

Chapter 6

BUILDINGS AND CONSTRUCTION*

* **Editors Note:** Ord. No. 1996-47(A), § 1, adopted July 9, 1996, amended Ch., 6, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 6 pertained to similar subject matter. Subsequently, Ord. No. 2007-39, § 2, adopted August 7, 2007, amended Ch. 6, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 6 pertained to similar subject matter. See also the Code Comparative Table.

Cross References: Definitions and rules of construction generally, § 1-2; flood hazard areas, § 10-16 et seq.; uniform street-addressing system, § 18-101 et seq.; water supply and waste disposal, Ch. 21.

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ARTICLE I.

IN GENERAL

Sec. 6-1. Purpose.

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-2. General enforcement.

This chapter, the Florida Building Code and the codes adopted hereunder shall be enforced by the board of building examiners; however, notwithstanding any of the provisions herein, the county shall have the right to

enforce the provisions of this chapter and the building codes adopted hereunder by any other lawful means. This chapter is enacted pursuant to F.S. Ch. 489, Ch. 162, Ch. 455, Ch. 775, and Ch. 286.
(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-3. Fee schedule.

The fee schedule, which shall be used to determine fees required for issuance of a building permit and all other applicable fees, shall be established by resolution.
(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-4. Qualifications for practice.

No person shall engage in the business of contracting in this county unless he or she obtains the appropriate license or is exempted pursuant to section 6-5. Any person who desires to engage in the contracting classifications listed in F.S. § 489.105 Part I (a--o) or Part II shall be either state certified or state registered. Any person who desires to engage in the contracting classifications listed in this Code but not in F.S. § 489.105 Part I(a--o) or Part II shall be locally licensed.
(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-5. Exemptions.

This chapter shall not apply to persons or entities as enumerated in F.S. §§ 489.103 and 489.117.
(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-6. Code enforcement officers.

This chapter will be administered by code enforcement officers as provided below.

- (1) The board of county commissioners hereby authorizes the county manager or designee to designate certain persons as defined by F.S. Ch. 162, as code enforcement officers. Persons who are employed by the county as code enforcement officers are designated officers under F.S. Ch. 162 and shall have the powers and limitations prescribed herein and by statute.
- (2) The training and/or qualifications of code enforcement officers shall be established by the county manager or designee.
- (3) Pursuant to the authority established in F.S. Chs. 489 and 162, a code enforcement officer may issue a citation alleging violation of any prohibited activity outlined in this chapter.
- (4) A code enforcement officer who finds a violation of this chapter may issue a citation to the alleged violator or recommend filing of an administrative complaint. Citations shall be enforced consistent with the provisions of this section.

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-7. Procedure for collecting funds.

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

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

(c) All monies collected pursuant to this ordinance shall be used for administration of this chapter. (Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-8. Emergency suspensions.

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

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

(3) In the case of the emergency suspension, limitation, or restriction of a license, within thirty (30) days after the board of examiner's order continuing such emergency action, the building official shall initiate disciplinary proceedings, in compliance with this Code or such order shall expire. (Ord. No. 2008-53, § 1, 8-19-08)

Secs. 6-9--6-20. Reserved

ARTICLE II.

DEFINITIONS

Sec. 6-21. Definitions.

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

For the purpose of this section:

Aluminum siding contractor shall mean a contractor whose services are directly related to the installation of aluminum siding, soffit, fascia, and gutters. This work includes installation of insulation behind the siding and repair of the substrate incidental to the siding installation.

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

Carpentry contractor means those who have the knowledge and skill to install rough structural framing, trusses and sheathing.

Concrete contractor means a specialty of persons whose scope of work includes cement paver, cement finisher, concrete finisher, and concrete floater, including placement of mesh reinforcement, vapor barriers, and edge forms incidental thereto.

Concrete and masonry shall mean a specialty of persons whose scope of work includes: cement finisher; cement paver; concrete finisher; and concrete floater, including placement of mesh reinforcement, vapor barriers, and edge forms incidental thereto, and laying building materials such as field stone, brick, structural tile, concrete or cinder block, glass, gypsum, and terra cotta block to construct or repair walls, partitions, arches, and sewers; fireplaces constructed of brick, masonry, or field stone.

County shall mean Lake County, Florida.

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

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

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

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

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

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

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

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

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

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

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

Masonry contractor means a specialty of persons whose scope of work includes laying building materials such as field stone, brick, structural tile, concrete or cinder block, glass, gypsum, and terra cotta block to construct or repair walls, partitions, arches, and sewers; fireplaces constructed of brick, masonry, or field stone.

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

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

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

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

Start construction means when any site alteration is made, or when any structure or construction

materials are permanently placed or incorporated into the lot, parcel, or site.

Stucco/plastering means those who are qualified to coat surfaces with a mixture of sand or other aggregate gypsum plaster, portland cement or quick-lime and water, or any combination of such material as to create a permanent surface coating. Such contractor may apply and affix gypsum or metal lath or any other product prepared or manufactured, including the placing of metal studs and runners to which lath is to be applied, to provide key or suction bases for the support of the plaster coating.

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

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

maintenance, dilapidation, obsolescence or abandonment.
(Ord. No. 2007-39, § 2, 8-7-07)

ARTICLE III.

ADOPTION AND ENFORCEMENT OF TECHNICAL CODES

Sec. 6-22. Adoption and enforcement.

All construction in Lake County shall be in accordance with the Florida Building Code and the International Property Maintenance Code, 2003 edition, as amended herein. All adopted codes shall include all appendixes thereto unless specifically exempted.

