



Hernando County Construction Industry Licensing Board 2001-2002 BOARD RULES

Adopted October 18, 2001

**RULES OF THE
HERNANDO COUNTY
CONSTRUCTION LICENSING BOARD
ORGANIZATION, PURPOSE, MEETINGS, PROCEDURES**

Rule Number

County Construction Licensing Ordinance.

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**GENERAL DESCRIPTION OF AGENCY
ORGANIZATION AND OPERATIONS**

The Board is located within the Department of Development, which is responsible for providing such administrative, secretarial, clerical and investigative personnel as are determined to be necessary to carry out the Board's purposes.

**GENERAL INFORMATION, PUBLIC
INFORMATION AND INSPECTION OF
RECORDS**

(1) The principle office of the Construction Licensing Board is located at the Following address:

Hernando County Department of
Development
789 Providence Blvd
Brooksville, Florida 34601
Phone # (352) 754-4109

Office hours are 8:00 a.m. until 5:00 p.m. Monday through Friday, except Wednesday 9:00 a.m. until 5:00 p.m., and holidays. Requests for information or for copies of rules, orders, license applications, or other forms or documents issued by the Board should be directed to the Board's principal office.

(2) All records of the board are public records, except those that are deemed by law to be confidential.

(3) All public records of the Board are open for inspection and examination at reasonable times by the general public, under the supervision of an

PURPOSE

The Construction Licensing Board was created to regulate the construction industry in the interest of the public health, safety and welfare by carrying out the provisions of the Hernando

employee of the Department of Developments Contractor Certification Section. Copies of such records shall be provided to anyone upon the payment of a prescribed fee not to exceed the actual cost of producing such copies.

001 LIST OF APPROVED FORMS

Forms used by the Board and Contractor Certification in its dealings with the public are listed as follows:

1. REGISTRATIONS
 - a. State Certified Contractors Registration
 - b. State Licensed Mobile Home Dealers Registration
 - c. State Licensed Billboard Sign Company Registration
 - d. Accessory Use Registration
 - e. LP Gas Registration
 - f. Fence Contractor Registration
 - g. State Licensed Mobile-Home Set-Up Contractor Registration
 - h. Aluminum/vinyl (non-structural) Contractor Registration
2. EXAMINATION
 - a. Application for Exterior Examination
 - b. Letter of Reciprocity
3. APPLICATIONS FOR CERTIFICATION
 - a. Contractors
 - b. Specialty Contractors
 - c. Journeyman License
 - d. Change of Status
 - e. Qualifying Business (QB)
 - f. Financially Responsible Officer (FRO)
 - g. Reciprocity

002 TIME FOR COMPLIANCE WITH FINAL ORDER

1. In cases where the board imposes a civil penalty/administrative fine, the administrative fee shall be paid within 30 days of its imposition by order of the Board, unless a later time for payment is

specified in the Board's Order. Moreover, unless otherwise addressed by the Board, whenever a civil penalty/administrative fine is levied by the Board against a Respondent, the Respondent who is disciplined shall have all licensure to practice contracting suspended with the imposition of the suspension being stayed for thirty (30) days. If the ordered civil penalty/administrative fine is paid within said thirty (30) day period, the suspension imposed shall not take effect. Upon payment of the civil penalty after the thirty (30) days, the suspension imposed shall be lifted. If the licensee does not pay the civil penalty within said period, then immediately upon expiration of the stay, the licensee shall surrender his/her licensure to an investigator and/or representative of the Board's Principle Office or shall mail said license to the Board's Principle Office.

2. Failure to pay the administrative fee within the time specified in this rule or in the Board's Order shall constitute grounds for disciplinary action against the licensee.
3. Failure to pay a fine within the time specified in this rule or in the Board's Order shall result in the assessment of an interest payment at an annual percentage rate of eighteen percent (18%); said interest shall begin to accrue from the date immediately succeeding the due date of the fine.
4. For the purposes of this rule, the term civil penalty/administrative fine shall include the assessment of any fines, costs associated with investigation and prosecution of the complaint, and restitution.
5. In cases where the Board imposes probation the following conditions shall apply:
 - a. The licensee shall be required to appear before the Board at such times as directed by the Contractor Certification Supervisor for Hernando County or as specified in a Final Order of the Board. In connection with

each probation appearance, the licensee shall answer questions under oath and shall provide copies of all construction related monthly bank statements, permit applications, contractors, and operations questionnaires since the entry of the final order if it is the first probation appearance or since the last probation appearance if it is other than the first probation appearance. In addition, the licensee shall provide such other information or documentation as is requested by either the Board's Principle Office or the Board. The licensee shall forward said documentation to the Board in advance of the probation appearance.

