

2           **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**  
3           **SEMINOLE COUNTY, FLORIDA, AMENDING CHAPTER 40 (BUILDING**  
4           **AND CONSTRUCTION) OF THE SEMINOLE COUNTY CODE IN THE**  
5           **FOLLOWING MANNER: SECTION 40.2 (DEFINITIONS) TO ADD AND**  
6           **AMEND DEFINITIONS; PART 2 (CONTRACTOR LICENSING), TO**  
7           **AMEND, RENUMBER, AND UPDATE SECTIONS 40.16 (GENERALLY)**  
8           **THROUGH SECTION 40.25 (LENDING OF LICENSE, PERMIT OR**  
9           **NAME), TO ADD SECTION 40.26 (VEHICULAR DISPLAY OF**  
10           **LICENSURE), TO ADD SECTION 40.27 (PROVISIONS**  
11           **SUPPLEMENTAL), TO ADD SECTIONS 40.28 (ENFORCEMENT**  
12           **OFFICERS) THROUGH SECTION 40.33 (HEARINGS) TO ESTABLISH**  
13           **LICENSING ENFORCEMENT PROCEDURES, TO RENUMBER**  
14           **SECTIONS 40.34 – 40.50 (RESERVED); PART 3 BUILDING DIVISION, TO**  
15           **ADD SECTION 40.51 (SURVEYS, SIGNED, SEALED AND LABELED,**  
16           **PERMIT REQUIREMENTS), TO AMEND AND UPDATE SECTION 40.52**  
17           **(FINISH FLOOR ELEVATIONS), PART 4 (PERMITTING), TO AMEND,**  
18           **RENUMBER, AND ORGANIZE ARTICLE II (PERMITS AND**  
19           **INSPECTIONS) TO DELETE SECTION 40.70 (PERMIT EVALUATIONS),**  
20           **TO RENUMBER SECTION 40.71 TO 40.70 (COMPLIANCE WITH**  
21           **ZONING REQUIREMENTS), TO ADD SECTION 40.71 (DISASTER**  
22           **EMERGENCY PERMITTING), TO CODIFY PART 5 (ELECTRICAL),**  
23           **SECTION 40.85 (ELECTRICAL SYSTEMS, DESIGN, INSTALLATION,**  
24           **AND INSPECTION), TO RENUMBER SECTIONS 40.86 – 40.99**  
25           **(RESERVED); TO REPEAL AND RESERVE SECTION 40.110**  
26           **(STAGNANT, FOUL, ETC., WATERS; REMOVAL); TO REPEAL AND**  
27           **RESERVE SECTIONS 40.241 (ADOPTED), 40.242 (AMENDMENTS),**  
28           **40.243 (ADMINISTRATIVE REVIEW PROCEDURE), 40.244**  
29           **(DECISIONS), AND 40.245 (APPEALS); PROVIDING FOR**  
30           **CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING**  
31           **FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

32           **WHEREAS,** Chapter 40, Seminole County Code of Ordinances, addresses County  
33           Building and Construction policies and procedures, as authorized by Chapters 489 and 553, Florida  
34           Statutes; and

35           **WHEREAS,** the Board of County Commissioners finds that the adoption of this Ordinance  
36           is necessary to update the County’s contractor certification program processes and establish

enforcement procedures to ensure local contractors are competent to engage in construction in  
38 Seminole County; and

**WHEREAS**, other amendments made by this Ordinance include establishing a disaster  
40 emergency permitting process as required by State law, integrating existing surveying  
requirements, decreasing finished floor elevation requirements, and codifying the National  
42 Electrical Code; and

**WHEREAS**, the Board finds that this Ordinance benefits the health, safety, and welfare of  
44 the general public and the residents of Seminole County, is in compliance with State law and will  
not adopt more restrictive or burdensome regulations or processes.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
46 **COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

**Section 1. Incorporation of Recitals.** The above recitals represent the legislative findings  
48 of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

**Section 2. Revising Chapter 40, Building and Construction.** Parts, 1, 2, 3, 4, 5, 7, & 11  
50 of Chapter 40 (Building and Construction), Seminole County Code, are hereby amended to read  
as follows: underlined terms are added terms and ~~terms that are stricken are deleted terms~~\*

**Chapter 40 – BUILDING AND CONSTRUCTION**

54 **PART 1. – IN GENERAL**

**Sec. 40.1. The Florida Building Code.**

56 In accordance with Chapter 553, Florida Statutes, as of March 1, 2002, there is hereby  
adopted and incorporated by reference herein the Florida Building Code, as amended. Chapter 1,  
58 Administration, of the Florida Building Code, is hereby adopted with amendments as set forth in

Appendix "A". In the event of a conflict between any provisions of Chapter 40 of this Code and  
60 the Florida Building Code, the Florida Building Code shall govern

**Sec. 40.2. Definitions.** As used in this Chapter and unless the context requires  
62 otherwise, the following terms shall mean as follows:

*Abandon or abandonment:* (1) Termination of a construction project by a contractor  
64 without just cause or proper notification to the owner including the reason for termination. (2)  
Failure of a contractor to perform work without just cause for 180 days. (3) Failure to obtain an  
66 approved inspection within 180 days from the previous approved inspection.

Advertisement: Any announcement, listing, display, entry, or other written or printed  
68 statement of whatever nature or kind, and specifically to include a name and address or telephone  
number placed under a heading when the heading describes or encompasses services regulated  
70 by F.S. ch. 489, the County, or a Local authority.

*Building (verb):* The removal, disassembly, repair, replacement, installation or assembly  
72 of the building, structure, building system or building components in whole or parts thereof.

*Building component:* An element or assembly of elements integral to or part of a  
74 building.

~~*Building contractor:* A contractor, general contractor, building contractor or residential  
76 building contractor all as defined by Florida Statutes Section 489.105(3).~~

Building permit: Any permit issued by Seminole County through its division of building  
78 safety for construction work, electrical work, plumbing work, or other construction trade as  
regulated and authorized by this Chapter and the Florida Building Code, as amended.

80 *Building shell:* The structural components that completely enclose a building, including,  
but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.

82 *Building system:* A functionally related group of elements, components and/or  
equipment, such as the electrical, plumbing and mechanical systems of a building.

84 *Certificate of Competency or Certificate:* The meaning attributed in Florida Statutes,  
Chapter 489, or successor provisions.

86 *Certificate of occupancy (C.O.):* A written statement issued by the County evidencing  
that a structure substantially satisfies all County construction requirements and may be occupied.

88 *Certification:* The act of obtaining or holding a Competency card from the County.

*Certified contractor:* Any contractor who is licensed ~~possesses a certificate of~~  
90 ~~competency issued~~ by the State of Florida.

*Change of occupancy:* A change from one code occupancy classification or sub-  
92 classification to a different one.

*Competency card:* A card issued by the Building Division of Seminole County which  
94 evidences that a specified person is competent to practice construction in Seminole County.

*Contractor:* Any person who undertakes to, or submits a bid to, or does himself or herself  
96 or by others, construct, repair, alter, remodel, add to, subtract from, demolish, move or improve  
any building or structure, including related improvements to real estate, for others, or for resale  
98 to others, or who undertakes or offers to undertake or purports to have the capacity to undertake,  
or submits a bid to, or agrees under contract, or does himself or herself, or by or through others,  
100 engages in trades regulated by this Chapter, a Local authority, and/or F.S. ch. 489

*County:* The County of Seminole County, Florida.

102 *Demolition:* The act of razing, dismantling or removal of a building or structure, or  
portion thereof, to the ground level.

