

Special Act

As Amended by Chapter 69-1433
As Amended by Chapter 70-849
As Amended by Chapter 75-476
As Amended by Chapter 81-456
As Amended by Chapter 84-495
As Amended by Chapter 92-260
As Amended by Chapter 93-364 (Sec.13 A & E)
As Amended by Chapter 95- (Sec.13 E)

An act relating to Palm Beach County; amending Chapter 67-1876, Laws of Florida, as amended, relating to the Construction Industry Licensing Board of Palm Beach County, amending the scopes of general, building and residential building contractors; amending the experience prerequisites of specialty contractors; changing revenue depository; amending notification of change in status procedures by business organizations; expanding cause for disciplinary action; providing specified application; providing an effective date.

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

Section 1. Purpose. --

It is hereby declared to be the intent of the Legislature that, in order to safeguard the life, health, property and public welfare of its citizens, the business of construction and home improvements is a matter affecting the public interest, and any person engaging in the business as herein defined shall be required to establish his competency and qualifications to be certified as herein provided.

Section 2. Definitions as used in this act. --

(A) "Contractor" means the person who is qualified for and responsible for the entire project contracted for and means, except as exempted in this chapter, the person who, for compensation, undertakes to, submits a bid to, or does himself or by others construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others. A contractor shall hold a certificate of competency as provided by this chapter before bidding or performing work requiring certification.

(B) "General Contractor" shall be unlimited as to height, area and complexity of construction undertaken. A general contractor shall have the knowledge gained by 5 years of experience in a supervisory capacity under a general contractor or building contractor, or have been a licensed building contractor 1 year or a residential building contractor 2 years or shall have an education and experience equivalent thereto, as defined in this section. A general contractor shall subcontract to a qualified contractor all work which is the exclusive work of Plumbing, Electrical, or HARV Contractors, unless such contractor also holds a certificate of competency of the respective trade category, provided, that on new site development work, site redevelopment work, mobile home parks, commercial properties, and utility work within public rights-of-way and designated easements, the

obligation to subcontract shall not prohibit the general contractor from constructing the main sanitary sewer collection system and the main water distribution system including the continuation of utility lines from the mains to a designated termination point in the right-of-way or easement, after which utility lines shall be constructed by plumbing contractors. As to mobile home parks, the continuation of utility lines from the mains are to be considered a part of the main sewer collection and main water distribution systems. A general contractor may do, contract for, and take out permits for installing room air conditioners and for the work of any specialty contractor, as defined herein, except that of air conditioning contractors, refrigeration contractors, and elevator contractors.

(C) "Building Contractors" are those whose services are limited to construction, remodeling, demolition, repair, or improvement of commercial buildings and single or multiple dwelling residential buildings, neither to exceed three stories in height, or 36 feet, and accessory use structures in connection therewith, or those whose services are limited to remodeling, repair or improvement of any size building if the services do not affect the structural members of the building. A building contractor shall have the knowledge gained by not less than 4 years experience in a supervisory capacity under a general contractor or have been a licensed residential building contractor for not less than 1 year. A Building Contractor shall subcontract to a qualified contractor all work which is the exclusive work of Plumbing, Electrical, or HARV Contractors, unless such contractor also holds a certificate of competency of the respective trade category. A building contractor may take out permits for installing room air conditioners and for the work of any specialty contractor within the limits of work of a building contractor, except that of air conditioning contractors, refrigeration contractors, or elevator contractors.

(D) "Residential Building Contractors" are those whose services are limited to construction, remodeling, demolition, repair or improvement of one, two or three family unit residences not exceeding two stories in height and accessory use structures in connection therewith. A residential building contractor shall have the experience, knowledge and skill gained by not less than 3 years experience in a supervisory capacity under a general, building or residential contractor or education equivalent thereto, as defined in this section. A residential building contractor shall subcontract to a qualified contractor all work which is the exclusive work of Plumbing, Electrical or HARV Contractors, unless such contractor also holds a certificate of competency of the respective trade category. A residential building contractor may take out permits for installing room air conditioners and for the work of any specialty contractor within the limits of work of a residential building contractor except that of air conditioning contractors, refrigeration contractors, or elevator contractors.