- b. The burden shall be solely upon the licensee to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board's Principle Office and ascertain the specific time, date, and place of said appearance. The license shall not rely on getting notice of said appearance from the Board or the Board's Principle Office.
- c. Should the license violate any condition of the probation, it shall be considered a violation of the Hernando County Construction Licensing Ordinance (Section 8-62) and shall result in further disciplinary action by the Board
- d. Should the licensee's licensure to practice contracting be

suspended or otherwise placed on inactive status, or if the licensee leaves the practice of contracting for thirty (30) days or more, the probation period shall be tolled and shall resume running at the time the license reactivates the license or returns to the active practice of contracting, and the licensee shall then serve the time remaining in the term of probation.

- e. The licensee's licensure to practice contracting shall be suspended for the period of probation, with the suspension stayed for the period of probation. The time of the suspension and the stay shall run concurrently with the period of probation, except as provided otherwise in a Final Order of the Board. If the licensee successfully completes probation, the suspension shall terminate. If the license fails to comply with the requirements set forth in this rule or in a Final Order imposed in this case, or fails to make satisfactory appearances as determined by the Board, the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status unless and until a further stay is granted by the Board.

003 DEFINITIONS

- 1. For the purposes of the exemption provided for by Florida Statute Chapter 489 and Hernando County Ordinance 2001-21, activities which are not casual, minor, or inconsequential, include, but are not limited to, any work affecting structural components, and any work involving use of toxic or hazardous chemicals or substances, any work affecting access or egress to a structure, and any work affecting accommodations

for the physically disabled, any work for which a building permit is required and any work affecting life-safety matters as defined in the applicable building code.

2. The terms “advertise” and “advertises” shall apply to business cards, business proposals, contracts, construction site signs, all newspapers, airwave transmission (Other than internal company communications), any electronic media including Internet sites, phone director, and other media including handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufacturer’s “authorized dealer” listing, and signs on vehicles. They shall not apply to balloons, pencils, pens hats, shirts, articles of clothing, or other promotional novelties. Neither shall the terms apply to any single line phone directory listing,; nor to free phone directory listings (regardless of page color) of one, two or three lines, which display nothing more than the proper name, company name, address,. And telephone numbers in whole and in part in an un-bolded or un-highlighted print or without further textual or pictorial elaboration or touting in its overall display.

3. The term “good moral character” shall mean (to be defined by board at later date)

4. The term “sound financial standing shall mean (to be defined by board at later date)

004 QUALIFICATION FOR CERTIFICATION

1. An applicant who wishes to obtain a county certification must, as a precondition thereto:

- a. Submit proof of successfully

passing an examination administered by an independent examiner as specified by the Principle Office or the Board. Said exam shall be in the trade for which he or she is applying. Said exam shall include both technical and business law results.

- b. Submitting proof that he/she meets one of the experience eligibility requirements for the trade in which applying.

2. An applicant can meet the eligibility requirements if: The applicant possesses a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the specific category which the person seeks to qualify. For this purpose a minimum of 2,000 man-hours shall be used in determining full-time equivalency. The applicant possesses a total of at least the minimum required years of active experience for the trade in which applying. Active experience as a workman who has learned his trade by serving an apprenticeship as a skilled workman who is able to command the rate of a mechanic in his particular trade or as a foreman who is in charge of a group of workmen and usually is responsible to a superintendent or a contractor or his equivalent, provided, however, that at least 1 year of active experience shall be as a foremen. The applicant possesses a combination of not less than 1 year of experience as a foreman and the remainder of required experience of the trade applied for in the form of credits from any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled workman, 1 year of experience as a foreman, and the remainder of required experience of the trade applied for in the form of credits from any accredited college-level courses; or has a combination of not less than 2 years of

experience as a skilled workman, 1 year of experience as a foreman, and the remainder of required experience of the trade applied for in the form of credits from any accredited college-level courses. For the number of years of credits for any accredited college-level courses, the applicant shall show completion of an equal number of courses in the appropriate field of engineering, architecture, building construction or appropriate specialty trade. All junior college or community college-level courses otherwise meeting the above criteria shall be considered appropriate college-level courses.

3. Eligibility Requirements; proof of. All applicants shall submit proof of meeting eligibility requirements. Applicants who seek to meet the preceding educational standards must direct the college, university, junior college, or community college which he/she attended to submit proof to the Board's Principle Office that the applicant received the requisite amount of education. Active experience in the category in which the applicant seeks to qualify shall be verified by affidavits prepared or signed by a duly licensed contractor or an architect or engineer who is licensed in good standing or a licensed building official employed by a political subdivision of any state, territory of possession of the United States who is responsible for inspections of construction improvements, listing chronologically the active experience in the trade, including the name and address of employers and dates of employment (which may be corroborated by investigation by the Principle Office or the Board. Said affidavit shall be subscribed to in front of a notary.