104           *Electrical contractor:* means a person who conducts business in the electrical trade field  
and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in  
106 compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any  
part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form,  
108 including the electrical installations and systems within plants and substations, all in compliance  
with applicable plans, specifications, codes, laws, and regulations.

110           *Electrician:* A person qualified under the terms and provisions of this Chapter who is  
engaged in the trade or business of electrical construction.

112           *FCILB:* The Florida Construction Industry Licensing Board.

*Imminent danger:* (1) A structurally unsound condition of a structure which could cause  
114 physical injury to persons or property; or (2) a structurally unsound condition of a structure  
which could cause a portion of the structure to detach or move and create potential for physical  
116 injury to persons or property; or (3) a structural condition which harbors or is inhabited by pests,  
vermin, or organisms injurious to human health.

118           *Licensed:* Possessing the certificates required pursuant to F.S. ch. 489 and/or this Part.

*Licensed Contractor:* Any contractor who possesses a Certificate of Competency issued  
120 by the County or Local authority and is licensed by the Florida Department of Business and  
Professional Regulation, Construction Industry Licensing Board or the Electrical Contractor's  
122 Licensing Board. ~~A contractor certified by the State of Florida or the local jurisdiction who has  
satisfied all state or local requirements to be actively engaged in contracting.~~

124           *Local authority:* Any and all municipalities located within the legal boundaries of  
Seminole County, Florida.

126           *Mechanical contractor:* A person who is a Class A air conditioning contractor, or a Class  
B air conditioning contractor or a Class C air conditioning contractor or a mechanical contractor,  
128 all as defined in Florida Statutes Ch. 489, as amended.

*Permit:* A written statement issued by the County authorizing performance of a specific  
130 activity regulated by this Code.

*Plumbing contractor:* means a contractor whose contracting business consists of the  
132 execution of contracts requiring the experience, financial means, knowledge, and skill to install,  
maintain, repair, alter, extend, or, when not prohibited by law, design plumbing.

134           *Primary qualifying agent:* A person who possesses the requisite skill, knowledge, and  
experience, and has the responsibility, to supervise, direct, manage, and control the contracting  
136 activities of the business organization with which they are connected, who has the responsibility  
to supervise, direct, manage, and control construction activities on a job for which they have  
138 obtained the building permit; and whose technical and personal qualifications have been  
determined by investigation and examination as provided for in F.S. ch. 489.

140           *Pump installer:* Any person engaged in the business of installing or repairing pumps and  
pumping equipment.

142           *Registered contractor:* Any contractor who has registered with the State of Florida,  
Department of Business and Professional Regulation pursuant to fulfilling the competency  
144 requirements of Seminole County.

*Remodeling:* Work which changes the original size, configuration or materials of a  
146 structure.

148 Repeat violation: A recurring violation of a provision of this Part by a violator previously  
found to have violated the same provision, or a violator against whom penalties were assessed  
for violation of the same provision, within five (5) years from the finding of violation.

150 Sign specialty contractor, non-electrical contractor: A person who is qualified pursuant  
to a Certificate of Competency to structurally fabricate, erect, install, alter, repair, assemble, or  
152 change non-electric signs according to the Building Code, but not to engage in any electrical  
wiring.

154 Specialty contractor:. A contractor whose scope of work and responsibility is limited to a  
particular phase of construction and whose scope is limited to a subset of the activities as  
156 described in F.S.ch.489.

Stop work order: An order by the Building Official, or ~~his~~ their designee, which requires  
158 the immediate cessation of all work and activities described in the order.

Structural component: Any part of a system, building or structure, load bearing or non-  
160 load bearing, which is integral to the structural integrity thereof, including but not limited to  
walls, partitions, columns, beams and girders.

162 Structural work or alteration: The installation or assembling of new structural  
components into a system, building or structure; or any change, repair or replacement of any  
164 existing structural component of a system, building or structure.

\* \* \*

166 **PART 2. – CONTRACTOR LICENSING**

**Sec. 40.16. Generally.**

168 (a) The ~~board of contractor examiners~~ Building Codes Board of Appeals (BCBA) is  
hereby established to perform all functions delegated herein to a board which relate to  
170 Contractors or to any of the code provisions hereunder.

(b) The ~~BCBA board~~ shall be composed of six (6) Licensed Ceontractor members  
172 and three (3) consumer representatives, all appointed by the Board of County Commissioners.  
The Licensed Contractor members shall include one (1) Licensed residential building or general  
174 contractor, one (1) Licensed electrical contractor, one (1) Licensed plumbing contractor, one  
(1) Licensed mechanical contractor, one (1) Licensed swimming pool contractor, and one (1)  
176 other Licensed Ceontractor. All members shall be residents of the County and possess a State of  
Florida license in their respective discipline or profession. The consumer representative members  
178 shall have no previous or current affiliation with the construction industry. ~~Each member shall  
serve on the board for a term of one year. Initial terms will commence on January 1, 2007.~~

180 (c) A quorum for the board must include at least four (4) Licensed Ceontractor  
members and one (1) consumer representative.

182 (d) The members of the ~~BCBA board~~ shall receive no salaries for their services, but  
may receive travel and other expenses in accordance with the provisions of Section 112.061,  
184 Florida Statutes, as amended, when they are on official business outside the County, if funds are  
available for this purpose and such expenses are approved by the Board of County  
186 Commissioners.

(e) Each member of the ~~BCBA board~~ shall, before entering upon the discharge of  
188 ~~his/her~~ their duties of office, prepare and file with the County clerk an oath in writing to  
perform properly the duties of the office as a member of the ~~BCBA board~~ and to uphold the laws

190 of the County, the constitution and laws of the State, and the constitution and laws of the United  
States.

192 (f) Any member of the BCBA board may be removed from office for failure to hold  
or attend meetings of the BCBA board without just cause, or for any other cause, by a three-  
194 fifths vote of the Board of County Commissioners after a hearing by the Board of County  
Commissioners.

196 (g) Any vacancy on the BCBA board ~~occurring in an unexpired term~~ shall be filled  
by the Board of County Commissioners ~~for the remainder of the term within thirty (30) days~~  
198 ~~after the vacancy occurs.~~

**Sec. 40.17. Officers and records generally.**

200 (a) The BCBA board ~~created herein~~ shall elect a chairman, vice-chairman and such  
other officers as it deems necessary.

202 (b) ~~A majority of the members of the board created herein shall constitute a quorum.~~

(b)(e) The BCBA board ~~created herein~~ shall keep minutes of its meetings, showing the  
204 vote of each member on each question or indicating any absence or failure to vote and shall keep  
records of its examinations, resolutions, transactions, findings, determinations and other official  
206 acts. All minutes and records of the BCBA board shall be immediately filed in the office of the  
Building Division ~~department~~.

208 (c)(d) All meetings and records of the BCBA board shall be open to the public  
consistent with the provisions of the Sunshine Law and the Public Records Act.

210 (d)(e) The Building Official shall designate a member of County staff to serve as the  
BCBA secretary. The secretary shall be responsible for record keeping, preparation of necessary  
212 documents and other responsibilities as assigned by the Building Official.

~~(e)(f)~~ The Building Official or their designee shall attend all meetings of the BCBA.

214 **Sec. 40.18. Powers and duties generally.**

In addition to any other powers and duties, the BCBA board created herein shall have the  
216 power and duty to:

(a) Conduct enforcement hearings upon charges of violations of ~~the appropriate~~  
218 ~~provisions of this Chapter-Part~~ by any person in accordance with law. The BCBA board shall  
have the authority to sanction violators by written or verbal reprimand, impose civil penalties in  
220 accordance with this Part fines, revoke or suspend County licensure, and/or revoke a  
Contractor’s of the right to pull permits in Seminole County for a specified period of time.