(E) "Plumbing Contractors" are those who can qualify as a master plumber with a minimum of 7 years experience, 4 of which shall be as a journeyman plumber in a supervisory capacity with educational equivalency not to exceed 2 years of the total, who can assume responsible charge and direction of other persons in the installation of plumbing, which shall mean all work done in connection with the installation, maintenance, extension and alteration of all piping fixtures, solar water heating systems, appliances, appurtenances thereto and apparatus or equipment used in connection with a water supply and sewage disposal system and who can install, maintain, repair, alter or extend any system of piping, tubing, vessels, containers, pumps, apparatus and appurtenances in connection with such pressure piping used for the circulating, transporting, holding or processing of any vapor, fluid, liquid, semi-liquid or solids, inside of, or attached to, any building, lot or premises. A plumbing contractor shall subcontract to a qualified contractor all other

work incidental to the work which is specified herein as being the work of a trade other than that of a plumbing contractor.

(F) "Electrical Contractors" are those who can qualify as a master electrician with at least 7 years experience, 4 of which shall be as a journeyman electrician in a supervisory capacity, with educational equivalency not to exceed 2 years of the total and who can assume responsible charge and direction of other persons in the installation, maintenance, extension and alteration of a system for electrical wiring for lights, heat or power and all appurtenances thereto and all apparatus or equipment used in connection therewith, including that of room air conditioning units only, and all electrical specialties. An electrical contractor shall subcontract to a qualified contractor all other work of a trade other than that of an electrical contractor.

(G) "HARV (heating, air conditioning, refrigeration, and ventilation) Contractors" are those who can qualify with a minimum of 7 years experience in a supervisory capacity, or who have an education and experience equivalent thereto, with the educational equivalency not to exceed 2 years of the total, to perform the following: install, maintain, repair, alter or extend air conditioning, refrigeration, heating, ventilation, unlimited in horse power or tons, including all duct systems, boiler and unfired pressure vessel systems, solar heating and cooling systems and all appurtenances, apparatus or equipment used in connection therewith, also piping, duct work, insulation of pipes, vessels and ducts. A HARV contractor shall subcontract to a qualified contractor all other work incidental to the work which is herein specified as being the work of a trade other than that of a HARV contractor.

(H) "Specialty Contractors" are those who can qualify with a minimum of 3 years experience, 50 percent of which must be in a supervisory capacity, as determined by the Board, who specialize in one or more of the crafts of the building construction and related contracting trades whose scope is less than those contractors defined above and is limited under the certificate of competency. Specialty contractors shall be as classified and defined in the rules and regulations of the Construction Industry Licensing Board of Palm Beach County adopted pursuant to the authority contained in this act.

(I) "Journeymen Electricians" are those who can qualify with the minimum years experience, or experience and education as defined below, under the employment of an electrical contractor, and who only performs work in the electrical trade while employed by and under the supervision of a certified electrical contractor.

1. Graduation from a registered four (4) year apprenticeship program, which includes four (4) years' work experience; or

2. Completion of two (2) years' attendance in a registered apprenticeship program which includes two (2) years' work experience and an additional 3 years' practical work experience under the direct supervision of a state licensed or county certified contractor; or

3. Six (6) years' practical work experience under the direct supervision of a state licensed or county certified contractor.

Verification of experience and education to qualify a journeyman electrician shall be by examination of school records, contractor verification and by tax records if the Board determines that contractor verification is not possible.

(J) "Contracting" means engaging in business as a contractor.

(K) "Board" means the Construction Industry Licensing Board of Palm Beach County unless the context otherwise requires.

(L) "Certificate" means a Certificate of Competency issued by the Board.

(M) "Certification" means the act of obtaining or holding a Certificate of Competency from the Board.

(N) "Education equivalency" means, except as defined for plumbing, electrical and HARV contractors, that education pertinent to a specific category which shall be considered in lieu of experience, up to a maximum of one-half of the total experience required in the applicable category.

(O) A "qualifying agent" shall mean an owner and/or employee who is regularly employed in a position of authority, such that he or she can carry out the responsibilities as outlined in this chapter by a firm he qualifies, which firm shall be actively engaged in the classification of work for which such qualifying agent is responsible in exercising direct supervision and control of the qualified firm's principal construction operation.

(P) "Supervision" shall mean familiarity with the building plans and site, periodic personal inspection of the site, and ultimate total responsibility for the work performed.