4. In the case of applicants wishing to obtain the certification for the general or building contractor categories, the phrases "active experience" and "proven experience" shall be defined to mean construction experience in four or more of the following areas:
 - a. Foundation/Slabs
 - b. Masonry Walls
 - c. Steel Erection
 - d. Trusses
 - e. Structural Wood Framing
 - f. Column Erection
 - g. Form Work for Structural Reinforced Concrete

5. An applicant, other than a residential or building contractor, wishing to obtain the certification for the general contractor classification must submit proof that he possesses at least one year of "active experience" or "proven experience" as defined above in the construction of structures not less than four stories in height.

6. In the case of applicants wishing to obtain the certification for the residential contractor category, the phrases "active experience" and "proven experience" shall be defined to mean construction experience in four or more of the following areas:

- a. Foundation/Slabs
- b. Masonry Walls
- c. Trusses
- d. Structural Wood Framing
(Excluding Platform Framing)
- e. Column Erection
- f. Form Work for Structural Reinforced Concrete

7. In the case of applicants wishing to qualify for the experience eligibility requirement #1 as to substituting educational degrees, the baccalaureate degrees in building construction, architecture or engineering which are considered to be appropriate to the particular classification for which certification is sought shall be as follows:

- a. General, Building and Residential Classifications: Civil Engineering; Building Construction; or Architecture.
 - b. Sheet Metal; Class A, B and C Air conditioning; Residential Solar Water Heating; Mechanical Classifications: Mechanical Engineering.
 - c. Plumbing Classification: Mechanical Engineering or Sanitary Engineering.
 - d. Commercial, Residential or Servicing Pool Classifications: Building Construction or Civil Engineering.
 - e. Underground Utility Classification: Building Construction; Civil or Mechanical Engineering.
8. Alternative educational degrees to be used for meeting eligibility requirements shall be approved by the Board and/or its Principle Office.
9. Applicants must utilize a Board approved application. Applications must be complete and be submitted to the Board's Principle Office for approval.
10. The Board's Principle Office is responsible to review applications and render decisions as to approval or denial. Applicants may appeal such a decision to the Board for review.
11. In cases of application appeal, the Board shall review the subject application and issue a finding upholding the Principle Office's decision or issue a finding of approval which clearly states how the applicant meets the eligibility requirements of this rule and remanding the application back to Principle Office for issuance.

005 REQUIREMENTS FOR CERTIFICATION

In order that the Principle Office (Contractor Certification) may carry out its duty to investigate the financial responsibility, credit, and business

reputation (if applicable) of a new applicant for certification, an applicant shall be required to submit the following:

- 1. A credit reports from any nationally recognized credit bureau dated within four (4) months of application. The credit reports must be for the applicant and the business entity (if applicable).
- 2. A financial statement not older than 12 months, which shall contain information indicating the current assets, current liabilities, total assets, total liabilities, and total net worth, and which shall report all material changes occurring between the date of the financial statement and the date of the application. Applicants qualifying a business entity shall submit a business financial statement and personal financial statement. If the applicant has never been licensed to act in the capacity of a contractor or if the applicant is not qualifying a business entity the applicant shall prepare and submit a personal financial statement only. Financial statements found not to be complete or inaccurate may be deemed as grounds for denial of application.
- 3. As a prerequisite to issuance of a certificate, an applicant shall, in addition to the submissions required in paragraphs (1) and (2) above, submit evidence acceptable to the Board's Principle Office demonstrating the following:
 - a. Net worth as listed below for the following categories of contractors:

1. General Contractor	\$20,000
2. Building Contractor	\$20,000
3. Residential Contractor	\$20,000
4. Sheet Metal Contractor	\$10,000
5. Roofing Contractor	\$10,000
6. Class A Air Cond. Cont.	\$10,000
7. Class B Air Cond. Cont.	\$10,000
8. Mechanical Contractor	\$10,000
9. Commercial Pool/Spa Cont.	\$10,000

10. Residential Pool/Spa Cont.	\$10,000
11. Swimming Pool/Spa Service Contractor	\$ 2,500
12. Plumbing Contractor	\$10,000
13. Underground Utility and Excavation Contractor	\$10,000
14. Electrical Cont./Unlimited	\$10,000
15. Alarm Systems I and II	\$10,000
16. Specialty Contractors	\$ 2,500
17. Solar Contractor	\$10,000

(b) Possession of either a letter of bondability, a letter of credit or a compliance bond established to reimburse the appropriate parties for diversion of funds abandonment, and all other statutory violations, said instruments to be issued in the same license classification to dollar ratio listed in paragraph (a), above. The aforementioned instruments are not to be construed as performance bonds.

(c) Net worth shall be defined to require a showing for all contractor licensure categories that the applicant has a minimum of 50% of the amount in cash.

(d) Cash shall be defined to include a line of credit.

(4) Answers to the following questions on the application:

(a) Has any bonding or surety company ever completed or made a financial settlement upon any construction contract or work undertaken by any person named in (l) below or any organization in which such person was a responsible person as defined in (j) below.
Yes () No ().