(b) Make rules and bylaws which are not in conflict with the provisions of this  
222 ~~Chapter-Part~~ or any resolution of the Board of County Commissioners, or any applicable general  
224 or special law of the State, that may be needed in performing its duties.

(c) To hear any appeal from a decision of the Building Official applying or  
226 interpreting the technical code.

(d) To hear any appeal of a denial or revocation of a permit.

(e) To hear any appeal from a decision of the Building Official regarding an  
228 application for a Certificate of Competency.

(f) To review and propose amendments to the building, residential, existing building,  
230 plumbing, electrical, mechanical, gas or other technical and administrative building and  
232 construction related codes in effect in, or applicable to, the unincorporated area of Seminole  
County, and any other laws, ordinances, and regulations in the Seminole County Code pertaining  
234 to building and construction, including those relating to swimming pools, roofing, sheet metal,

and irrigation, but excluding those relating to housing, moving of structures, and/ or underground  
236 utilities pipelines.

(g) To conduct hearings on any alleged violations of this Part.

238 **Sec. 40.19. State of Florida certification required. Contractor Certification,  
Registration, Licensing.**

240 (a) Any person, firm, or entity desiring to engage in the business or act in the  
capacity of a general contractor, builder, or any form of building contractor regulated by this Part  
242 within the County shall first obtain either the appropriate State Certificate or County  
Competency card pursuant to the requirements of this Part.

244 (b) All policies and procedures pertaining to Contractor licensing and Certification  
shall be in accordance with chapter 489, Florida Statutes, as amended, and all applicable rules  
246 and regulations promulgated by the Construction Industry Licensing Board and Board of  
Electrical Contractors, as these rules and regulations are amended from time to time.

248 (c) All policies and procedures pertaining to Contractor licensing shall be governed  
in accordance with this Part, applicable sections of chapter 489, Florida Statutes, as amended,  
250 and the Department of Business and Professional Regulation via its rulemaking authority.

(d) Exemptions to licensure requirements shall be in accordance with the applicable  
252 provisions governing licensure exemption in chapter 489, Florida Statutes, as amended.

(a) — *Building.*

254 (1) — It is unlawful for any person to engage in the business or act in the  
capacity of a building contractor without current and appropriate certification issued by the State.  
256 Sole proprietors, partnerships, corporations, business trusts or other legal entities may engage in  
such business if:

258 (A) ~~— At least one supervisory member or employee of said entity holds~~  
~~current and appropriate State certification and acts as the qualifying agent in accordance with~~  
260 ~~Florida Statutes Section 489.119; and~~

(B) ~~— That member has the authority to and does directly supervise all~~  
262 ~~building construction as described in this Chapter.~~

(b) ~~— *Electrical.*~~

264 (1) ~~— It is unlawful for any person to engage in the business or act in the~~  
~~capacity of an electrical contractor without current and appropriate certification issued by the~~  
266 ~~State. Sole Proprietors, partnerships, corporations, business trusts or other legal entities may~~  
~~engage in such business if:~~

268 (A) ~~— At least one supervisory member or employee of said entity holds~~  
~~a current State electrical contractor's certification and acts as the qualifying agent in accordance~~  
270 ~~with Florida Statutes Section 489.119; and~~

(B) ~~— That member has the authority to and does directly supervise all~~  
272 ~~electrical construction as described in this Chapter.~~

(c) ~~— *Mechanical.*~~

274 (1) ~~— It is unlawful for any person to engage in the business or act in the~~  
~~capacity of a mechanical contractor without the appropriate and current certification issued by~~  
276 ~~the State. Sole Proprietors, partnerships, corporations, business trusts or other legal entities may~~  
~~engage in such business if:~~

278 (A) ~~— At least one supervisory member or employee of said entity holds~~  
~~a current State certification and acts as the qualifying agent in accordance with Florida Statutes~~  
280 ~~Section 489.119; and~~

282 ~~(B) — That member has authority to and does directly supervise all  
mechanical construction as described in this Chapter.~~

~~(d) — *Plumbing.*~~

284 ~~(1) — It is unlawful for any person to engage in business or act in the capacity of  
a plumbing contractor without a current and appropriate certification issued by the State. Sole  
286 proprietors, partnerships, corporations, business trusts or other legal entities may engage in such  
business if:~~

288 ~~(A) — At least one supervisory member or employee of said entity holds  
a current State plumbing contractor's certification and qualifying agent in accordance with  
290 Florida Statutes Section 489.119; and~~

~~(B) — That member has the authority to and does directly supervise all  
292 plumbing construction as described in this Chapter.~~

~~(e) — *Pools.*~~

294 ~~(1) — It is unlawful for any person to engage in the business or act in the  
capacity of a swimming or wading pool contractor without a current and appropriate swimming  
296 pool contractor's certification issued by the State. Sole proprietors, partnerships, corporations,  
business trusts or other legal entities may engage in such business if:~~

298 ~~(A) — At least one supervisory member or employee of said entity holds  
a current State swimming pool contractor's certification and acts as the qualifying agent in  
300 accordance with Florida Statutes Section 489.119; and~~

~~(B) — That member has the authority to and does directly supervise all  
302 swimming and wading pool construction as described by this Chapter.~~

~~(f) — *Well drilling.*~~

304           (1) — ~~It is unlawful for any person to engage in the business of or act in the~~  
capacity of a well drilling or pump installation or repair contractor without a current license  
306 ~~issued by the State or local water management district. Sole Proprietors, partnerships,~~  
~~corporations, business trusts and other legal entities may engage in such business if:~~

308                   (A) — ~~At least one supervisory member or employee of said entity holds~~  
~~a current license in well drilling or pump installation or repair.~~

310                   (B) — ~~That member has the authority to and does directly supervise all~~  
~~well drilling and pump installation repair or construction as described in this Chapter.~~

312           (g) — *Exemptions.* ~~The State certification requirement of Subsections (a) through (f)~~  
~~shall not apply to:~~

314                   (1) — ~~Persons who are exempt by State law; and~~

                          (2) — ~~Employees and subordinates of any State certified or registered contractor,~~  
316 ~~if the employees or subordinates do not hold themselves out for hire or engage in contracting~~  
~~except as an employee of the certified or registered contractor.~~

318                   (3) — ~~An authorized employee of the United States, this State, or any~~  
~~municipality, county, irrigation district, reclamation district, or other municipal or political~~  
320 ~~corporation or subdivision of the State, as long as the employee does not hold himself out for~~  
~~hire or otherwise engage in contracting except in accordance with his employment.~~

322                   (4) — ~~An officer appointed by a court when he is acting within the scope of his~~  
~~office as defined by law or court order.~~

324                   (5) — ~~Public utilities, or construction, maintenance, and development work~~  
~~performed by their agents or employees and incidental to their business.~~

326           ~~(6) — Persons who sell or install any finished products, materials, or articles of~~  
~~merchandise which are not actually fabricated into, and do not become a permanent fixed part of,~~  
328 ~~the structure.~~

~~(7) — An owner of property making application for permit, supervising and~~  
330 ~~doing the work in connection with the construction, maintenance, repair, and alteration of an~~  
~~addition to a single family or duplex residence for his own use and occupancy and not intended~~  
332 ~~for sale or use by a third party.~~

