerequisite therefore, he or she shall be required to exhibit and file with the board's principal office a copy of his/her certificate together with applicable insurance and ~~bond~~. In lieu of the preceding an individual may appear personally with his/her certificate and insurance each time a permit is applied for and picked up.

1 **Section 2. Responsibilities.** Hernando County Code Section 8-32(4)(b) is hereby amended
2 to read as follows, with added text underlined and deleted text struck through:

3 (b) The board shall adopt rules prescribing the qualifications for financially
4 responsible officers, including net worth and cash, ~~and bonding requirements~~. These
5 qualifications must be at least as extensive as the requirements for the financial
6 responsibility of qualifying agents.

7 **Section 3. Powers of County.** Hernando County Code Section 8-45(e) is hereby deleted
8 in its entirety.

9 **Section 4. Special Master, Hearings.** Hernando County Code Section 8-48(1)(a) is hereby
10 amended to read as follows, with added text underlined and deleted text struck through:

11 (a) There is hereby created, for the purpose of conducting an administrative
12 (formal) hearing pursuant to this code, and the Hernando County Construction Code
13 as adopted by ordinance, the position of special master. The special master shall be
14 selected by the ~~board~~ Hernando County Board of County Commissioners. The special
15 master shall be a member in good standing with the Florida Bar engaged in the
16 practice of law, be familiar with and have an understanding of construction practices,
17 laws, rules and codes associated thereto.

18 **Section 5. Special Master, Hearings.** Hernando County Code Section 8-48(16) is hereby
19 amended to read as follows, with added text underlined and deleted text struck through:

20 (16) In the case of formal hearings as to licensed contractors, upon conclusion of

1 and within ten (10) days, a special master shall enter a final order of disciplinary
2 action if appropriate. Final orders shall contain findings of fact, conclusions of law,
3 recommended penalty to DBPR (if appropriate), type of disciplinary action
4 (suspension, revocation, or probation), civil penalty amount, costs associated with
5 prosecution and investigation and include any stipulations as applicable or ordered.

6 ~~(a) Such orders shall be submitted for ratification to the chairman of the~~
7 ~~construction licensing board.~~

8 †. ~~If the chairman finds material error contained within the order~~
9 ~~he/she shall remand the order back to the special master with written explanation as~~
10 ~~to any material error with direction as to how the error can be corrected.~~

11 Such final orders shall be remedied by the special master and
12 immediately served upon the respondent without further review of the chairman.

13 ‡. ~~If such an order is consistent with this code and adopted board~~
14 ~~rules the order shall be ratified by the chairman and immediately served upon the~~
15 ~~respondent.~~

16 ~~(b)~~ (a) Such orders should be consistent with requirements set forth in
17 sections 8-65 of this code titled "Final order; appeal".

18 (b) The principal office shall inform the Board of any such orders.
19

1 **Section 6. Administrative Hearings, Formal and Informal (Licensed Contractors, Code**
2 **Appeals).** Hernando County Code Section 8-62(1)(h)(1) is hereby amended to read as follows, with
3 added text underlined and deleted text struck through:

4 1. Liens have been recorded against the property of a contractor's customer for
5 supplies or services ordered by the contractor for the customer's job; the contractor
6 has received funds from the customer to pay for the supplies or services; and the
7 contractor has not had the liens removed from the property by payment ~~or by bond~~;
8 within seventy-five (75) days after the date of such liens.

9 **Section 7. Applications and Examinations.** Hernando County Code Section 8-78(1)(c)
10 is hereby amended to read as follows, with added text underlined and deleted text struck through:

11 (c) The principal office shall review the applicant's financial responsibility based
12 upon the applicant's credit history, ~~ability to be bonded~~ and any history of bankruptcy
13 or assignment of receivers.

14 **Section 8. Applications and Examinations.** Hernando County Code Section 8-78(5)(e)
15 is hereby deleted in its entirety.

16 **Section 9. Issuance; Bond Requirement; Proof of Liability, Property Damage and**
17 **Workers' Compensation Insurance.** Hernando County Code Section 8-79 is hereby amended to
18 read as follows, with added text underlined and deleted text struck through:

19 Issuance; ~~bond requirement~~; proof of liability, property damage and workers'
20 compensation insurance.

1 All persons acting in the capacity of a contractor including those persons
2 registered for the purpose of obtaining permits must provide proof of ~~possessing a~~
3 ~~five thousand dollar (\$5,000.00) bond~~, liability insurance if applicable and
4 compliance with workers' compensation. Upon approval by the principal office and
5 preparation of all appropriate documents, the applicant may be issued the certificate
6 of competency applied for, if applicable or registered for permitting purposes.

7 ~~Applicants and/or contractors regulated by the Department of Business and~~
8 ~~Professional Regulation must post a five thousand dollar (\$5,000.00) bond made~~
9 ~~payable to the Construction Industry Recovery Fund to be filed with the Principal~~
10 ~~Office of the Board. Bond requirements for state certified contractors shall be~~
11 ~~effective April 1, 2002. Applicants and/or contractors regulated by the Hernando~~
12 ~~County Construction Licensing Board or otherwise registered must post a five~~
13 ~~thousand dollar (\$5,000.00) bond made payable to the Hernando County County~~
14 ~~Development Department. The applicant must provide proof of public liability and~~
15 ~~property damage insurance for the safety and welfare of the public in such amounts~~
16 ~~as determined by the board if applicable. The applicant must provide proof of~~
17 ~~workers' compensation insurance, as required by this code, Florida Statutes, and/or~~
18 ~~federal law.~~

1 **Section 10. Journeyman.** Hernando County Code Section 8-82(5) is hereby amended to
2 read as follows, with added text underlined and deleted text struck through:

3 (5) Journeyman licenses do not require ~~bond~~; liability insurance or worker's
4 compensation.

5 **Section 11. Severability.** It is declared to be the intent of the Board of County
6 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
7 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
8 validity of the remaining portions of this ordinance.

9 **Section 12. Inclusion in the Code.** It is the intention of the Board of County
10 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
11 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida.
12 To this end, the section of this Ordinance may be renumbered or relettered to accomplish such
13 intention, and that the word “ordinance” may be changed to “section, “article,” or other appropriate
14 designation.


15 **Section 13. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
16 conflict with the provisions of this ordinance are hereby repealed.

17 **Section 14. Effective Date.** This ordinance shall take effect immediately upon receipt of
18 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
19 been filed with said office.

1 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
2 **HERNANDO COUNTY** in Regular Session this 28th day of October 2014.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

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 **SEAL**
Attest: Donald C. Barbree, Jr.
DONALD C. BARBEE, JR.
Clerk

By: Wayne Dukes
WAYNE DUKES
Chairman

Approved for Form and Legal Sufficiency

[Signature]
Deputy County Attorney