(b) Are there any lawsuits, unpaid past-due bills or claims for labor, materials, or services, as a result of the construction operations of any person named in (l) below or any organization in which any such person was a responsible person as defined in (j) below.
Yes () No ().

© Are there now any liens, suits or judgments of record or pending against any person named in (l) below or any organization in which any such

person was a responsible person as defined in (j) below, as a result of the construction operations of such person or organization?
Yes () No ().

(d) Are there now any liens of record by the U.S. Internal Revenue Service or the State of Florida Corporate Tax Division against any person named in (l) below or any organization in which any such person was a responsible person as defined in (j) below?
Yes () No ().

(e) Has any person named in (l) below or has any organization in which any such person was a responsible person as defined in (j) below, been adjudicated as bankrupt, within the past five years or is any such person or organization presently in the process of bankruptcy proceedings?
Yes () No ().

(f) Has any person named in (l) below or has any organization in which any such person was a responsible person as defined in (j) below, ever made an assignment of assets in settlement of construction obligations for less than the total amount of the indebtedness?
Yes () No ().

(g) Has any person named in (l) below or has any organization in which any such person was a responsible person as defined in (j) below, ever been charged with or convicted of acting as a contractor without a license or if licensed as a contractor in this or any other state, been subject to disciplinary action by a state, county, or municipality? (If yes, you must attach a copy of any state, county, municipal or out-of-state disciplinary action order or judgement.)
Yes () No ().

(h) Has any responsible person as defined in below, ever been convicted of any offense in this state or elsewhere, other than traffic violations?
Yes () No ().

(l) Required signatures: if an individual, the applicant; if a partnership, the applicant and the partner; if a corporation, the applicant, the president, vice-president and secretary.

(j) For the purposes of this rule, "responsible person" includes any partner, officer, director, trustee, qualifying contractor, or any person having managerial or supervisory role in a business organization as defined in 489.105(13)F. S.

(6) All applications and financial statements submitted for processing must be type written or in ink.

006 STATEMENT OF AUTHORITY

Any person applying for the issuance of a certificate to engage in contracting in other than his individual capacity, such as a partnership, corporation, business trust or other legal business entity, shall furnish as part of the application a statement that the applicant is legally qualified to act for the business organization in all matters connected with its contracting business and that the applicant has authority to supervise construction undertaken by such business organization.

(1) If the applicant is qualifying a partnership such statement shall be signed by all partners or, in the event of a limited partnership, by the general partners.

(2) If the applicant is qualifying a corporation, such statement shall be contained in a copy of the official minutes of that corporation, certified and attested to by its secretary.

(3) If the applicant is qualifying a business trust, joint venture or any other legal business organization, such statement shall be signed by the trustees, or by such other persons as will legally bind that business organization.

007 QUALIFICATION OF BUSINESS ORGANIZATIONS

A certificate holder may have his certificate issued in his name as an individual or as a qualifying agent for a partnership, corporation, or other business organization, upon proof that the certificate holder has registered with the Department of Professional Regulation if applicable and the Florida Department of State Division of Corporations appropriately.

Practice as an individual is considered practice as a business organization.

Qualification of a corporation is only effective as to that corporation; subsidiaries or parents of qualified corporations must be separately qualified.

After the certificate holder qualifies one business organization, any request to qualify another business organization must be approved by the board.

Individuals qualifying business organizations must complete and submit a Change of Status application to the Department/Board for approval. Approval of applications will be at the sole discretion of the Department/Board and upon proof of the applicant, of meeting to the Departments/Boards approval, any requirements and or responsibilities which may apply to the Change of Status request and the applicant(s).

008 QUALIFICATION OF JOINT VENTURES

(1) These rules do not prohibit a properly qualified business organization from participating in a joint venture with business organizations which are not qualified; however, only a properly qualified organization may engage in contracting as defined in Section 489.103(3) and (6), F.S. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct entity which must be qualified as provided herein.

(2) A joint venture, one or more of whose participants are not licensed contractors under state law or Hernando County Ordinance may submit a bid on a construction project under the following circumstances:

a. There must be a written joint venture agreement.

b. One of the joint venturers must be a business entity properly qualified by a licensed contractor.

c. Each participant must sign a statement of authority (as set out in Rule 005) giving the licensed contractor full authority to conduct the

contracting business of the participant.

d. Copies of the joint venture agreement and statements of authority, and the letter of bondability must be received and approved by the Building Official prior to the time of the bid.

e. If the joint venture is awarded the contract, the licensed contractor must qualify the joint venture within sixty (60) days.

(3) If the joint venture is a limited partnership, the qualifying business organization or individual must be a general partner of the joint venture.