~~(8) — Any construction, alteration, improvement, or repair carried on within the~~  
334 ~~limits of any site the title to which is in the United States, or to any construction, alteration,~~  
~~improvement, or repair on any project when federal law prevails.~~

336           ~~(9) — Any construction or operation incidental to the construction or repair of~~  
~~irrigation and drainage ditches; regularly constituted irrigation districts; reclamation districts; or~~  
338 ~~clearing or other work on land in rural districts for fire prevention purposes or otherwise, except~~  
~~when performed by a certificate holder under this Part.~~

340           ~~(10) — A registered architect, professional engineer, or residential designer acting~~  
~~in his professional capacity or any person exempted by the State law regulating architects and~~  
342 ~~professional engineers.~~

~~(11) — Any person who furnishes materials or supplies but does not fabricate or~~  
344 ~~use them in the performance of the work of a contractor.~~

~~(12) — Registered contractors.~~

346           **Sec. 40.20. Application for ~~initial~~ issuance of a competency card, information**  
**required.**

348           (a) Any individual desiring to obtain a Competency card from the County must be 18  
years of age or older, must apply in person and present a valid government-issued photo  
350 identification, must complete and sign the application form prescribed by the Building Official  
stating the class or kind of Competency card the applicant is applying for, and must sign the  
352 Competency card itself.

(b) The Competency card application form must be filed with the Building Division  
354 with the following documentation:

(1) A letter from a Florida jurisdiction where the applicant is registered or  
356 from a recognized testing agency confirming the applicant's license type, that the applicant  
achieved a passing grade on a written exam for the applicable license type, and the date the  
358 applicant passed the written exam.

(2) A list of any past or pending disciplinary action(s) against the applicant by  
360 any government entity within the twelve (12) months immediately preceding the date of  
application, and their final disposition(s) if applicable.

(c) Any applicant applying for a Competency card will be required to sign an  
affidavit attesting to any disciplinary action(s) against the applicant in the twelve (12) months  
364 immediately preceding the date of application, and their final disposition(s), or, in the absence of  
any disciplinary action(s), an affidavit attesting to the non-existence of any disciplinary action(s).

(d) The Building Division will not issue a Competency card to any applicant who is  
the subject of an active disciplinary action or has been sanctioned by any government entity in  
368 the twelve (12) months immediately preceding the date of application.

(e) An individual may apply for a Competency card on behalf of, or for the use and benefit of, any sole proprietor, partnership, corporation, business trust or other legal entity provided that the applicant complies with the requirements of this Section and provides the names and addresses of all officers and/or partners of the entity the applicant represents.

(f) All applications for Competency cards shall be verified under oath by the applicant.

(g) Upon issuance of a Competency card by the Building Division pursuant to this Section, the recipient is required to register or update their registration status with the Department of Business and Professional Regulation (DBPR). For purposes of this Part, a Contractor is not considered a “Registered Contractor” until a Competency card is obtained pursuant to this section and the Contractor maintains an active registration with DBPR. All Permits issued to Registered Contractors will be authorized pursuant to the Registered Contractor’s DBPR registration.

~~(a) — Any person desiring to obtain an initial competency card shall file a written application with the Building Division upon the forms provided by the Building Division. The applicant shall appear in person, present valid government issued photo identification and sign all related documents including the competency card. All applications shall be verified under oath by the applicant.~~

~~(b) — In addition to all other information required, the person applying for the competency card shall state on the application form the class or kind, if any, of competency card for which he is applying.~~

~~(c) — A contractor may apply on behalf of, or for the use and benefit of, any sole proprietor, partnership, corporation, business trust or other legal entity provided that the~~

392 contractor signs the application and competency card and provides the names and addresses of  
all officers and/or partners in said entity.

394 (d) ~~The Seminole County Building Division will not issue a competency card to any  
person to practice construction in Seminole County unless the applicant submits:~~

396 (1) ~~A letter from a Florida jurisdiction where the applicant is registered or  
from a recognized testing agency stating the applicant's license type, that the applicant achieved  
398 a passing grade on a written exam for the applicable license type, and the date the applicant  
passed the written exam.~~

400 (2) ~~A list of any disciplinary actions against the applicant in any jurisdiction  
within the past twelve (12) months. The Building Division will not issue a competency card to  
402 any contractor who is undergoing an active disciplinary hearing or who has any sanctions by the  
State or local governments within the past twelve (12) months.~~

404 (e) ~~Notwithstanding any other provision of this Chapter, all persons having a  
competency card in Seminole County, upon the effective date of this subsection, will be allowed  
406 to continue practicing construction in Seminole County as long as they maintain an active  
competency card in good standing in Seminole County.~~

408 **Sec. 40.21. Fees.**

~~Upon~~ Prior to the issuance or renewal of a Competency card pursuant to the provisions  
410 of this Part, a person shall pay to the Building Division the appropriate fee established from time  
to time by the Board of County Commissioners by resolution.

412 **Sec. 40.22. Competency card expiration and renewal.**

(a) Competency cards issued pursuant to the provisions of this Part shall expire on  
414 September 30<sup>th</sup> of every odd year.

416 (b) Any Competency card required herein which is not renewed within 90 days after  
its expiration shall be void and shall not be eligible for renewal. be renewed. A Registered  
418 Contractor who has not renewed a their Competency card within 90 days after its expiration is  
required to apply for a new Competency card pursuant to the requirements in section 40.20 and  
420 pay a late renewal fee, as may be established by the Board of County Commissioners by  
resolution.

422 (c) Nothing in this Section shall be construed to authorize a person to operate without  
an appropriate and current Competency card or State certification.

**Sec. 40.23. Sanctions. Prohibited activities.**

424 (a) The following activities are prohibited and sanctionable under this Part: Seminole  
County contractor licensing boards shall have the power to direct restitution from a locally  
426 licensed or registered contractor; make recommendation to the Florida Construction Industry  
Licensing Board (FCILB) for revocation or suspension of a contractor's State certification;  
428 and/or deny, suspend, or revoke the issuance of permits to contractors if the contractor should:

(1) falsely holding oneself or a business organization out as a Licensed, or a  
430 Registered Contractor;

(2) falsely impersonating a Licensed or Registered Contractor;

432 (3) falsely presenting oneself as a Licensed or Registered Contractor under  
another person's Certificate of Competency or registration;

434 (4) giving false or forged evidence to the County for the purpose of obtaining  
a Certificate of Competency;

436 (5) using or attempting to use a certificate, license, or registration which has  
been suspended or revoked;

- 438           (6) Advertising oneself 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;
- 440           (7) operating a business organization engaged in contracting after sixty (60)  
days from the date its only Primary qualifying agent ceased to be affiliated with such business  
442 organization without designating another Primary qualifying agent;
- (8) proceeding on any job without first obtaining applicable local Building  
444 Permits and inspections or performing any work for which a Building Permit is required without  
such Building Permit being current;
- 446           (9) knowingly and willfully hiring a person who is not a duly certified,  
Licensed or Registered Contractor;
- 448           (10) engaging in the business or acting in the capacity of a Contractor or  
advertising oneself or a business organization as available to engage in the business or acting in  
450 the capacity of a Contractor without a license;
- (11) abandoning any contract for the performance of work without legal  
452 grounds to do so;
- (12) diverting property or funds received pursuant to a contract for activities  
454 not included or agreed upon in the contract;
- (13) departing from the plans and specifications of any contract or  
456 accompanying application for a Permit without the consent of the party for whom the work is  
being performed;
- 458           (14) misrepresenting the requirements of this Part in order to obtain or increase  
the scope of work under any contract;
- 460           (15) violating any provisions of this Part.