- (1) International Property Maintenance Code, 2003 edition is hereby amended as follows.
 - a. *Section 101.3*, replace International Zoning Code with Lake County Code.
 - b. *Section 103*, Department of Property Maintenance Inspection is excluded and replaced with Section 103 of the Florida Building Code.
 - c. *Section 111*, Means of Appeal is excluded.
 - d. All references to "International Code(s)" in the International Property Maintenance Code (with exception of the title) shall mean the Florida Building Code.
- (2) Chapter 1, Administration, Florida Building Code. Chapter 1, of the Florida Building Code, is amended to add (or if indicated herein, to delete) the following language regarding the sections specified:
 - a. *101.3.1 Quality control*. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.
 - b. *101.3.2 Permitting, plan review and inspection*. The inspection, plan review or permitting of any building, system or plan by the jurisdiction under the requirements of this code shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. Neither the jurisdiction nor any employee thereof shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection, plan review or permitting, unless the employee of the jurisdiction is found to have acted in bad faith or with malicious purpose in a manner exhibiting wanton and willful disregard of the safety, health and welfare of the public.
 - c. *102.2.5-1* A building permit shall not be required for the addition, alteration or repair performed by the property owner upon his or her own personal residence (the residence

the owner lives in) for a one-story detached, freestanding, accessory structure used as a tool shed, storage shed or playhouse or an attached/detached accessibility ramp (not exceeding a slope of one (1) unit vertically to twelve (12) units horizontally) that does not exceed a one hundred twenty-square foot footprint. This structure shall not incorporate electrical, HVAC or plumbing. Zoning requirements shall be met as required (utility rooms shall not be allowed under this exemption).

Fences constructed of masonry or concrete type material, four (4) feet or less in height and all other fences six (6) feet or less in height are also exempt in accordance with this section.

- d. *103 Establishment.* There is hereby established a department to be called the building division and the person in charge shall be known as the building official. All code officials employed by the department shall be certified in accordance with F.S. Ch. 468, Pt. XII.
- e. *105.4.1.2.* The following language is hereby deleted from section 105.4.1.2 of the Florida Building Code:

Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.
- f. *105.4.1.5.* Permits issued for signs or the demolition of a structure shall expire sixty (60) days from the date of issuance. For a justifiable cause, one (1) extension of time for a period not exceeding thirty (30) days may be allowed. Such request shall be submitted in writing to the building official. The request must be notarized.
- g. *105.4.1.6 Work commencing before permit issuance.* This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. However, in all such cases the required permit(s) must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee, one hundred fifty dollars (\$150.00) minimum. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.
- h. *105.4.1.7 Building permit valuations.* If, in the opinion of the building official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The permit valuation may be calculated using the latest Building Valuation Data published by the International Code

Council (ICC) or other applicable model code organization, at the option of the building official.

- i. *106.1.2 Quality of building plans.* Building plans shall be drawn to a minimum one-eighth (1/8) inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish, through department policy, standards for plans and specifications in order to provide conformity to its record retention program. This policy may include such things as minimum size, shape, contrast, clarity or other items related to records management.
- j. The following language is added to section 106.3.5 minimum plan review criteria for buildings; the remainder of the section is unchanged.

Manufactured/mobile homes

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

- k. The following language is added to section 109 Building 3 Required Inspections; the remainder of the section is unchanged.

Note: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

- l. The following language is added to section 109 Building (placed below Gas and prior to 109.3.3); the remainder of the section is unchanged.

Site Debris

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

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-23. Used mobile homes.

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

- (1) An application for permit shall be requested prior to the installation of any relocated structure. If any portion of the structure, inside or out, is altered, repaired, renovated, or remodeled plans shall be submitted for the permitting process as required for building, plumbing, electrical, and mechanical where applicable.
- (2) All alterations, repairs, renovations, or remodeling must conform to Florida Administrative Code (FAC) 15C-2.0081.
- (3) The joining of two (2) or more mobile/manufactured homes or park trailers for any reason shall only be allowed when it can be proven that said units were originally engineered for this purpose

(i.e. other than stand alone).

- (4) The use of any mobile/manufactured home or park trailer for other than which it was originally engineered and intended shall not be allowed.
- (5) Tie down requirements shall conform to the manufacturer's installation instructions or FAC 15C-1.
- (6) Additions, including, but not limited to add-a-rooms, roof over and porches shall be freestanding and self supporting with only the flashing attached to the main unit unless the added unit has been professionally designed to be married to the existing unit. All additions shall be constructed in compliance with state and locally adopted building codes.

(Ord. No. 2007-39, § 2, 8-7-07)

Secs. 6-24--6-39. Reserved.

ARTICLE IV.

BOARD OF BUILDING EXAMINERS

Sec. 6-40. Creation.

The board of building examiners is created.

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-41. Authorization.

The board shall have the authority to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff or as otherwise provided by law.
- (3) Subpoena evidence to its hearing.
- (4) Take testimony under oath.
- (5) Suspend and revoke local licenses.
- (6) Determine whether cited violations occurred.
- (7) Determine whether a reasonable time period for compliance was given.
- (8) Assess and order the payment of civil penalties and administrative costs as provided under this

chapter.

- (9) Impose liens as provided herein.
 - (10) Award restitution to the aggrieved party.
 - (11) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
 - (12) Deny, suspend, or revoke the authority of state certified contractors to obtain a building permit or limit such authority to obtaining a permit(s) with specific conditions.
 - (13) Recommend disciplinary actions to the department of business and professional regulations.
 - (14) Hear appeals from any decision of the building official or designee.
 - (15) Impose disciplinary actions on locally licensed contractors.
- (Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-42. Intent.

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-43. Members.

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

(b) Members of the board of building examiners shall serve terms of four (4) years in length or until their successors are appointed. The initial terms of the members representing the contractor registered under F.S. § 489.105(a)--(c), the engineer and one (1) consumer shall expire on January 14, 2009. The initial terms of the members representing an architect, a contractor registered under F.S. § 489.105 (d)--(o), and the second consumer shall expire on January 14, 2010. The initial terms of the members representing a business person, the third consumer, and the at large representation shall expire on January 14, 2011. Thereafter, all membership terms shall be for four (4) years. The term of office shall commence on January 15 of the year of appointment. The board of county commissioners may remove any member of the board of building examiners for any reason.

Any vacancy occurring during the unexpired term of office of any member shall be filled by appointment of the board of county commissioners for the remainder of the term. A board member who is absent for more than three (3) board meetings without cause within a one-year period shall be automatically removed from the board of building examiners, and no written notice or public hearing shall be given.

(c) Each board of building examiner member shall be entitled to a per diem in an amount set by the board of county commissioners for each meeting attended.
(Ord. No. 2007-39, § 2, 8-7-07)

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

The board of building examiners shall elect a chairman and a vice-chairman from its members each February. Terms for such officers shall be for one (1) year with eligibility for reelection. The board of building examiners shall be scheduled to meet once a month, or as deemed necessary. All meetings of the board shall be public.
(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-45. Appeals.