(Q) "Journeyman Plumbers" are those who can qualify with the minimum of experience, or experience and education as defined below, under the employment of a plumbing contractor, and who only performs work in the plumbing trade while employed by and under the supervision of a certified plumbing contractor:

1. Completion of three (3) full years of a registered apprenticeship program which includes three (3) years' work experience; or

2. Four (4) years of full-time practical work experience under the direct supervision of a state licensed or county certified contractor.

Verification of experience to qualify a journeyman plumber shall be by examination of school records, contractor verification, and by tax records if the Board determines that contractor verification is not possible.

(R) "Chapter" means Chapter 67-1876, Laws of Florida, as amended, unless the context otherwise requires.

(S) "Employee" 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 worker's compensation, all as prescribed by law.

Section 3. Construction Industry Licensing Board of Palm Beach County, organization, meetings, powers, duties. --

(A) The Construction Industry Licensing Board of Palm Beach County is hereby created and composed of the following: two general contractors, one contractor who is primarily engaged in the business of furnishing those services to which a building contractor is limited, one contractor who is primarily engaged in the business of furnishing those services to which a residential contractor is limited, one electrical contractor, one plumbing contractor, one HARV contractor, one roofing contractor, one swimming pool contractor, one architect, one engineer, and one full-time building official, employed by a local government within Palm Beach County who meets the requirements of the Building Officials Association of Florida. All members of the Board shall be appointed by the Palm Beach County Board of County Commissioners.

(B) To be eligible for appointment each contractor member shall be:

(1) Actively engaged in the construction business in Palm Beach County and have held a certificate of competency in his name and have been so engaged for a period of not less than 5 consecutive years immediately before the date of his appointment, and be a resident of Palm Beach County. The architect and engineer member shall be licensed in the State of Florida and be a resident of Palm Beach County.

(2) Each member of the Board except the Building Official shall hold a valid certificate issued by this Board or the state of Florida in addition to having the qualifications required in subsection (B) (1) above.

(3) In the event that any member of the Board no longer possesses the qualifications required in subsection (B) (1) and (B) (2) above, said member may be suspended or removed as a member of the Board upon a majority vote. If a member fails to attend three successive, regular scheduled meetings he may be removed by a majority vote of the Board.

(C) All terms of office expire on September 30 of the last year of the term. As the terms of members expire, the Board of County Commissioners shall appoint a member to fill the vacancy for a term of 3 years, but no member shall serve for more than two consecutive terms but may be reappointed after a three (3) year hiatus. Vacancies in the membership of the board for any cause shall be filled by appointment by the Board of County Commissioners for the balance of the unexpired term.

(D) The Board shall meet regularly as the need presents itself. As soon as practicable after the effective date of this act, the Board shall meet to elect officers from its membership, whose terms shall expire on September 30 and annually thereafter. Special meetings by the Board may be held as the Board provides in its rules and regulations. Six members of the Board constitutes a quorum.

(E) The Board is authorized to adopt rules and regulations to carry out provisions of this chapter.

(F) The Board may from time to time change, alter, or amend the rules and regulations adopted, provided that public notice is given and that a public hearing is held. Such notice shall be given not less than 10 days prior to the date of the hearing and shall be published in a newspaper of general circulation in Palm Beach County.

(G) The Board is autonomous regarding local licensure and discipline of local contractors and is authorized to interview and approve appointment of its Director through representation on the hiring selection committee and to employ personnel and incur expenses as necessary to perform its duties and enforce this chapter and shall sue and be sued in its official name. The Board of County Commissioners shall provide staff to serve the needs of the Licensing Board.

(H) Any member of the Board or duly appointed hearing officer designated by the Board may administer oaths and take testimony about all matters within the jurisdiction of the Board. The Board may also compel the attendance of witnesses by subpoena.

(I) The Board shall adopt a seal for its use containing the words, "Construction Industry Licensing Board of Palm Beach County."

Section 4. Funds. --

All revenue received by virtue of this act shall be deposited into the account of the Planning, Zoning and Building Department. The Board of County Commissioners shall provide funds necessary to meet the expenses of the Board, necessary to carry out the functions of this chapter.

Section 5. Certification. --

(A) To obtain a certificate of competency an applicant shall submit a complete application in writing to the Board containing the statement that the applicant desires the issuance of a certificate and the class of certificate desired on a form containing the information prescribed by the Board. All applicants must be of good moral character and 18 years of age or older.