(b) No person associated with a contracting firm by Primary qualifying agent shall:

462 (1) conceal or caused to be concealed, or assist in concealing from the  
Primary qualifying agent, any material activities or information about the contracting firm; or

464 (2) exclude or facilitate the exclusion of any aspect of the contracting firm's  
financial or other business activities from the Primary qualifying agent; or

466 (3) knowingly cause any part of the contracting firm's activities, financial or  
otherwise, to be conducted without the Primary qualifying agent's supervision; or

468 (4) assist or participate with any Primary qualifying agent in the violation of  
any provision of F.S. ch. 489.

470 (c) For the purposes of implementing subsections (a) and (b) above, a person or  
business organization operating under an inactive or suspended Certificate or registration, or  
472 operating beyond the scope of work or geographical scope of the registration shall not be  
considered a Certified, Registered, and/or Licensed Contractor

474 (d) Nothing in this Part shall be construed to authorize the County to exercise direct  
disciplinary authority against a person who is a State Certified Contractor.

476 (1) Misrepresent any material fact in the application for a competency card or  
for a permit.

478 (2) Perform construction in a negligent, incompetent or unworkmanlike  
manner inconsistent with general construction practices, or manufacturer's recommendations or  
480 specifications.

482 (3) Engage in the business or act in the capacity of a contractor without a  
valid business tax receipt.

484 (4) ~~Contract in a name other than that registered with the Building Division or  
State of Florida.~~

486 (5) ~~Abandon any contract for the performance of work without legal grounds  
to do so.~~

488 (6) ~~Divert property or funds received pursuant to a contract for construction,  
alteration, repairing, remodeling, or demolition of any building.~~

490 (7) ~~Depart from the plans and specifications of any contract or accompanying  
application for a permit without the consent of the party for whom the work is being performed.~~

492 (8) ~~Misrepresent the requirements of this Chapter in order to obtain or  
increase the scope of work under any contract.~~

494 (9) ~~Violate any provisions of this Chapter.~~

(10) ~~Fail to report to the Building Division or attempt to conceal from the  
Building Division any violation of any provision of this Chapter by any contractor.~~

496 (11) ~~Allow any person to do contracting work, as defined in Florida Statutes  
Section 489.105(6), under a permit obtained by the subject contractor when said other person is  
498 not working both under the contractor's direct supervision and as one of the contractor's regular  
employees with the exception of licensed subcontractors as defined in Florida Statutes Section  
500 489.103.~~

502 (12) ~~If a vehicle bears the name of a contractor or business organization, or any  
text or artwork which would lead a reasonable person to believe that the vehicle is used for  
contracting, the registration or certification number of the contractor or certificate of authority  
504 number of the business organization must be conspicuously and legibly displayed with the name,  
text, or artwork. Locally licensed contractors must also display their competency card or license~~

506 numbers. Nothing in this paragraph shall be construed to create a mandatory vehicle signage  
requirement.

508 (13) ~~Violate any provisions of Florida Statutes Chapter 489, and other  
applicable Florida Statutes.~~

510 (b) ~~The Seminole County contractor licensing boards shall have the power to impose  
a fine of no less than \$500.00 and no more than \$5,000.00 per material violation upon  
512 determination that a contractor licensed pursuant to Florida Statutes Chapter 489, has committed  
a material violation of the Code and failed to correct the violation within a reasonable time.~~

514 (c) ~~Except as otherwise provided, no right to issuance of permits may be denied,  
suspended or revoked without a hearing conducted after proper notice before the board which  
516 has the power to deny, suspend, or revoke the issuance of permits to contractors.~~

(d) ~~Whenever it comes to the attention of the Building Division that any of the  
518 grounds for denial, suspension or revocation of the right to issuance of permits may exist, or  
when ordered to do so by motion of the appropriate board, the Building Division shall make a  
520 full investigation and file with the appropriate contractor licensing board a written report thereof  
together with a statement as to whether such grounds do exist.~~

522 (e) ~~If the report of the Building Division shows the existence of grounds for denial,  
suspension or revocation of the right to issuance of permits or there is filed with the appropriate  
524 contractor licensing board a complaint by any person alleging the existence of any such grounds,  
it shall be the duty of such board to conduct a hearing on whether the right to issuance of permits  
526 should be denied, suspended or revoked.~~

(f) ~~No hearing regarding denial, suspension, or revocation of the right to issuance of  
528 permits shall be conducted unless the Building Division has served upon the alleged violator a~~

530 ~~notice containing the alleged grounds for denial, suspension or revocation of the right to issuance~~  
~~of permits, and the time, date and place of the hearing before the appropriate contractor licensing~~  
~~board. Said notice shall not be issued less than ten nor more than 20 days prior to said hearing.~~

532 ~~(g) — The person whose permits may be denied, suspended or revoked shall have the~~  
~~right to appear at the required hearing and be represented by counsel, produce evidence and~~  
534 ~~cross-examine all witnesses appearing against him.~~

~~(h) — All witnesses who testify at the hearing shall do so under oath.~~

536 ~~(i) — If after the required hearing the appropriate contractor licensing board should~~  
~~determine that grounds for denial, suspension or revocation of the right to issuance of permits do~~  
538 ~~exist, it shall enter a written order signed by the chairman, reprimanding the violator or denying,~~  
~~suspending or revoking his right to issuance of permits.~~

540 **Sec. 40.24. Business Tax Receipt.**

(a) It shall be unlawful for any person to engage in a business regulated by the  
542 provisions of this Chapter or in the capacity of being a Contractor regulated herein without the  
business tax receipt required by law.

544 (b) No person shall be issued a business tax receipt for any business, trade or  
profession regulated in this Chapter if such person does not hold the appropriate State  
546 Certificate issued license or County Competency Card required herein.

**Sec. 40.25. Lending of License, permit or name.**

548 It shall be unlawful for any person to lend ~~his~~their License to another, or accept a  
Permit required herein in ~~his~~their name for the use of another, or allow the use of ~~his~~their  
550 name directly or indirectly for the purpose of obtaining such a Permit.

**Sec. 40.26. Vehicular display of licensure.**

552 If a vehicle bears the name of a Contractor or business organization, or any text or  
artwork which would lead a reasonable person to believe that the vehicle is used for contracting,  
554 the registration or certification number of the Contractor or certificate of authority number of the  
business organization must be conspicuously and legibly displayed with the name, text, or  
556 artwork. Registered Contractors must also display their Competency card or license numbers.  
Nothing in this paragraph shall be construed to create a mandatory vehicle signage requirement.

558 **Sec 40.27. Provisions supplemental.**

Nothing contained in this Part shall prohibit the County from enforcing the provisions of  
560 this Part by any other means.

**Sec. 40.28.—40.50. Reserved. Enforcement officers.**

562 (a) The Board of County Commissioners hereby authorizes the County Manager or  
the County Manager’s designee to designate enforcement officers who shall have the power to  
564 enforce the provisions of this Part. Any references to enforcement officer(s) in this Part shall be  
distinguishable from code enforcement officer(s) contained in Chapter 53 of this Code.

566 (b) The Building Official is hereby authorized to formulate and adopt qualification  
criteria for the training of enforcement officers herein.

568 (c) Pursuant to the authority established in Section 489.127(5), Florida Statutes, as  
amended, an enforcement officer may issue a citation alleging violations of the prohibited  
570 activities enumerated in section 40.23 and violations of this Part generally.