(a) The board of building examiners shall act as the board of appeals to hear appeals from any decision of the building official or designee in interpreting the Florida Building Code, this chapter or any of the codes adopted by this chapter.

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

(c) Appeals shall be heard at the next regular meeting of the board of building examiners for which the agenda has not been finalized but no applicant shall be required to wait for more than forty-five (45) business days after filing to have his appeal considered. Final decision on appeals shall be made within twenty-five (25) business days of the public hearing at which it was considered, and shall be in the form of an order, which shall set forth the reasons for the determination made, and if in favor of the applicant, shall set forth any conditions or safeguards required or any time limitations prescribed. The decision of the board of building examiners is final agency action to be appealed to the Circuit Court of the Fifth Judicial Circuit.
(Ord. No. 2007-39, § 2, 8-7-07)

Secs. 6-46--6-70. Reserved.

ARTICLE V.

STATE CERTIFIED CONTRACTORS

Sec. 6-71. Investigation and hearing procedure.

(a) Upon receiving a written complaint from a consumer or governmental agency, or if the building

department has reasonable cause to believe that a state certified contractor has committed fraud or a willful building code violation, the building department shall initiate an investigation. Failure to comply with an order of the building official will be construed as a willful violation.

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

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

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

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

(d) Lake County or the contractor may request a thirty-day postponement of a scheduled public hearing. A request for a postponement must be made in writing at least five (5) days prior to the scheduled hearing date. The building official may grant or deny a request for postponement, but in no event shall the building official postpone a hearing for more than forty-five (45) days, except upon a showing of extreme hardship or unusual circumstances. The county manager or designee shall notify the contractor and complainant, if any, of the rescheduled hearing.

(Ord. No. 2007-39, § 2, 8-7-07)

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

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

information concerning such disciplinary action shall be submitted to DBPR within fifteen (15) days after the board decides to deny the permit. Any such notification to DBPR may also include recommended penalties. The board of building examiners may also deny issuance of, or suspend, any outstanding building permit when a state certified contractor fails or refuses to provide proof of public liability and property damage insurance coverage as required by F.S. § 489.115(5), and workers' compensation insurance coverage as required by F.S. § 489.114.

(Ord. No. 2007-39, § 2, 8-7-07)

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

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-74. Expired/void permits.

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

(Ord. No. 2007-39, § 2, 8-7-07)

Secs. 6-75--6-81. Reserved.

ARTICLE VI.

LOCALLY REGISTERED AND LOCALLY LICENSED CONTRACTORS

Sec. 6-82. Locally licensed contractors.

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

The classifications are:

- (1) Aluminum siding contractor.
- (2) Carpentry contractor.
- (3) Concrete contractor.

- (4) Concrete and masonry contractor.
 - (5) Garage door installer.
 - (6) Hurricane protection installation contractor.
 - (7) Masonry contractor.
 - (8) Marine contractor (seawalls and docks).
 - (9) Siding, windows and doors contractor.
 - (10) Stucco/plastering.
 - (11) Irrigation/sprinkler contractor.
- (Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-83. Requirements for local license.

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

- (1) For purposes of this section, good moral character means a personal history of honesty, fairness, and respect for the rights of others and for local and state law.
- (2) The building official may determine that an individual applying for local license is not of good moral character only if there is substantial connection between the lack of good moral character of the individual and the professional responsibilities of a registered contractor and the finding of the building official or board of examiners is supported by clear and convincing evidence.
- (3) If an individual is denied a local license because of a lack of good moral character, the building official must furnish the individual a statement containing the findings of the building official, a complete record of evidence upon which the determination was based, and a notice of the rights of the individual to appeal.
- (4) Proof of education in the form of a transcript or other proof acceptable to the building official. Proof of experience in the form of a notarized affidavit executed by a licensed architect, licensed engineer, licensed contractor or building official not related to the applicant. The applicant either:
 - a. Has received a baccalaureate degree from an accredited four-year college in an appropriate field of engineering, architecture, or building construction and has one (1) year of proven field experience in the category in which the person seeks to qualify. For

the purpose of this article, a minimum of two thousand (2,000) man-hours shall be used in determining full-time equivalency; or

- b. Has at least four (4) years of active experience as a workman who has learned his/her trade by serving an apprenticeship as a skilled workman who is able to command the rate of mechanic in his particular trade, and has at least one (1) year of active experience at the level of foreman who is in charge of a group of workmen and is responsible to a superintendent or a contractor or equivalent; or
- c. Has a combination of not less than one (1) year of experience as a foreman and not less than three (3) years of credits for accredited college-level courses; or has a combination of not less than two (2) years' experience as a skilled workman, one (1) year of experience as a foreman, and not less than one (1) year of credits for accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses. For credits for any accredited college-level courses to satisfy this requirement, the applicant shall show that the courses were in a construction related field.

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

- (1) Proof of a passing grade of seventy-five (75) percent or better on an exam approved by the building official.
- (2) The appropriate fee for the local license as established by the board of county commissioners.
- (3) Certificate of insurance with the certificate holder reading Lake County Board of County Commissioners, for commercial general liability insurance for the safety and welfare of the public in the minimum amounts of three hundred thousand dollars (\$300,000.00) per occurrence.
- (4) A copy of a current local business tax receipt.
- (5) Certificate of insurance with the certificate holder reading Lake County Board of County Commissioners, for Florida Worker's Compensation insurance, or a copy of an approved DWC-252 or DWC-253 Exempt form from the State Division of Worker's Compensation Bureau.
- (6) A bond in the amount of five thousand dollars (\$5,000.00) conditioned on the contractor following and complying with all provisions of this chapter. Any such bond shall be made payable to the Florida Homeowners Construction Recovery Fund. Bond reciprocity shall be granted in accordance with F.S. § 489.131.
- (7) An affidavit stating that the applicant will not undertake any work which is outside the scope of the local license for which he is applying and that he will comply with all county regulations applicable to his work.
- (8) A list of any disciplinary actions against the applicant in any jurisdiction within the last five (5)

years, if applicable.