(B) The application shall contain the following:

(1) Evidence in the form of affidavits from former employers, building officials, school officials, or other persons to verify the required experience and education.

(2) A credit report that includes a search of the public records on the applicant from a nationally recognized credit agency and mailed directly to the Board from the credit agency.

(3) Any other pertinent information prescribed by the Board by rule or regulation.

(C) (1) Examinations shall be held at times and places within the county as the Board determines, but there shall be offered at least one examination every 3 months. A maximum of four examinations in a category may be taken in a 12-month period, but examinations may not be rescheduled until 60 days have elapsed. Each applicant shall take an objective written examination about his fitness for a certificate in the category for which application is made. This shall be a type of examination for each of the categories which shall apply to the type of work covered by the certificate applied for. The examination shall cover knowledge of basic principles of contracting and construction applicable to the category for which a certificate is requested. The Board may authorize applicants for specialty contractors and journeymen certificates to complete the examination requirements by taking and passing an oral examination.

(2) A passing grade on the examination is 75 percent.

(D) Following receipt of the fee and a complete application the Board shall investigate the applicant's financial responsibility, credit reputation, education, experience, and business reputation, and the business reputation of any business agency on behalf of which the applicant proposes to engage in contracting. If the applicant is approved by the Board the applicant shall be notified to appear for an examination. Within 30 days from the date of the examination, the Board shall inform the applicant in writing whether or not he has qualified, and, if the applicant has qualified, that it is ready to issue a certificate in the category for which application was made, subject to compliance with the requirements of subsection (F) of this section.

(E) Applicants who contract in violation of this act before certification by the Board or passing the examination may be disqualified upon a majority vote of the Board. Applicants violating examination and examination review rules such as unauthorized removal of examinations or questions from exam room, or cheating during examinations also may be disqualified by a majority vote of the Board.

(F) As a prerequisite to issuance of a certificate, the Board shall require the applicant to submit satisfactory evidence that he has obtained public liability insurance, workers compensation or an accepted exemption form as required by the Florida Workers Compensation Law and a license bond, plus the payment of the issuing fee in amounts to be determined by the Board. The certificate shall then be issued forthwith, but this subsection does not apply to the issuance or renewal of inactive certificates.

(G) If an applicant for an original certificate, after having been notified to do, so, does not appear for examination within 60 days from the date of filing his application, the fee paid by him shall be credited to the Board as an earned fee. New application for a certificate shall be accompanied by another application fee fixed by the Board.

(H) When a certificate holder desires to engage in contracting in any area of the county, within or without a municipality, as a prerequisite therefore, he shall only be required to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area, evidence of holding a current certificate accompanied by the fee for the Business Receipt Tax and building permit required of other persons.

(I) A certified journeyman shall only be required to hold a current certificate of competency in order to engage in his trade as a journeyman in any municipality or unincorporated area within Palm Beach County.

(J) The certificate shall not be transferable.

(K) The Board may adopt rules prescribing procedures for the certification of contractors and journeymen by reciprocal agreement.

(L) Upon the effective date of this act, any person licensed or otherwise permitted to engage in business as a contractor by reciprocal agreements in any municipality or any unincorporated area of Palm Beach County may continue to engage in business as a contractor in the particular municipality

or municipalities or unincorporated areas of Palm Beach County in which he is presently engaged in business without taking the examination under this act, but he shall not be permitted to engage in business as a contractor in other areas of Palm Beach County unless he first obtains a certificate from the Board or satisfies the requirements of such municipality or unincorporated area.

Section 6. Business Organizations.--

(A) When an individual proposes to do business in his own name, certification, when granted, shall be issued only to that individual.

(B) If the applicant is proposing to qualify a business organization formed as a partnership, corporation, business trust or other legal entity, the applicant shall state the name of the partnership and of its partners or the name of the corporation and its officers and directors, or the name of the business trust and its trustees, or the name of such other legal entity and its members, and furnish evidence of statutory compliance if for a corporation or other business entity using a fictitious name. Such application shall also show that the applicant is legally qualified to act for the business organization in all matters connected with its contracting business, and that he has authority to supervise construction undertaken by such business organization. When approved, the certificate of competency shall be in the name of the qualifying individual and the name of the business organization shall be noted thereon.