**Sec 40.29. Issuance of citation**

572           (a) An enforcement officer may issue a citation to an alleged violator whenever they  
have reasonable and probable grounds to believe, based upon personal investigation, that a  
574 violation of a provision of this Part has occurred.

(b) Citations shall be provided to the alleged violator by hand delivery, certified mail,  
576 return receipt requested, or by leaving the citation at the alleged violator's residence with any  
person residing thereon who is fifteen (15) years of age or older and informing the person of the  
578 contents of the citation. Issuance of a citation to a business may be accomplished by leaving a  
copy at the business, during regular business hours, with any employee and informing the  
580 employee of the contents or certified mail, return receipt requested. Each employee of the  
business shall be deemed to be an agent of the business for service of citations.

582           (c) Violations of this Part shall be deemed a non-criminal infraction.

(d) The citation shall be in such form prescribed by the Building Official, or designee  
584 and shall include the following:

(1) the time and date of issuance;  
586 (2) the name and address of the person to whom the citation is issued;  
(3) the time and date of the violation;  
588 (4) a brief description of the violation and the facts constituting reasonable  
and probable grounds;

590 (5) the name of the enforcement officer;  
(6) the procedure for the alleged violator to follow in order to pay the civil  
592 penalty or to contest the citation; and

(7) the applicable civil penalty if the alleged violator elects not to contest the  
594 citation.

(e) Each violation and each separate day a violation of this Part continues shall be a separate and distinct offense. However, 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) The maximum civil penalty issued by the Building Official or designee for each violation shall not exceed five hundred dollars (\$500.00) per day per violation.

**Sec 40.30. Schedule of civil penalties.**

The following table sets forth the applicable civil penalties which shall be cited by enforcement officers under this Part:

<u>Violation</u>		<u>Civil Penalty</u>	
		<u>First Violation</u>	<u>Repeat Violation</u>
<u>1</u>	<u>Falsely holding oneself or a business organization out as a Licensed, certificate holder or a Registered Contractor.</u>	<u>\$150.00</u>	<u>\$300.00</u>
<u>2</u>	<u>Falsely impersonating a Licensed or Registered Contractor.</u>	<u>\$150.00</u>	<u>\$300.00</u>
<u>3</u>	<u>Falsely presenting oneself as a Licensed or Registered Contractor under another person's Certificate or registration.</u>	<u>\$200.00</u>	<u>\$400.00</u>
<u>4</u>	<u>Giving false or forged evidence to the County for the purpose of obtaining a Certificate of Competency.</u>	<u>\$200.00</u>	<u>\$300.00</u>
<u>5</u>	<u>Using or attempting to use a Certificate, license, or registration which has been suspended or revoked.</u>	<u>\$200.00</u>	<u>\$400.00</u>
<u>6</u>	<u>Advertising oneself 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.</u>	<u>\$250.00</u>	<u>\$500.00</u>
<u>7</u>	<u>Operating as a business organization engaged in contracting after sixty (60) days from the date its only Primary qualifying agent ceased to be affiliated with such business organization without designating another Primary qualifying agent.</u>	<u>\$250.00</u>	<u>\$500.00</u>
<u>8</u>	<u>Proceeding on any job without first obtaining applicable local Building Permits and inspections; or performing any work for which a Building Permit is required without such Building Permit being current.</u>	<u>\$150.00</u>	<u>\$300.00</u>

9	<u>Knowingly and willfully hiring a person who is not a duly certified, Licensed or Registered Contractor.</u>	<u>\$250.00</u>	<u>\$500.00</u>
10	<u>Engaging in the business, acting in the capacity of a Contractor or advertising oneself or a business organization as available to engage in the business or acting in the capacity of a Contractor without a license.</u>	<u>\$250.00</u>	<u>\$500.00</u>
11	<u>Abandoning any contract for the performance of work without legal grounds to do so.</u>	<u>\$100.00</u>	<u>\$200.00</u>
12	<u>Diverting property or funds received pursuant to a contract for construction, alteration, repairing, remodeling, or demolition of any building.</u>	<u>\$100.00</u>	<u>\$200.00</u>
13	<u>Departing from the plans and specifications of any contract or accompanying application for a permit without the consent of the party for whom the work is being performed.</u>	<u>\$100.00</u>	<u>\$200.00</u>
14	<u>Misrepresenting the requirements of this Part in order to obtain or increase the scope of work under any contract.</u>	<u>\$100.00</u>	<u>\$200.00</u>
15	<u>Concealing or causing to be concealed, or assisting in concealing from the Primary qualifying agent, any material activities or information about the contracting firm.</u>	<u>\$100.00</u>	<u>\$200.00</u>
16	<u>Excluding or facilitating the exclusion of any aspect of the contracting firm's financial or other business activities from the Primary qualifying agent.</u>	<u>\$100.00</u>	<u>\$200.00</u>
17	<u>Knowingly causing any part of the contracting firm's activities, financial or otherwise, to be conducted without the Primary qualifying agent's supervision.</u>	<u>\$100.00</u>	<u>\$200.00</u>
18	<u>Assisting or participating with any Primary qualifying agent in the violation of any provision of F.S. ch. 489.</u>	<u>\$100.00</u>	<u>\$200.00</u>
19	<u>Commencement and/or performance of any work for which a building permit is required without such building permit being current.</u>	<u>\$75.00</u>	<u>\$150.00</u>

604                    **Sec. 40.31. Enforcement procedures.**

                  (a)        A person who has been served with a citation shall elect either to:

606                    (1)        Correct the violation and pay the civil penalty in a manner indicated on the  
citation; or

608                   (2) Within ten (10) days of receipt of the citation, exclusive of weekends and  
County holidays, make a request in writing for an administrative hearing to challenge the  
610 issuance of the citation. Such written request is to be filed with the Building Official.

                  (b) Failure by a person who has been served with a citation to challenge the issuance  
612 of the citation within the time period allotted shall constitute a waiver of the person’s right to a  
hearing. A waiver to a hearing shall be deemed an admission of the violation and penalties may  
614 be imposed accordingly.

**Sec. 40.32. Collection and recovery of civil penalties.**

616                   (a) The County shall provide for the appropriate guidelines and procedures for the  
administration, collection, recordkeeping, reporting, and accountability, of penalties assessed  
618 under this Part.

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

                  (c) A certified copy of an order imposing a civil penalty may be recorded in the  
622 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  
624 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  
626 lien which remains unpaid, the County may foreclose or otherwise execute on the lien. No lien  
created pursuant to this Part may be foreclosed on property which is homestead under article X,  
628 section 4 of the Constitution of the State of Florida.

630 (d) All monies collected pursuant to this Part shall be deposited in the Building  
Division Fines and Penalties Fund and used for administration of this Part, and for education and  
training purposes.

632 **Sec. 40.33. Hearings.**

634 (a) Upon receipt of a timely filed written request for a hearing to contest a citation  
pursuant to this Part, the Building Official shall set the matter for hearing within sixty (60) days  
of receipt of such request.

636 (b) The BCBA shall conduct the hearing pursuant to requirements of sections 162.07  
and 162.08, Florida Statutes.

638 (c) If the person cited, or their designated representative, shows that the citation is  
invalid or that the violation has been corrected prior to appearing before the BCBA, the BCBA  
may dismiss the citation unless the violation is irreparable or irreversible.