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

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

(e) Any contractor holding a local license is required to keep a current address and phone number on file with the Lake County Building Services Department. Within fifteen (15) days of a change in address or phone number, the contractor shall notify Lake County Building Services of the new information.
(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-84. Persons to whom local licenses will not be issued.

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

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

(c) If a business organization or any of its partners, officers, directors, trustees, or members is or has previously been fined for violating this chapter, the board may, on that basis alone, revoke, suspend, place on probation, or deny issuance of a local license to a qualifying agent or financially responsible officer of that business organization.
(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-85. Continuing education.

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

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

- (2) A person is not required to complete continuing education requirements for the year in which a local license is initially issued. Any person who obtains a local license more than twelve (12) months prior to the license renewal date is required to complete two (2) classroom hours of approved continuing education per quarter, not to exceed seven (7) hours for the first year, as a condition of the first renewal of the local license.
- (3) Courses must be approved by the building official.
- (4) In order to verify completion of the continuing education requirement, the local license holder shall submit proof of the following by notarized statement on the renewal application or by providing a copy of the certificates.
 - a. Number of classroom hours attended;
 - b. Course name;
 - c. Location of the course; and
 - d. Date of the course.
- (5) If a certificate holder or registrant holds licenses under both F.S. Ch. 489, Pt. I and Pt. II (electrical and alarm system contracting), and is required to have continuing education courses under F.S. § 489.517(3), the certificate holder or registrant may apply those course hours for workers compensation, workplace safety, and business practices towards the required classroom hours.

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-86. Renewal.

- (a) All local licenses shall be good for two (2) years. All locally licensed electricians, plumbers, and air conditioning contractors shall renew in odd numbered years. All other local licenses shall be renewed in even numbered years.
- (b) The department shall notify each local license holder and provide an application for renewal to be completed and returned prior to September 30th. The application shall include all information required below.
- (c) Proof of satisfaction of continuing education requirements as outlined in section 6-85 is required for renewal of local licenses.
- (d) Updated bond or bond continuation certificate.
- (e) Updated general liability insurance in the minimum amount of three hundred thousand dollars (\$300,000.00) per occurrence and proof of worker's compensation insurance or current exemption from the state.

(f) Current local business tax receipt.

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

(h) The applicable renewal fee.

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

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

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-87. Inactive local licenses.

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-88. Business organizations; qualifying agents.

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

(b) If the applicant proposes to engage in contracting as partnership, corporation, business trust, or other legal entity, the applicant shall apply through a qualifying agent. The application shall state the name of the partnership and of its partners, the name of the corporation and of its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members. The applicant shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the qualifying agent is legally qualified to act for the business organization in all matters connected with its contracting business and has authority to supervise construction undertaken by such business organization. The local license shall be in the name of the qualifying agent, and the name of the business organization shall be

noted thereon. If there is a change in any information that is required to be on the application, the qualifying agent shall within ten (10) days after such change occurs mail the correct information to the building official.

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

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

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

(f) Each qualifying agent shall pay the building official an amount equal to the original fee for licensing a new business entity. If the qualifying agent desires to qualify more than two (2) business entities, he shall be required to appear before the board of building examiners and present evidence of ability and financial responsibility of each such entity. Such local license will be issued by the board of building examiners. (Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-89. Reciprocity.

Contractors with local licenses from other counties or municipalities who have been state registered, if required, shall be issued a county local license in their respective class of contracting, provided that the standards of qualification for licensing in such other county or municipalities are as high as those in Lake County, and provided that the county has a reciprocity agreement with the other county or municipality. The fee for a letter of reciprocity certifying that a contractor holds a valid county local license shall be established by the board of county commissioners. (Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-90. Disciplinary process for locally licensed contractors.

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

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

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

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

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

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

NOTICE OF HEARING

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

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

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

(e) Lake County or the contractor may request a thirty-day postponement of a scheduled public hearing. A request for a postponement must be made in writing at least five (5) days prior to the scheduled hearing date. The building official shall grant a request for postponement, but in no event shall the building official postpone a hearing for more than forty-five (45) days, except upon a showing of extreme hardship or unusual circumstances. The building official shall notify the contractor and complainant, if any, of the rescheduled hearing.

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-91. Disciplinary actions.

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-92. Prohibited acts by contractors.

- (a) It shall be a violation of this chapter for any locally licensed contractor to commit any of the following:
- (1) Obtaining a local license by fraud or misrepresentation.
 - (2) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.
 - (3) Allowing one's local license to be used by any unlicensed or unregistered person. When a local license holder allows his local license to be used by one (1) or more persons or business organizations without having any active participation in the operation, management or control of such business organizations or project, such action constitutes prima facie evidence of intent to evade the provisions of this chapter.
 - (4) Acting in the capacity of a contractor under a different name than that which is on their state license or local license card.
 - (5) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:
 - a. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within seventy-five (75) days after the date of such liens.
 - b. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless contractor is entitled to retain such funds under the term of the contract, or refunds the excess funds within thirty (30) days after the date the job is abandoned.
 - c. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increases in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.
 - d. The contractor fails, within six (6) months, to pay or comply with a repayment schedule of a judgment obtained against the contractor or a business qualified by the contractor and relating to the practice of contracting.

- (6) Abandonment of a construction project in which the contractor is engaged or under contract as a contractor. A project is considered abandoned after ninety (90) days if the contractor terminates the project without proper notification to the prospective owner and/or without just cause, including the reason for termination, or fails to perform work without just cause for thirty (30) consecutive days.
- (7) Knowing or negligent use of substandard or defective building materials or supplies in any construction project, which is not corrected pursuant to a notice of correction.
- (8) Making any material false statements in an application for a local license. Such statements include: signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and commercial general liability insurance are provided.
- (9) Committing fraud or deceit in the practice of contracting.
- (10) Committing incompetence or misconduct in the practice of contracting.
- (11) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.
- (12) Proceeding on any job without obtaining applicable local building department permits and inspections. (Excluding emergency situations).
- (13) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under F.S. Ch. 713.
- (14) Failing to satisfy, within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession. This section shall not apply when there is a stay ordered by a bankruptcy court.
- (15) Performing any act which assists a person or entity in engaging in the prohibited unlicensed and unregistered practice of contracting, if the registrant knows or reasonably should have known that the person or entity was unlicensed or unregistered.
- (16) Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the board of building examiners.
- (17) Using a subcontractor not authorized for use on building permit, without first notifying the building department in writing.
- (b) Circumstances which may be considered for the purposes of mitigation or aggravation of penalty

shall include, but are not limited to, the following:

- (1) Monetary or other damage to the licensee's customer, in any way associated with the violation, which damage the licensee has not relieved, as of the time the penalty is to be assessed. (This provision shall not be given effect to the extent it would contravene federal bankruptcy law.)
- (2) Actual job-site violations of building codes, or conditions exhibiting gross negligence, incompetence, or misconduct by the licensee, which have not been corrected as of the time the penalty is being assessed.
- (3) The severity of the offense.
- (4) The danger to the public.
- (5) The number or lack of repetitions of offenses.
- (6) The number of complaints filed against the licensee.
- (7) The length of time the licensee has practiced.
- (8) The actual damage, physical or otherwise, to the licensee's customer.
- (9) The effect of the penalty upon the licensee's livelihood.
- (10) That the board has revoked or suspended his local license on prior occasions.
- (11) That the contractor has a good reputation as a builder or tradesman in the community.
- (12) That the consumer refused to assist or cooperate with the board in investigating the complaint, or refused to cooperate with the contractor or allow said contractor to make any corrections.
- (13) That the contractor is willing to correct any violations at no cost to the complaining party.
- (14) Any other mitigating or aggravating circumstances.

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

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

his/her position with the business organization.

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

- (1) A clear statement of the violations charged.
- (2) A clear statement of the factual basis for the charges.
- (3) Evidence that the contractor was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges.
- (4) Findings of fact made by the disciplinary authority.
- (5) Conclusions of law which demonstrate the facts alleged constitute a violation of F.S. § 489.129(1), or the governing local ordinance.
- (6) A statement of the penalty imposed against the local license, or certificate of competency.
- (7) A recommendation to the construction industry licensing board (CILB) for action to be taken against the state registration.
- (8) A clear statement informing the contractor of the right to appeal the action against the local license, and of the right of the contractor to challenge the recommendation to the CILB.

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

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

(g) A certified copy of an order imposing a civil penalty may be recorded in the public records and thereafter shall constitute a lien against the real and personal property of the violator. The order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the board may authorize the county attorney to foreclose on the lien. No lien created pursuant to this chapter may be foreclosed on property which is homestead under Article X, Section 4 of the Constitution of the State of Florida.

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-93. Schedule of citation penalties for locally licensed contractors.

(a) A code enforcement officer designated pursuant to this subsection may issue a citation for a violation of this chapter whenever, based upon personal investigation, the code enforcement officer has

reasonable and probable grounds to believe that a violation, other than a minor violation, has occurred. If the code enforcement officer issues a citation to a locally licensed contractor for a violation of this chapter, the penalties shall be as follows:

Schedule of Civil Penalties				
Section	Violation	Violation Description	First Violation	Repeat Violation
a)	Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.		\$500.00	\$1,000.00
b)	Acting in the capacity of a contractor under a different name than that which is on their state license, local license or local registration card.		\$500.00	\$1,000.00
c)	Allowing one's local license or local registration to be used by any unlicensed or unregistered person.	When a local license/registration holder allows his local license or local registration to be used by one (1) or more persons or business organizations without having any active participation in the operation, management or control of such business organizations or project, such action constitutes prima facie evidence of intent to evade the provisions of this chapter.	\$500.00	\$1,000.00
d)	Assist or participate with any local license holder or local registration holder in the violation of any provision of this chapter		\$500.00	\$1,000.00
e)	Committing fraud or deceit in the practice of contracting.	Causing monetary or other harm to licensee's customer.	\$500.00	\$1,000.00
f)	Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property		\$500.00	\$1,000.00
g)	Committing incompetence or misconduct in the practice of contracting.		\$500.00	\$1,000.00

h)	Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer.	1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the contractor's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within seventy-five (75) days after the date of such items. 2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned. 3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the contractor of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer	\$500.00	\$1,000.00
i)	Conceal or caused to be concealed, or assist in concealing, from the primary qualifying agent, any material activities or information about the contracting firm.		\$500.00	\$1,000.00
j)	Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent.		\$500.00	\$1,000.00

k)	Expired permits	Allowing a building permit to expire without obtaining a final inspection.	\$250.00	\$1,000.00
l)	Failing in any material respect to comply with the provisions of this part or violating a rule or lawful order of the Board.		\$500.00	\$1,000.00
m)	Failing to satisfy within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.		\$500.00	\$1,000.00
n)	Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part 1 of chapter 713 or a notice to contractor under chapter 255 or part 1 of chapter 713.		\$500.00	\$1,000.00
o)	Knowing or negligent use of substandard or defective building materials or supplies in any construction project, which is not corrected pursuant to a notice of correction.		\$500.00	\$1,000.00
p)	Knowingly cause any part of the contracting firm's activities, financial or otherwise, to be conducted without the primary qualifying agent's supervision.		\$500.00	\$1,000.00
q)	Knowingly or negligently violating the applicable building or electrical codes or laws of the state or county, which is not corrected pursuant to a notice of correction.		\$500.00	\$1,000.00

r)	Making any material false statements in an application for a local license, local registration or request for a building permit.	Such Statements include: signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and commercial general liability insurance are provided.	\$500.00	\$1,000.00
s)	Obtaining a local license or local registration by fraud or misrepresentation.		\$500.00	
t)	Operate a business organization engaged in contracting after sixty (60) days following the determination of it's only qualifying agent without designating another primary qualifying agent.		\$250.00	\$1,000.00
u)	Performing any act which assists a person or entity in engaging in the prohibited unlicensed and unregistered practice of contracting, if the registrant knows or reasonably should have known that the person or entity was unlicensed or unregistered		\$500.00	\$1,000.00
v)	Proceeding on any job without obtaining applicable local building department permits and inspection. (Excluding emergency situations)		\$500.00	\$1,000.00
w)	Use or attempt to use a local license or local registration which has been suspended or revoked.		\$500.00	\$1,000.00
x)	Using a subcontractor not authorized for use on building permits, without first notifying the building department in writing.		\$500.00	\$1,000.00
y)	Willfully or deliberately disregard or violate any municipal or county ordinance relating to unlicensed or unregistered contractors		\$500.00	\$1,000.00

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

- (1) The time and date of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The time and date of the violation.
- (4) A brief description of the violation and the facts constituting reasonable cause.
- (5) The name of the code enforcement officer.
- (6) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (7) The applicable civil penalty if the person elects not to contest the citation.