(C) (1) At least one member or supervising employee of the business organization shall be qualified under this law in order for the business organization to be qualified by a current certificate of competency in the category of the business conducted for which the member or supervising employee is qualified. If any individual so qualified on behalf of such business organization ceases to continue such affiliation with that business organization, he shall inform the Board as provided for in section 9(B). In addition, if such individual is the only qualified individual affiliated with the business organization, the business organization shall notify the Board of the individual's termination and shall have a period of 90 days from the termination of the individual's affiliation with the business organization in which to qualify another person under the provisions of this act, failing which the certification of the business organization shall automatically become inactive. During the aforesaid 90-day period, the business organization shall be authorized to perform work only for such as had been contracted for and for which permits had been issued by the proper legal authority, and shall not be authorized to contract or secure additional permits until a qualifying individual is obtained and a certificate of competency issued acting for the business organization. Prior to any change in the status of a business organization as to ownership, qualification, affiliation, or name, an application for such change shall be delivered to the Board for its consideration. Failure to do so shall subject the certificate holder to the penalties and disciplinary provisions outlined in Sections 10 and 11 of this act.

(2) After investigation of the financial responsibility, credit reputation and business reputation of the individual, his existing or prior firms or the new business organization, and upon favorable determination, the Board shall forthwith issue a new certificate in the individual's name, and the name of the business organization shall be noted thereon, as provided above, subject to compliance with Section 5(F) of this act.

(D) In order to qualify more than one business organization, the qualifying agent shall be a principal stockholder, partner or owner of the subsequent business organization. Any certified contractor applying to qualify more than one firm must appear before the Board to show cause why he should be granted an additional certificate of competency.

(E) Certified contractors may be denied requalification until documented complaints by consumers or building officials are corrected or resolved.

Section 7. Renewal.--

(A) Certificates shall expire annually at midnight on September 30th unless issued biennially. Failure to renew the certificate during September shall cause the certificate to become inoperative, and it is unlawful thereafter for any person to engage or offer to engage or hold himself out as engaging in contracting under the certificate unless the certificate is restored or reissued.

(B) A certificate which is inoperative because of failure to renew shall be restored on payment of the proper renewal fee and late fees if the application for restoration is made within 180 days after September 30th. If the application for restoration is not made within the 180-day period but before the next September 30th, the fee for restoration shall be applicable at the time the application for restoration is made plus late fees. If the application for restoration is not made before the next October 30th the fee for restoration shall be equal to the application fee, and in addition the board may require reexamination of the applicant. A certificate which is not renewed within 2 full years after expiration may not be renewed, restored or reinstated except by reapplication and reexamination.

(C) A person who holds a valid certificate from the Board may go on inactive status, during which time he shall not engage in contracting but may retain his certificate on an inactive basis on payment of an annual renewal fee during the inactive period, not to exceed \$100.00 per year. An inactive certificate can be activated only by application to and approval of the Board on the proper forms.

Section 8. Board fees. --

(A) The initial application fee for a certificate shall be fixed by the Board not to exceed \$500.00.

(B) The annual renewal fees shall be fixed by the Board not to exceed fifty percent of the above amounts.

(C) The Board shall periodically adjust fees so that the revenue received by the Board approximates the Board's annual expenses.

Section 9. Records.--

(A) All information required by the Board of any applicant for certification shall be a public record, except financial information, credit information, examination papers and examination grades which are confidential and shall not be discussed with anyone except members of the Board and its staff, but the applicant is entitled to see his examination papers and grades. An applicant must waive in

writing the confidentiality of his examination and grades for the purpose of discussion at meetings of the Board.

(B) If a certificate holder changes his name style, address or business organization affiliation from that which appears on his current certificate, he shall notify the Board in writing of the change within 10 days after it occurs.

(C) All examination papers shall be retained for a period of time as established by the Records Retention requirements of Palm Beach County or the State of Florida, as applicable.

Section 10. Prohibited activities, penalties.--

(A) It is unlawful for any person to engage in the business or act in the capacity of a contractor without having met the provisions of this act.

(B) It is unlawful for a person who is required to possess a certificate of competency, but who does not possess a current certificate of competency to perform the following:

(1) To advertise to the public in a newspaper ad, airwaves transmission, or a telephone directory, or by issuance of a card, or otherwise, that he is a contractor, or is qualified to engage in business as a contractor, or

(2) To hold himself out as a contractor whether as a plaintiff, defendant or witness in any court in this county.