642 (d) Upon receipt of such request for hearing, the County, through the Building  
Official or designee, shall serve a notice of hearing to the cited person, which notice shall  
include, but not be limited to, the following:

644 (1) Place, date, and time of the hearing;

(2) Right of cited person to be represented by an attorney;

646 (3) Right of the cited person to present witnesses and evidence and conduct  
cross examination; and

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

652 (e) No hearing shall be scheduled on a date sooner than ten (10) days from the date of  
service of the citation on the cited person unless there is reason to believe that a violation  
presents a serious threat to public health, safety and welfare. All hearings shall be  
654 administratively scheduled by the Building Official.

(f) All hearings shall be open to the public. All testimony shall be under oath.

656 (g) While conducting hearings, the BCBA shall have the power to:

(1) take testimony under oath;

658 (2) adopt rules for the conduct of the hearing;

(3) subpoena witnesses and evidence to the hearing;

660 (4) issue orders having the force of law to command whatever steps are  
necessary to bring a violation into compliance;

662 (5) determine whether cited violations occurred;

(6) determine whether a reasonable time period for compliance was given;

664 (7) assess and order the payment of civil penalties not less than the amount of  
the citation but not more than \$2,500 per day, pursuant to F.S. ch. 489, and administrative costs  
666 as provided under this Part; and

(8) Impose liens on property for unpaid citations as provided herein.

668 (h) Each case shall be presented by the Building Official, or designee. The Building  
Official may choose to designate a member of staff or the County Attorney's office as designee.

670 (i) Formal rules of evidence shall not apply, but fundamental principles of due  
process shall be observed and govern the proceedings. All competent substantial evidence shall  
672 be admissible at the hearing.

674 (j) 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  
BCBA

676 (k) Lack of a State Certificate of Competency may be established by confirming with  
the Florida Department of Business and Professional Regulation, that the named cited person  
678 does not hold a State Certificate. An affidavit from the Building Official, or designee, stating that  
the Florida Department of Business and Professional Regulation was contacted and no record of  
680 the Certificate exists shall be admissible into evidence and sufficient to establish the presumption  
that the cited person is not a Certified contractor. The cited person has the right to present  
682 testimony and evidence to overcome this presumption.

(l) Lack of a County Competency Card may be established by confirming with the  
684 Building Official, or designee, that the cited person does not hold a County Competency Card.  
An affidavit of the Building Official, or designee, stating that the records of the Seminole County  
686 Building Division have been reviewed and no record exists of issuance of a County Competency  
Card for the cited person, shall be admissible into evidence and sufficient to establish the  
688 presumption that the cited person is not competent to practice construction in Seminole County.

(m) At the hearing, the BCBA shall make findings of fact based on evidence  
690 presented. In order to make a finding affirming the issuance of the citation, the BCBA must find  
by a preponderance of the evidence that the cited person was responsible for the violation of the  
692 cited code provision. The BCBA shall render a written decision on the appeal within thirty (30)  
days after the hearing concludes and such decision shall be provided to the violator.

694 (n) If the BCBA finds that a violation exists, the BCBA is authorized to impose one  
or more of the following penalties on the cited person: revocation or suspension of the cited

696 person’s Competency card, revocation or suspension of the cited person’s ability to obtain a  
permit in Seminole County, verbal reprimand, restitution, and/or ordering the cited person to pay  
698 a civil penalty of not less than the amount set forth on the applicable citation, but not more than  
the amount set forth in s. 489.127, F.S. for each violation.

700 (o) In determining the amount of the civil penalty and imposition of additional  
penalties, the BCBA shall consider the following:

702 (1) gravity of the violation;

(2) any actions taken by the cited person to correct the violation; and

704 (3) any previous violations committed by the cited person.

(p) If the BCBA makes a finding that a violation exists and imposes penalties, the  
706 cited person may be required to pay administrative costs for the hearing as determined by the  
Building Official, or designee.

708 (q) If the cited person holds a State Certificate, the BCBA shall issue a recommended  
penalty for action by the Florida Construction Industry Licensing Board which specifies the  
710 violations of this Part upon which the recommendation is based. This recommended penalty may  
include: a recommendation for no further action, a recommendation for suspension, restitution,  
712 revocation, or restriction of the cited person’s Certificate, a suggested fine to be levied by the  
Florida Construction Industry Licensing Board, or a combination thereof. If a recommendation is  
714 made pursuant to this Section, it shall be included with the BCBA’s final written decision and  
include a statement of the violator’s right to appeal, and the consequences should they decide not  
716 to appeal.

(r) Nothing in this Section shall be construed to allow the BCBA to exercise direct  
718 disciplinary authority over State Certified Contractors.

Sec. 40.34 – 40.50. Reserved.

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**PART 3. BUILDING DIVISION**

Sec. 40.51. Reserved. Surveys, signed, sealed and labeled, permit requirements.

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(a) All permit applications submitted for the construction of any new building, structure, or element, and for the construction of an addition or alterations of an existing building, structure, or element shall be accompanied by a signed/sealed, scalable, recent survey of the property.

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(b) Such survey shall, at minimum, outline the property boundaries, location of proposed or current structures and buildings, provide topographic information of current property grades and elevations, proposed grades and elevations and stormwater controls, and any necessary compensating storage elements. Information must clearly outline all stormwater control, direction of flow, and show elimination of direct drainage to current and proposed structures, neighboring properties or direct, and indirect impacts to current stormwater flow patterns.

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(c) Any survey of a property in a flood plain shall have the flood plain elevation shown, delineated, and flood elevation of record provided on the survey.

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(d) Any survey of a property that has, adjoins or abuts a body of water shall have the Normal High Water Line noted on the survey. For purposes of this Section, Normal High Water Line has the same definition as found in Section 2.3 of the Seminole County Land Development Code.

740

(e) Any permit application missing this information shall be noted as denied until such time the noted information is provided.

742 (f) A recent survey is a signed/sealed survey produced by a State-licensed surveyor  
that reflects the most current and unchanged condition of the surveyed property.

744 (g) A signed/ sealed engineered grading plan may be required by the Building  
Official, and/ or Development Review Committee to ensure appropriate grading or flood plain  
compensation of a site.

746 (h) If appropriate positive drainage from a site is not demonstrated in compliance  
with this Section, an onsite retention area may be required by the Building Official and/ or  
748 Development Review Committee to mitigate impacts to any adjacent property.

750 (i) The Building Official, in their discretion, may assess the scope of work in any  
permit application affected by the requirements contained in this Section, and may waive certain  
requirements based on this assessment.

752 **Sec. 40.52. Finish floor elevations.**

754 (a) On building sites which are reasonably level or slope toward a street, road or  
right-of-way, the minimum finish floor elevation of any structure shall be not less than ~~46~~12  
inches above the crown of said adjacent street, road or ~~right-of-way.~~ top of closest stormwater  
756 inlet of an approved stormwater system. On building sites which slope away from a street, road  
or right-of-way toward a lake, stream or water collection area and positive drainage exists, the  
758 finish floor elevation of any structure shall be not less than eight inches above finished site  
grade. Swales shall be constructed to divert runoff water around any structure.

760 (b) Finish floor elevations, if approved by the ~~h~~Building ~~o~~Official, may be set below  
finished site grade if provisions are made to protect the structure against water damage or water  
762 intrusion.

(c) In approving such protection measures, the Building Official shall consider as  
764 general guidelines and criteria, methods for waterproofing of exterior walls, methods for  
providing adequate subsurface drainage, soil types on site, and past and present drainage  
766 conditions within the general area.

(d) All new structures, with a permanent slab and/ or foundation system shall have a  
768 formboard survey provided at time of, or prior to the slab/ first floor framing inspection. The slab  
inspection approval will be contingent upon approval of the provided formboard survey, and all  
770 applicable building code requirements, which must meet the approved “proposed finished floor”  
associated with the approved permit package.