(c) The act for which the citation is issued shall be ceased upon receipt of the citation; and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request a hearing before the board of building examiners. If the alleged violator fails to pay the citation or to request a hearing within ten (10) days from the date of the citation, his or her license shall be automatically suspended until a hearing is held or the citation paid.

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

- (1) The gravity of the violation.
- (2) Any actions taken by the violator to correct the violation.
- (3) Any previous violations committed by the violator.

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

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

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-94. Appeals.

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

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-95. Expired/void permits.

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

(Ord. No. 2007-39, § 2, 8-7-07)

Secs. 6-96--6-99. Reserved.

ARTICLE VII.

UNLICENSED CONTRACTORS

Sec. 6-100. Unlicensed individuals and firms.

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

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

- (1) Falsely hold himself or a business organization out as a licensee, locally licensed or locally registered contractor.
- (2) Falsely impersonate a locally licensed or locally registered contractor.

- (3) Present as his own the local license of another.
 - (4) Knowingly give false or forged evidence to the board or a member thereof.
 - (5) Use or attempt to use a local license which has been suspended or revoked.
 - (6) Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly licensed or registered.
 - (7) Operate a business organization engaged in contracting after sixty (60) days following the termination of its only qualifying agent without designating another primary qualifying agent.
 - (8) Willfully or deliberately disregard or violate any municipal or county ordinance relating to unlicensed or unregistered contractors.
 - (9) Commence or perform work for which a building permit is required without such building permit being in effect.
 - (10) Conceal or caused to be concealed, or assist in concealing, from the primary qualifying agent, any material activities or information about the contracting firm.
 - (11) Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent.
 - (12) Knowingly cause any part of the contracting firm's activities, financial or otherwise, to be conducted without the primary qualifying agent's supervision.
 - (13) Assist or participate with any local license holder in the violation of any provision of this chapter.
- (Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-101. Citations and notices.

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

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

(c) All notices required by this section shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer or code enforcement officer; or by leaving the notice at the violator's usual place of residence with some person of his family above fifteen (15) years of age, and informing such person of the contents of the notice, or by including a hearing date within the citation.

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

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

(f) A person cited for a violation pursuant to this section is deemed to be charged with a non-criminal infraction.
(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-102. Violations and fines for unlicensed contractors.

(a) [Violations and fines.]

Section	Violation	First Violation	Subsequent Violations
(1)	Falsely hold himself or a business organization out as a licensee, or local license holder.	\$250.00	\$500.00
(2)	Falsely impersonate a local license holder.	\$250.00	\$500.00
(3)	Present as his/her own the local license of another.	\$250.00	\$500.00
(4)	Knowingly give false or forged evidence to the Board or a member thereof.	\$250.00	\$500.00
(5)	Engage in the business or act in the capacity of a contractor or advertise himself/herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly licensed or registered.	\$500.00	\$500.00

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

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

valid license.

(Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-103. Procedure after citations.

(a) The act for which the citation is issued must cease upon receipt of the citation. The person charged with the violation shall either correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing in writing before the board to appeal the issuance of the citation.

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

(c) If the violator fails to request an administrative hearing within the time period set forth above, the violator shall be considered to have waived the right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation, and penalties may be imposed accordingly.

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

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

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

- (1) Place, date and time of hearing;
- (2) Right of alleged violator to be represented by an attorney;
- (3) Right of alleged violator to present witnesses and evidence and conduct cross-examination, and;
- (4) A conspicuous statement reflecting the requirements of F.S. Ch. 286, that a person deciding to appeal any decision of the board will need to ensure that a verbatim record of the proceedings is made.

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

(h) No hearing shall be scheduled on a date sooner than ten (10) days from the date of service of the

citation on the alleged violator unless there is reason to believe that a violation presents a serious threat to the public health, safety and welfare. All hearings shall be administratively scheduled by the building official. (Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-104. Board hearings.

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

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

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

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

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

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

- (1) The gravity of the violation.
- (2) Any actions taken by the violator to correct the violation.
- (3) Any previous violations committed by the violator.

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

(h) A certified copy of an order imposing a civil penalty against an unlicensed or unregistered contractor may be recorded in the public records and thereafter shall constitute a lien against any real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of his state, including a levy against personal property; however, such order shall not be deemed to be a court judgment except for enforcement purposes. A civil penalty imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three (3) months from the filing of any such lien which remains unpaid, the board may authorize the local governing body's attorney to foreclose on the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.

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

(j) Complaints shall be filed with the state attorney's office in those instances where severe loss has been incurred by a customer or a supplier as a direct result of the actions of the unlicensed individual or firm. (Ord. No. 2007-39, § 2, 8-7-07)

Sec. 6-105. Appeal procedure.

An aggrieved party, including the local governing body, may appeal a final administrative order of the board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the board. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

(Ord. No. 2007-39, § 2, 8-7-07)

ARTICLE VIII.

GREEN BUILDING STANDARDS

Sec. 6-106. Definitions.

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

ASHRAE: Acronym for the American Society of Heating, Refrigeration and Air Conditioning Engineers. ASHRAE 90.1 Appendix G: Standard developed by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) to provide specific guidance on the rules and procedures used to simulate building energy use when the objective is to substantially exceed the requirements of ASHRAE Standard 90.1-2004, "Energy Standard for Buildings Except Low-Rise Residential Structures."

Commission: The Board of County Commissioners of Lake County, Florida.

Conserve Florida: Name of a statewide water conservation effort by water management districts and Florida Department of Environmental Protection to develop and implement an accountable and measurable program to allow public water supply utilities to tailor cost-effective conservation programs to reflect their individual circumstances to achieve greater water-use efficiency.

Construction: Any project associated with the creation, development or erection of any building eligible for the program.

Current: The standard in place at the time a program participant submits a project application form with the jurisdiction.

FBC: Acronym for the Florida Building Commission.