	\$25,000		
Commercial Pool/Spa Cont.	\$100,000		
	\$25,000		
Residential Pool/Spa Cont.	\$100,000		
	\$25,000		
Swimming Pool/Spa Serv Contr	\$100,000	\$25,000	
Plumbing Contractor	\$100,000	\$25,000	
Underground Utility & Excavation Contractor	\$100,000		
	\$25,000		
Solar Contractor	\$100,000		
	\$25,000		
Electrical Contractor	\$300,000		
	\$500,000		
Alarm System Cont. I and II	\$300,000		
	\$500,000		
Specialty Contractor	\$100,000		
	\$25,000		

009 CHANGES OF INFORMATION

Pursuant to Hernando County Ordinance 93-20 and 98-02, a contractor must inform the Board, by mail, within forty-five calendar days, of changes in any information required to be stated on the application for certification.

2. This minimum amount shall be maintained for the life of an active certificate and the certificate holder shall be responsible for notifying Contractor Certification if, for any reason, his public liability or property damage insurance is changed, canceled or suspended.

3. The cancellation notice shall stipulate that, should the public liability and property damage coverage, described above, be canceled before the expiration date thereof, the issuing company will mail a thirty-day written notice to the certificate holder named on the certificate.

010 PUBLIC LIABILITY INSURANCE

1. The proper aggregate amount of liability and property damage insurance required by the Department/Board as a prerequisite to the issuance or renewal of a certificate or change in status of a certificate shall be:

4. Failure to comply with a request of the Board or Department to submit proof of coverage which meets applicable requirements will be a violation of this rule.

	<u>Liability</u>	<u>Property Damage</u>
General Contractor	\$300,000	
	\$50,000	
Building Contractor	\$300,000	
	\$50,000	
Residential Contractor	\$100,000	
	\$25,000	
Sheet Metal Contractor	\$100,000	
	\$25,000	
Roofing Contractor	\$100,000	
	\$25,000	
Class A A/C Contractor	\$100,000	
	\$25,000	
Class B A/C Contractor	\$100,000	
	\$25,000	
Class C A/C Contractor	\$100,000	
	\$25,000	
Mechanical Contractor	\$100,000	

011 FINANCIAL RESPONSIBILITY DEFINITION

GROUNDS FOR DENIAL

(1) For purposes of this rule, the phrase "financial responsibility" is defined as the ability to safeguard that the public will not sustain economic loss resulting from the contractor's inability to pay lawful contractual obligations.

(2) The financial responsibility grounds on which the Department/Board may refuse to qualify an applicant shall include:

- a. Failure to submit any of the items required by Rule/Ordinance.

b. The existence, within the past five years preceding the application, of an unsatisfied court judgment rendered against the applicant based upon the failure of the applicant to pay its just obligations to parties with whom the applicant conducted business as a contractor.

c. An unfavorable credit report or history as indicated by any of the documents submitted.

d. A determination by the Department/Board that the applicant lacks the financial stability necessary to assure compliance with the standard set forth in section (1) of this rule. As guidelines for the determination of financial stability the applicant's responses to the questions set forth in **Rule 004** together with the applicant's financial statement shall be considered.

(3) The applicant's history of bankruptcy is included in the statutory definition of financial responsibility and shall be considered by the Department/Board; however, the fact that an applicant has been or is a debtor in bankruptcy shall not be the sole basis of the Department/Board's determination to deny the issuance of a certificate or a request for change of status to the applicant.

012 FALSE STATEMENTS

Material false statements or information submitted by an applicant for certification, or submitted for renewal of certification, or submitted for any reissuance of certification or submitted for a change of status shall constitute a violation of the Hernando County Construction Licensing Code F.S. 489.129(1)(a) and shall be sufficient cause for denial of certification or change of status and possible suspension or revocation of a certificate of authority, a contractor's certificate, a person or firm's registration or other disciplinary action.

013 REINSTATEMENT AND RELICENSURE

(1) The Board may deny certification to a contractor who has violated a state or local law which relates to contracting.

(2) The Board will not reinstate the certification,

permit pulling privileges or lift any order issued against a contractor, who has been disciplined by the Board unless proof is shown that all requirements (including administrative fees) imposed in any final order against the contractor have been met.

(3) (a) The Board will not relicense a contractor whose certification has been revoked until appropriate rehabilitation (to include restitution if suitable) has been shown. All provisions of any final orders entered against the contractor must be complied with.

(b) The Board will not relicense a contractor whose certification has been revoked unless he passes the current licensing examination and meets all other requirements for certification.

(c) Any person who voluntarily relinquishes his license for any reason to include any license which has lapsed may appear before the board to seek reinstatement on such terms and conditions as determined by the Board.

014 CONTINUING EDUCATION FOR REACTIVATION

CRITERIA FOR CONTINUING EDUCATION

As a condition to the reactivation of an inactive certified license, a licensee must submit proof of the completion of twelve (14) classroom hours of continuing education which meets the criteria set forth for each year of inactive status, not to exceed forty-eight (48) hours or four (4) years.