(C) It is unlawful for a contractor or a qualified business organization to fail to identify any of his or its vehicles used to transport materials and equipment to a job site. Identification shall be effectuated by placing upon said vehicles, in a permanent manner, the contractor's or business organization's identification, by name or symbol and certificate of competency number, in at least two locations in at least 2 inch letters.

(D) It is unlawful for a contractor to fail to include his certificate of competency number in any advertising to the public in a newspaper, magazine or other periodical, or telephone directory display ad, airwaves transmission, business card, pamphlet, or other advertising medium announcing, advertising, or promoting services regulated pursuant to this chapter, excluding a single line listing in a telephone directory.

(E) Any person who violates any provision of this chapter or fails to appear after being duly subpoenaed or commits any of the acts constituting cause for disciplinary action as herein set forth is guilty of a first degree misdemeanor and upon conviction thereof shall be punished as provided by law.

Section 11. Revocation, suspension, or probation of certificate. --

(A) On its own motion or on the verified written complaint of any person, the Board may investigate the action of any contractor or journeyman certified under this chapter and hold hearings. The Board may take appropriate disciplinary action if the contractor or journeyman is found to be guilty

of or to have committed any one or more of the acts or omissions constituting cause for disciplinary action set out herein or adopted as rules or regulations by the Board.

(B) The following acts constitute cause for disciplinary action:

(1) Willful or deliberate disregard and violation of the applicable building codes or laws of any municipality, county or the State of Florida.

(2) Aiding or abetting any uncertified person or business organization to evade any provision of this chapter.

(3) Knowingly combining or conspiring with an uncertified person with intent to evade the provisions of this chapter. When a certificate holder allows his certificate to be used by one or more business organizations without having any active participation in the operation, management or control of said business organizations this shall constitute prima facie evidence of an intent to evade the provisions of this chapter.

(4) Acting in the capacity of a contractor in any name other than that on the certificate and/or different from the scope of work for which he is certified to perform.

(5) Diversion of funds or property received for prosecution or completion of a specified construction project or operating where, as a result of the diversion the contractor is or will be unable to fulfill the terms of his obligations or contract.

(6) Failure in any material respect to comply with the provisions of this chapter.

(7) Failure to maintain insurance coverage as set by the Board, or required by state or federal regulations.

(8) Falsification of application or testimony given before the Board.

(9) Abandonment of a construction project in which the contractor is engaged or under contract as a contractor. A project shall be considered abandoned after 30 days if the contractor terminates the project without written notification to the owner or the prospective owner and without just cause, or fails to substantially perform work under the contract.

(10) 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 material which results in a financial loss to the owner, purchaser or another contractor, or falsely indicating that workers' compensation and public liability insurance are provided.

(11) A finding of proof and continued evidence that the certificate holder is guilty of fraud or deceit, gross negligence, incompetency and misconduct in the practice of contracting.

(12) Subcontracting any work to any person, firm or business organization not holding a certificate of competency for work involved in the subcontract.

(13) obtaining a permit for any work in which the certificate holder does not actually supervise, direct and control the construction or installation covered by such permit.

(14) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.

(15) Failure to satisfy, within a reasonable time, the terms of a civil judgment obtained against the licensee relating to the practice of the licensee's profession.

(C) The Board is authorized to take the following disciplinary action:

(1) Suspend the certificate holder from all operations as a contractor during the period fixed by the Board but the Board may permit the certificate holder to complete any contracts then uncompleted.

(2) Revoke a certificate.

(3) Impose an administrative fine or penalty not to exceed \$1,500, which shall be recoverable by the Board only in an action at law.

(4) Place the certificate holder on probation for a period fixed by the Board.

(5) May order reimbursement or restitution.

(D) After suspension of the certificate on any grounds set forth in this section, the Board may remove the suspension on proof of compliance by the contractor with all conditions prescribed by the Board for removal of suspension or, in the absence of such conditions, as in the sound discretion of the Board.

(E) After revocation of a certificate, the certificate shall not be renewed or reissued for at least 1 year after revocation and then only on a showing of rehabilitation of the contractor.

(F) The lapse or suspension of a certificate by operation of law or by order of the Board or court, or its voluntary surrender by a certificate holder, does not deprive the Board of jurisdiction to investigate or act in disciplinary proceedings against the certificate holder.