FGBC: Acronym for the Florida Green Building Coalition, Inc., a Florida 501(c)3. not-for-profit corporation whose mission is to establish and maintain a Florida system of statewide green building standards and third-party certification programs with environmental and economic benefits.

FGBC Local Government designation: A designation given by FGBC to a city or county that achieves the requirement of their local government rating system that examines environmental best practices for all local government functions. Levels of platinum, gold, silver and certified can be achieved.

Federal tax credit for energy efficient homes: Refers to the tax credit recognized by the U.S. Internal Revenue Service for the construction of a home.

Federal tax credit for solar energy systems: Refers to the tax credit recognized by the U.S. Internal Revenue Service for the installation of qualified residential solar water heating or photovoltaic systems.

Florida Green Lodging: A program by the Florida Department of Environmental Protection to designate lodging establishments as "green" for following environmentally sensitive operating procedures.

FSEC: Acronym for Florida Solar Energy Center. As the State of Florida's energy research institute, FSEC conducts research in building science, photovoltaics, solar thermal, hydrogen and alternative fuels, fuel cells and other advanced energy technologies.

Florida Solar Energy System Incentives Program: A program of state law providing for rebates for the installation of qualified solar energy systems, codified at section F.S. § 377.806.

Florida Water Star Program: A third-party certification program offered by water management districts to encourage water efficiency in household appliances, plumbing fixtures, irrigation systems and landscapes.

Florida Yard and Neighborhoods: A University of Florida Extension Service program that encourages homeowners and professionals to create and maintain Florida-friendly landscapes that protect the natural environment for future generations. The program consists of nine principles indicating how to locate the right

plant in the right place, water efficiently, fertilize appropriately, mulch, attract wildlife, manage pests responsibly, recycle, reduce stormwater runoff and protect the waterfront.

GBI: Acronym for the Green Building Initiative, a not-for-profit organization whose mission is to accelerate the adoption of building practices that result in energy-efficient, healthier and environmentally sustainable buildings by promoting credible and practical green building approaches for residential and commercial construction.

GHDS: Acronym for the Green Home Designation Standard of the Florida Green Building Coalition, Inc.

GHG: Acronym for greenhouse gases.

Green building: A designation given to buildings that meet and are maintained to the requirements of the green building rating system defined in this green building program.

Green building program: The program outlined in this ordinance for obtaining incentives for green buildings and developments.

Green development: A land use planning concept that includes consideration of community-wide or regional environmental implications of development, as well as site-specific green building concepts. This includes city planning, environmental planning, architecture and community building. Green development is about constructing buildings and landscapes in a more environmentally friendly manner. It is development that helps to improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

Green Globes: The U.S. commercial/institutional building rating system of the Green Building Initiative.

HERS® Index: The Home Energy Rating System Index used as part of Florida's Home Energy Rating system in which a home with a HERS Index of 100 represents the energy use of the "American Standard Home" and an Index of zero (0) indicates that the rated home uses no net purchased energy.

Independent or Independent of Lake County: Not employed by, or acting as agents of, Lake County.

IBHS: Acronym for the Institute for Business and Home Safety. An insurance and reinsurance organization whose mission is to reduce the social and economic affects of natural disasters and other property losses by conducting research and advocating improved construction, maintenance and preparation practices.

LEED: The Leadership in Energy and Environmental Design Rating System of the U.S. Green Building Council.

NAHB: Acronym for the National Association of Home Builders, a Washington-based trade association whose mission is to enhance the climate for housing and the building industry.

Positively Green Project: A building project that generates more energy on-site through renewable sources than it uses on an annual basis while providing for its water needs through typical annual rainfall, and

meets all of the requirements of this jurisdiction's green building program. To meet energy qualifications, residential applicants shall achieve a HERS index of zero(0) or less, and non-residential shall achieve one hundred (100) percent energy reduction from non-renewables using procedures in ASHRAE 90.1 Appendix G. rating procedure.

Program: Lake County's Green Building and Development Program.

Program certification: The final designation awarded to a program participant for satisfying all requirements associated with the program for a particular project.

Program participant: Any person or entity seeking program certification for a particular project.

Project: Any construction associated with the creation, development or erection of any building or development eligible for the program.

Project application form: The form submitted to Lake County indicating that a program participant is interested in participating in the program for a particular project.

Sub-program: Means any area of construction covered by the program.

Sustainable construction: The process of environmentally sensitive, resource efficient site selection, preparation, design, construction and operation of buildings.

Unit: A residence permitted according to the Florida Building Code (FBC).

USGBC: Acronym for the United States Green Building Council, a non-profit organization whose mission is to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy and prosperous environment that improves the quality of life. (Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-107. Title.

The provisions of this article shall be known as the "Lake County Green Building and Development" Code. (Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-108. Purpose and intent.

The purpose is to establish goals, programs and procedures that will help Lake County become a more sustainable community. This program shall establish new environmental goals for Lake County, define a certification-based green-building and development program with incentives, and define new measurement parameters and reporting criteria to track Lake County's performance toward its environmental goals. This program will promote economic and environmental health in Lake County, through the design, construction, operations and deconstruction of its own facilities and provide leadership to both the private and public sectors in the arena of green building and development practices including resource efficiency and disaster mitigation.

Specific practices are outlined below.

- (1) Promote a sustainable future that meets today's needs of a stable, diverse and equitable economy without compromising the ability of future generations to meet their needs by:
 - a. Protecting the quality of the air, water, land and other natural resources;
 - b. Conserving native vegetation, wildlife and habitat;
 - c. Minimizing human impacts on local ecosystems and ecosystems worldwide; and
 - d. Reducing greenhouse gas emissions.
- (2) Become a leader in setting policies and practicing service delivery innovations that promote environmental sustainability.
- (3) Create a sustainable jurisdiction by delivering renewable energy and energy-efficient projects, developing green buildings and water-thrifty landscapes, resource education, and utilizing recycling and environmentally sound solid-waste services.
- (4) Establish a green building program to:
 - a. Improve the economic and environmental health of Lake County through measurable objectives;
 - b. Track and analyze key indices to measure performance;
 - c. Commit Lake County to achieve green designations;
 - d. Provide incentives for voluntary compliance;
 - e. Provide green building educational opportunities for the community; and
 - f. Execute a green building and development program to help local government. meet its overall goals of reducing emissions, reducing energy needs, and water consumption consistent with the states' initiative.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-109. Government leadership.