The following programs of continuing education may be used to satisfy the continuing education requirement provided that the licensee complies with the terms set forth herein:

(1) Courses for credit which are business, technical or safety courses relevant to the respective certification and which require a passing grade taken at an accredited college, university, or community college. The licensee must furnish an official transcript and a notarized statement affirming classroom hours attended and the receipt of a passing grade.

(2) Noncredited courses conducted by an

accredited institution of higher learning, official governmental agency, the military, or recognized national or state trade or civil organization provided the following conditions are met:

(a) the course must be business, technical or safety course relevant to the respective certification.

(b) the course must follow a written text, which must be submitted to the Board for approval on request.

(c) the instructor of the course must be a professional educator, certified in the respective trade or a similar authority in the field. The licensee must submit a notarized statement affirming the following:

1. Number of classroom hours attended
2. Sponsor of the course
3. Location of the course
4. Date of the course
5. Name of the instructor and his credentials
6. Benefit received from the course

(3) An instructor of any of the courses described in section (1) and (2) of this rule may credit his classroom hours of the course toward completion of his continuing education requirement.

015 AGENDA OF MEETINGS AND WORKSHOPS

(1) The Board's Principle Office (Contractor Certification) shall prepare an agenda and make it available to the public before each meeting.

(2) The agenda shall list the order they are to be considered. After an agenda has been made available, changes may be made only for good cause, as determined by the person designated to preside. Cause for change in the agenda shall be stated in the record.

016 EMERGENCY MEETINGS

The Chairman or Building Official may call an emergency meeting for the purpose of acting on emergency matters affecting the public health,

safety and welfare. In the event an emergency meeting is called, the Board's Principle Office (Contractor Certification) shall notify the media of the time, date and purpose of the meeting.

017 WORKSHOP MEETINGS

A workshop is a conference at which a quorum of the Board or a committee of **NO** fewer than 51 percent (51%) of the Board members meet for purposes of rule drafting or policy discussions. The rules which apply to meetings also apply to workshops.

018 REQUESTS FOR APPEAL/REHEARING DISPOSITION PROCEDURES

Requests for appeal or rehearing submitted to the Board in accordance with Hernando County Licensing Code shall be placed on the next upcoming agenda under business correspondence. Such requests shall be reviewed and the Board shall determine by motion, whether to deny or approve the request. If such request is approved the Board shall schedule the rehearing or appeal for the next available meeting and shall direct its Principle Office (Contractor Certification) to prepare for such rehearing and to place the rehearing or appeal on the approved monthly agenda. Requests for rehearings or appeals shall encompass the request only and shall not contain new evidence or contain arguments of the record upon which the original order was based.

Rehearings or appeals shall not be hearings de novo but shall be limited to review of the record created before the board.

The administrative fee for rehearings or appeals is established by adopted county fee schedule. plus the cost of staff time. The cost of staff time is also established by adopted county fee schedule.

019 DISCIPLINARY GUIDELINES

The purpose of this rule is to notify applicants and licensees of the range of penalties which will be routinely imposed against contractors, absent aggravating or mitigating circumstances. The range of penalties provided below are based upon a single count violated provisions or a

combination of violations may result in a higher penalty than that for the single, isolated violation. Each range includes the lowest and highest penalty and all penalties between. Nothing in this rule shall preclude any disciplinary penalty imposed upon an applicant or licensee pursuant to a stipulation or settlement agreement, nor shall the ranges of penalty set forth in this rule preclude the Building Official from issuing a letter of reprimand or enter into a binding stipulation with a licensee which imposes penalties such as those described below. In imposing disciplinary penalties upon applicants and licensees, the board and special master shall act in accordance with the following disciplinary guidelines and may impose a penalty corresponding to the violations set forth below:

The language used is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the Hernando County Construction License Code.