(G) After the filing of a petition in bankruptcy, except Chapter 11 of the Federal Bankruptcy Code, either voluntarily or involuntarily, or the making of a composition of creditors or the appointment of a receiver for the business of the certificate holder, the certificate shall be automatically suspended.

(H) The Board may enjoin any violation of this act by action in a court of competent jurisdiction.

Section 12. Application.--

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

(B) Nothing in this act limits the power of a municipality or county to collect Business Receipt Tax and inspection fees for engaging in contracting.

(C) Nothing in this act limits the power of a municipality or county to adopt any system of permits requiring submission to and approval by a municipality or county of plans and specifications for work to be performed by contractors before commencement of the work.

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

(E) A municipality may provide an examination for its territorial area; provided, however, that certification as provided in this act shall in any event entitle the contractor to engage in the business and act in the capacity of contractor in all areas of the county including any such municipality, upon payment of any occupational fees required.

(F) This act applies to any contractor performing work for the state, county, municipality, or any other political subdivision thereof as well as work for private persons. They are required to determine compliance with this act before giving a commencement order on any of their contracts for construction, improvement, remodeling, repair or demolition.

(G) If an incomplete contract exists at the time of the death of a contractor, the contract may be continued and completed by any person even though not certified. However, an alternate contractor shall be qualified within a period of 90 days after the initial contractor's death. Such a person shall notify the Board within 30 days after the death of the contractor of his name and address. For purposes of this subsection, an incomplete contract is one which has been awarded to, or entered into by the contractor before his death.

Section 13. Exemptions. -- This act does not apply to:

(A) Contractors in work on bridges, roads, streets, highways, or railroads and services incidental thereto.

(B) Except journeymen, any employee of a licensee who is a subordinate of such licensee if the employee does not hold himself out for hire or engage in contracting except as an employee.

(C) An authorized employee of the United States, the State of Florida, any municipality or county, or other municipality or political corporation or subdivision of this state as long as the employee does not hold himself out for hire or otherwise engage in contracting.

(D) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects are undertaken which were not under way at the time of the officer's appointment by the court the officer shall employ or contract with a certificate holder.

(E) Public utilities, including telecommunications companies as defined in s. 364.02(7), Florida Statutes. and franchised cable television operators, on construction, maintenance and development

work performed by their employees, which work, including, but not limited to work on bridges, roads, streets, highways, or railroads, and is incidental to their business.

(F) The sales or installation of finished articles of merchandise or material which is not actually fabricated into and does not become a permanent fixed part of the structure and does not require a building permit. This exemption shall not include in-ground or above-ground swimming pools with a capacity in excess of 500 gallons, or the treatment of water in commercial and residential pools. This exemption shall not apply to trades requiring certification.

(G) An owner/builder as hereinafter defined, of residential property who constructs a residential improvement thereon for his own use and occupancy. An owner/builder is defined as a natural person (not a corporation, partnership, firm or association) who performs and supervises work in connection with the construction, care of alteration of a single family or duplex residential structure for his or her private occupancy. In all actions brought under this part, proof of sale or lease, or of offering for sale or lease, of more than one structure by the owner/builder within 1 year of completion of same, is prima facie evidence that such structure was undertaken for purposes of sale or lease. When a building permit is issued under this exemption for construction of a single family or duplex residential structure, no other building permit shall be issued to that owner/builder, the owner/builder's spouse or any member of the owner/builder's immediate family under 18 years of age until 1 year after the home or duplex built under the first building permit has received a certificate of occupancy. This 1-year period shall not apply in the event that the original structure is damaged or destroyed by a natural disaster or is taken through condemnation by a public body, nor shall it preclude the issuance of permits for repairs, additions and appurtenances to the original home or duplex.

(H) Any construction, alteration, improvement or repair carried on within the limits of any site the title to which is in the United States, or to any construction, alteration, improvement or repair on any project where federal law supersedes this chapter.

(I) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches or water control districts, or other similar type of district, or clearing or other work on rural land for fire prevention purposes or otherwise.

(J) Any person who furnishes only materials or supplies without fabricating them into or otherwise expending them in the performance of the work of the contractor, except the treatment of water in commercial and residential pools.

Section 14. Invalidity of this act. -- If any part of this act is held invalid or inoperative, it shall not affect the validity of the rest of the act.

Section 15. All laws in conflict with this are hereby repealed.

Section 16. This act shall take effect upon becoming a law.