To demonstrate Lake County's commitment to a green-building program, Lake County shall comply with the green building programs established herein for all government buildings, and shall:

- (1) Become and maintain an FGBC Local Government designation;

(2) Track the government's monthly water and energy use; and

(3) Produce an annual report that outlines Lake County's energy and water use and greenhouse gas emission performance for the prior year and outlines a plan to reduce it for the coming year.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-110. Designation of responsibility for administration and implementation.

The program shall be administered by the department of conservation and compliance, which shall be responsible for, but not be limited to, the following:

(1) Marketing the program to the community by any reasonably effective means;

(2) Developing any appropriate or necessary application procedures, including but not limited to, the program application form;

(3) Writing policies and procedures for staff implementation of the green building and development program;

(4) Providing the certifications for use in the program;

(5) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and

(6) Resolving disputes that may arise from implementing the program.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-111. Green building and development program applicability.

(a) For all private projects, the program shall be voluntary.

(b) For any new building owned and constructed by or on behalf of the Lake County Board of County Commissioners (BCC), the program shall be mandatory.

(c) For any alteration of a government building owned by the Lake County BCC undergoing a level III or greater alteration, per FBC, shall comply with this program providing a positive cost analysis can demonstrate one hundred (100) percent pay back within ten (10) years.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-112. Green building and development coverage.

The program shall be comprised of the following sub-programs:

(1) New residential construction;

- (2) Residential retrofitting/remodeling;
 - (3) New commercial/non-residential construction;
 - (4) Existing commercial/non-residential construction; and
 - (5) Land developments
- (Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-113. Green building and development standards.

In addition to the Florida Building Code's minimum standards, the program shall be administered using standards developed by the Florida Green Building Coalition, the U.S. Green Building Council, the Green Building Initiative, or the National Association of Home Builders. Programs shall stand alone and shall not be mixed. In order to qualify for incentives set forth in section 6-114, these standards shall apply to each sub-program as follows:

- (1) *New residential permitted projects:* New residential projects shall satisfy all of the requirements associated with one (1) of the following:
 - a. The current Green Home Designation Standard of the FGBC;
 - b. The current USGBC LEED for Homes® program;
 - c. The current National Association of Home Builders National Green Home program; or
 - d. The GBI new home designation including but not limited to, any monetary or certification requirements.
- (2) *Remodeling of existing homes:* The participant shall meet requirements of remodeling certification for one (1) of the following:
 - a. The current Green Home Designation Standard of the FGBC;
 - b. The current LEED for Homes® program;
 - c. The current NAHB National Green Home program; or
 - d. The GBI including but not limited to, any monetary or certification requirements. The home shall meet the requirements for "remodeling" or "existing home" of the designation.
- (3) *New commercial or institutional buildings:* The program participant shall satisfy all of the requirements associated with one (1) of the following:
 - a. The current Green Commercial Designation Standard of the FGBC;

- b. The current LEED for New Construction or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care); or
 - c. The Green Globes environmental assessment system for new designs including but not limited to any monetary or certification requirements.
- (4) *Existing commercial and institutional buildings*: The program participant shall satisfy all of the requirements associated with one (1) of the following:
- a. The current Green Commercial Designation Standard of the FGBC;
 - b. The current LEED for existing buildings or derived USGBC LEED rating system (e.g., LEED for Schools, LEED for Health Care) program; or
 - c. The Green Globes environmental assessment system for existing designs, including but not limited to any monetary or certification requirements.
- (5) *Land Developments (Green Development)*: The participant shall satisfy all of the requirements associated with one (1) of the following:
- a. The current Green Development Designation Standard of the FGBC;
 - b. The current LEED for Neighborhoods and Developments rating system program; or
 - c. The NAHB development designation, including but not limited to any monetary or certification requirements.
- (6) *Review*: For the purpose of this section of the program, a program participant shall be bound by the standard designated for a particular sub-program unless the program participant requests to be certified under a more current version of a designated standard and the request is approved by the department administering the particular program.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-114. Incentives.

The program shall include incentives designed to encourage the use of the program.

- (1) *All sub-programs*: For any voluntary program participant seeking a program certification, Lake County shall provide the following fast track permitting incentives:
- a. Site and development plans for a proposed green development shall be processed in twenty (20) business days. All such applications shall be accompanied by the appropriate green building and development program application form.

- b. Building permit applications for residential green buildings shall be processed within three (3) business days. All such applications shall be accompanied by the appropriate green building and development program application form.
- c. Building permit applications for commercial green buildings shall be processed in ten (10) business days. All such applications shall be accompanied by the appropriate green building and development program application form.

(2) *Green building award:* For the purpose of publicly recognizing outstanding commitment to "green building and development," the program shall provide for an award called the "Green Building and Development Award" to be awarded annually by Lake County to one program participant in each sub-program.

(3) *Special green contribution award:* Lake County shall annually provide a special recognition award to those contractors that donate significant reusable building materials to non-profit local building organizations.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-115. Education and training.

(a) Lake County, in conjunction with FSEC, FGBC, Green Globes, NAHB or USGBC shall conduct at least one (1) training workshop per year for the purpose of educating potential or current program participants about the program.

(b) Lake County shall attempt to make available a meeting space at a government facility when available for green building and development programs offered by organizations that are of a general nature (not product specific). Organizations shall contact the facilities staff to make arrangements.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-116. Index and report.

The goals and objectives of the program and their status as outlined in section 6-108 shall be recorded, analyzed and reported to the commission (BCC). The administrator/manager shall be responsible for this indexing and reporting.

(Ord. No. 2008-52, § 2, 8-5-08)

Sec. 6-117. Program review.

(a) *Staff review:* Lake County shall provide for a review of the program to determine the need for changes in the program to increase its effectiveness.

(b) *Frequency:* The program shall be subject to review one (1) year after the effective date of this ordinance and thereafter at a frequency of not more than once per year.

(c) *Purpose:* The purpose of reviewing the program includes, but is not limited to, updating program

incentives, recommending program or marketing changes to Lake County, reviewing suggestions made by program participants, and annually awarding the green building and development awards of the program.
(Ord. No. 2008-52, § 2, 8-5-08)