- (1) Obtaining a license through fraud or misrepresentation. Revocation and/or \$5,000 fine.
- (2) Convicted or found guilty of a crime relating to contracting. Use penalty for violation most closely resembling the act underlying the conviction; repeat violation, revocation and \$1,000 to \$5,000 fine.
- (3) Violation of applicable building code(s). First violation, \$500 to \$1,250 fine; repeat violation, \$1,250 to \$5,000 fine and/or probation, suspension, or revocation.
- (4) Assisting unlicensed activity. First violation, \$750 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and/or probation, suspension or revocation.
- (5) Combining and conspiring with unlicensed contractor. First violation, \$1000 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and/or probation, suspension, and revocation.
- (6) Failure to qualify a firm, and/or acting under a name not on license. First violation, \$100 to \$750 fine; repeat violation \$750 to \$1,500 fine.
- (7) Mismanagement or misconduct in the practice of contracting causing financial harm. First violation, \$750 to \$1,500 fine and/or probation; repeat violation, \$1,500 to \$5,000 fine and/or probations, suspension or revocation.
- (8) Failing to comply with any provisions of Hernando County Construction Licensing Code.
 - (a) Contracting beyond scope of license, no safety hazard. First violation, \$500 to \$2,500 fine an/or probation, suspension, or revocation.
 - (b) Contracting beyond scope of license, safety hazard is created. First violation, \$1,000 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and/or probation, suspension, or revocation.
 - (c) Contracting with delinquent license. First violation, \$500 to \$1,000 fine, repeat violation, \$1,000 to \$2,500 fine and/or probation, suspension, or revocation. Activation fees of any license are additional to above fine.
 - (d) License number not appearing in advertisement. First violation, \$100 fine; repeat violation, reprimand and \$250 to \$1000 fine.
 - (e) Failure to keep and/or produce business records as required. First violation, \$500 to \$1000 fine and/or reprimand to probation; repeat violation, \$1,000 to \$5000 fine and/or probation to revocation.
 - (f) Contracting with an inactive license. First violation, \$500 fine; repeat violation, \$500 to \$5000 fine and/or probation, suspension, or revocation.
 - (g) Section 8-31: Failure to supervise construction activities. First violation, \$250 to \$1000 fine and/or probation; repeat violation, \$1000 to \$5000 fine and/or probation, suspension, or revocation.
- (9) Abandonment. First violation, \$500 to \$5000 fine; repeat violation, revocation and \$5000 fine.
- (10) False payment/insurance coverage statement.
 - (a) False payment statement, valid liens were filed or customer otherwise injured. First violation

\$500 to \$3000 fine and/or probation, suspension, or revocation; repeat violation, \$1500 to \$5000 fine and/or probation, suspension, or revocation.

(b) False statement of insurance coverage. First violation, \$1000 to \$2000 fine; repeat violation, \$1500 to \$5000 fine and/or probation, suspension, or revocation; If financial injury to customer occurs: First violation, \$2000 to \$5000 fine and/or probation, suspension, or revocation; repeat violation, 45000 fine and/or probation, suspension, or revocation.

(11) Committing fraud or deceit in the practice of contracting.

(a) Causing no monetary or other harm. First violation, \$1500 to \$3000 fine; repeat violation, \$3,000 to \$5,000 fine and/or probation, suspension, or revocation.

(b) Causing monetary or other harm. First violation, \$500 to \$2000 fine and/or probation, suspension or revocation; repeat violation, \$2000 to \$5000 fine and/or probation, suspension, or revocation.

(12) Misconduct or incompetency in the practice of contracting shall include, but is not limited to:

(a) Misconduct by failure to honor warranty. First violation, \$500 to \$1000 fine; repeat violation, \$1000 to \$2000 fine and/or probation, suspension, or revocation.

(b) Violation of any code or law relating to the licensee's practice of contracting. First violation \$500 to \$1000 fine; repeat violations, \$1000 to \$5000 fine and/or probation, suspension, or revocation.

(c) Any other form of misconduct or incompetency. First violation, \$250 to \$1000 fine; repeat violations \$1000 to \$5000 fine and/or probation, suspension or revocation.

(13) Negligence. First violation, \$500 to \$1500 fine and/or probation, suspension, or revocation; repeat violation, \$1500 to \$5000 fine and/or probation, suspension, or revocation.

(14) Working without permit or inspection.

(a) Late permit. Contractor pulls permit after starting job but prior to completion and does not

miss any inspections. First violation, \$500 fine; repeat violation, \$500 to \$1000 fine.

(b) Failure to obtain/request inspection(s). First violation, \$100 fine; repeat violation, \$1,000 to \$2500 fine and probation, suspension, or revocation.

(c) Job finished without a permit or no permit until caught, or late permit during the job resulting in missed inspection(s). First violation, \$500 to \$1500 fine; repeat violation, \$1,500 to \$3,000 fine and/or probation, suspension, or revocation.

(15) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner or notice to contractor pursuant to Chapter 713 Florida Statutes. First violation, \$1000 to \$2500 fine and/or probation, suspension, or revocation; repeat violation, \$2500 to \$5000 fine and/or probation, suspension, or revocation.

(16) Failure to satisfy a civil judgement. First violation, \$500 to \$1,500 fine and/or proof of satisfaction of civil judgment; repeat violation, \$1,500 to \$5000 fine and/or proof of satisfaction of civil judgment, probation, suspension, or revocation.

(17) Making misleading advertising. First violation, \$500 to \$1,500 fine; repeat violation, \$1,500 to \$3,000 fine and/or probation, or suspension.

(18) For purposes of these guidelines, violations for which the Respondent has previously been issued a citation pursuant to Section 8-40(b), shall be considered repeat violations.

(19) For any violation the board may assess the costs of investigation and prosecution. The assessment of such costs may be made in addition to the penalties provided by these guidelines without demonstration of aggravating factors set forth in rule number 020.

(20) For any violation the board may order restitution may be ordered in addition to the penalties provided by these guidelines without demonstration of aggravating factors set forth in rule number 021, and to the extent that such order does not contravene federal bankruptcy law.

(21) "reasonable time" means ninety (90) days following the entry of civil judgment that is not

appealed. The Board will consider a mutually agreed upon payment plan as satisfaction of such a judgment so long as the payments are current.

(22) Failure to register qualified business organization. First violation, \$500 fine; repeat violation, \$500 to \$1000 fine and suspension or revocation.

(23) Failure to notify residential property owner of recovery fund. First violation, \$100 to \$500 fine; repeat violation, \$1,000 fine.

020 AGGRAVATING AND MITIGATING CIRCUMSTANCES

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

- (a) 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).
- (b) 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.
- (c) The severity of the offense.
- (d) the danger to the public.
- (e) The number of repetitions of offenses.
- (f) The number of complaints filed against the licensee.
- (g) The length of time the licensee has practiced.
- (h) The actual damage, physical or otherwise, to the licensee's customer.
- (l) The deterrent effect of the penalty imposed.

- (j) The effect of the penalty upon the licensee's livelihood.
- (k) Any efforts at rehabilitation.
- (l) Any other mitigating or aggravating circumstances.

021 REPEAT VIOLATIONS

(1) As used in this rule, a repeat violation is any violation on which disciplinary action is being taken where the same licensee had previously received a citation as provided by Section 8-40(b) or had previously had disciplinary action taken against him or received a letter of reprimand in a prior case; and said definition is to apply regardless of the chronological relationship of the acts underlying the various disciplinary actions, and regardless of whether the violations in the present and prior disciplinary actions are of the same or different subsections of the disciplinary section.

(2) The penalty given in the above list for repeat violations, is intended to apply only to situations where the repeat violation is of a different subsection of the Hernando County Construction Licensing Code than the first violation. Where, on the other hand, the repeat violation is the very same type of violation as the first violation, the penalty set out above generally be increased over what is otherwise shown for repeat violations in the above list.

022 PENALTIES; CUMULATIVE AND CONSECUTIVE

Where several violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

023 PROBATION

Probation may also be assessed in any case where, in the Board's opinion, it is advisable for

the public welfare, in order to assure that the licensee operates properly and within the law in the future, to require the licensee to report to the Board periodically, or to otherwise serve a probationary period.

024 TEMPORARY REGISTRATION

A special registration may be granted to a contractor as defined by Board Rule.

Upon findings of fact supporting the need thereof, the Board may grant a limited non-renewable registration to a contractor not domiciled in Florida for one project. During the period of such registration the Board shall require compliance with Hernando County Ordinance and Florida Statutes. The applicant shall also comply with all State Statutes regarding license and registration, if applicable.

A person applying for a temporary registration shall complete the appropriate application. Said application shall include, but not be limited to, a financial statement and credit report on both the applicant and business entity, if applicable.

025 CERTIFICATE REINSTATEMENT

A certificate holder who desires reinstatement and has failed to renew a Certificate of Competency within one year of the expiration date must petition for appearance before the Board for consideration.

Pursuant to Hernando County ordinance, the Board may consider petitions for reinstatement from individuals who have failed to renew their certificate of competency.

By authority granted to the Board, a certificate may be reinstated. In accordance with the powers and duties granted to the Board, reinstatement may be authorized and conditioned upon, but not limited to, the following:

1. *Testing/Examination:* Score, lack of testing, length of time since last test, etc.
2. *Continuing Education:* Number of hours, lack thereof, subject matter, etc.

3. *Prior Complaint/Disciplinary History:* Number of complaints, lack thereof, etc.

4. *Financial Status:* The Board may require the petitioner provide a current credit report, and may consider any derogatory history (liens, judgements, etc.).

5. *Acceptable Reason/Explanation for Not Renewing*

A petition for reinstatement shall be subject to all applicable fees and/or penalties as prescribed in the Development Department Fee Schedule adopted by the Board of County Commissioners. Applicable fees shall include payment of all licensing fees the individual would have paid if the certificate had been renewed properly.

026 MITIGATION; NOTICE OF MITIGATION AND AGGRAVATION

Alleged mitigating circumstances may be submitted by the licensee to the Board, at the final hearing, in any informal proceeding. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the special master. At the final hearing the Board will not hear aggravating or mitigating evidence not presented to the special master.

027 STIPULATIONS

The provisions of these rules or the Hernando County Construction Code shall not be construed so as to prohibit civil action or criminal prosecution as provided for in Chapter 489 and 455 Florida Statutes. Nor shall the provisions of this Chapter be construed so as to limit the ability of the Board, Building Official, Principle Office or a Special Master to enter into a binding stipulation with accused parties.

ADOPTION OF BOARD RULES

These Board Rules shall become effective as

provided by law. Adopted this 18th day of
October, 2001

**HERNANDO COUNTY
CONSTRUCTION LICENSING BOARD**

BY _____
Robert L. Eden CHAIRMAN