772 \* \* \*

**PART 4. PERMITTING**

774 **ARTICLE I. GENERALLY**

**Secs. 40.65 – 40.67. Reserved.**

776 **ARTICLE II. PERMITS AND INSPECTIONS**

**Sec. 40.68. Payments of permit fees.**

778 Prior to issuance or renewal of a certificate, a person shall pay to the Building Division  
the appropriate fee established from time to time by the Board of County Commissioners by  
780 resolution.

**Sec. 40.69. Use of fees.**

782 Any fee required to be paid to the County by this Chapter shall be paid into the County's  
Building fund.

784 ~~**Sec. 40.70. Permit valuations.**~~

786 Permit valuations may be required as set forth by resolution of the Board of County  
Commissioners. The Building Official may deny a permit if the applicant has submitted an  
under valuation of the work or materials.

788 **Sec. 40.701. Compliance with zoning requirements.**

All work done pursuant hereto shall conform to setback and other zoning requirements  
790 and no permit shall be issued for any installation which does not, or will not, comply with said  
requirements.

792 **Sec. 40.721. Disaster Emergency Permitting.**

(a) Definitions: The following definitions apply to this Section:

794 Conventionally Built Structure: A walled and roofed commercial or residential building,  
other than a gas or liquid storage tank, that is principally above ground and affixed to a  
796 permanent site.

Damage Assessment: A process to assess and determine the impact and magnitude of  
798 damage related to a Disaster Event and the resulting unmet needs of individuals, businesses, the  
public sector, and the community as a whole.

800 Disaster Event: An event, natural or man-made, that necessitates the issuance of a Local  
State of Emergency by the County.

802 Emergency Permit: A building permit issued to eligible applicants pursuant to the  
Emergency Permit Program, authorizing the expeditious repair of Structures determined to be  
804 damaged as a direct result of a Disaster Event.

Emergency Permit Program: A coordinated County response initiative administered by  
806 the Seminole County Building Division to facilitate, via Emergency Permits, inspection

procedures, and fee schedules, the expeditious inspection and repairs of Structures damaged by a  
808 Disaster Event.

Local State of Emergency: Has the same meaning as defined in Section 72.3 of the  
810 Seminole County Code, as amended.

Manufactured Home: A non-recreational structure that is transportable in one or more  
812 sections, built on a permanent chassis, and designed for use with or without a permanent  
foundation when attached to the required utilities.

Structure: Conventionally Built Structures and Manufactured Homes located wholly  
814 within unincorporated Seminole County.

(b) Federal Emergency Management Agency (FEMA) Damage Criteria means the  
816 following:

(1) Destroyed:

a. For a Conventionally Built Structure: Structure is a total loss, or  
820 damage to such an extent that repair is not feasible.

b. For a Manufactured Home: Structure is a total loss.

(2) Major Damage:

a. For a Conventionally Built Structure: Has sustained significant  
824 structural damage and requires extensive repairs.

b. For a Manufactured Home: Residence has sustained structural or  
826 significant damage that requires extensive repairs.

(3) Minor Damage:

a. For a Conventionally Built Structure: Encompasses a wide range  
828 of damage that does not affect the structural integrity of the structure.

830                    b. For a Manufactured Home: Residence is damaged and requires  
minimal repairs.

832                    (c) Creation. The County Emergency Permitting Program is hereby established. The  
Building Official, in coordination with the Fire Marshal and the Office of Emergency  
834 Management, shall establish and promulgate emergency processes and procedures to assist with  
emergency building permitting and inspections during and in the immediate aftermath of a  
836 Disaster Event.

(d) Damage Assessment and Classification. During a Disaster Event, or as soon as  
838 practicable thereafter, a Damage Assessment will be conducted by designated County personnel.  
The Damage Assessment will categorize Structures damaged by a Disaster Event based on the  
840 FEMA Damage Criteria, and prioritize Emergency Permit processing and issuance in the  
following order:

- 842                    (1) Destroyed
- (2) Major Damage
- 844                    (3) Minor Damage

(e) Structures receiving a categorization based on the FEMA Damage Criteria will  
846 receive priority status for the duration of the Emergency Permit Program Activation Period.

(f) Building Permit Fee Tolling: Any owner of a Structure categorized as Destroyed  
848 or Major Damage will have all Emergency Permit fees and inspection fees tolled up to 180 days  
after a Disaster Event if their Emergency Permit application is received during the Emergency  
850 Permit Program Activation Period, as defined below.

(g) Emergency Permit Activation Period. The Emergency Permit Program governed  
852 by this Chapter shall automatically commence upon the declaration of a Local State of

Emergency in accordance with the procedures outlined in chapter 72 of this Code and shall run  
854 concurrently with said declaration, inclusive of extensions, until lifted or rescinded, but not  
longer than ninety (90) days after the end of the declaration.

856 (h) The following information shall be available to commercial and residential  
property owners on the County’s website during an Emergency Permit Activation Period:

- 858 (1) Information related to storm-specific permitting and fees;
- (2) Emergency Permit fee waivers and reductions;
- 860 (3) Emergency Permit application processes;
- (4) Field office locations where Emergency Permitting services are provided  
862 and their hours of operation;

(5) Requirements for rebuilding including elevation requirements following  
864 substantial damage and substantial improvement determinations pursuant to the National Flood  
Insurance Program; and

866 (6) Information related to the digital receipt of substantial damage and  
substantial improvement letters.

868 (i) Emergency Modification(s). Upon the advice and guidance of the Building  
Official and/or Fire Marshal, as applicable, the County Manager is authorized to implement  
870 emergency modifications to the Emergency Permitting Program in response to any unforeseen  
circumstances resulting from a Disaster Event.

872 **Secs. 40.72 – 40.84. Reserved.**

**PART 5. ~~RESERVED~~ ELECTRICAL**

874 ~~Sec. 40.85—40.99. Reserved.~~ Electrical systems, design, installation, and inspection.

The County hereby adopts the National Electric Code (NEC) which shall govern all regulations  
876 pertaining to the design, installation, and inspection of electrical systems in Seminole County.

Sec. 40.86 – 40.99. Reserved.

878 \* \* \*

**PART 7. SWIMMING POOLS**

880 ~~Sec. 40.110. Stagnant, foul, etc., waters; removal.~~ Reserved.

(a) ~~— If any swimming or wading pool is allowed to contain stagnant or foul water, or~~  
882 ~~water containing more than 1,000 parts per million of colbacilli, the health officer shall give the~~  
~~owner thereof notice by certified mail that the County will, at the expiration of 15 days from the~~  
884 ~~date of such notice, proceed to clean or empty such pool, and that the cost thereof will be~~  
~~assessed against the owner.~~

(b) ~~— If any such owner does not comply with the provisions of this Section by draining~~  
886 ~~or cleaning such pool, the County may then proceed with such work and the cost thereof shall be~~  
888 ~~a charge against the owners of such land and shall remain a lien against such land until paid. If~~  
~~the total amount due on the lien is paid in full, including all applicable costs, interest,~~  
890 ~~administrative expenses, and attorney's fees pursuant to this Part, the County Manager or~~  
~~designee shall execute a satisfaction or release of lien and shall cause such to be recorded by~~  
892 ~~Seminole County staff.~~

(c) ~~— It shall be unlawful for the owner of any swimming or wading pool containing~~  
894 ~~any water which is in violation of Subsection (a) to fail to drain or clean said pool within 15 days~~  
~~after receiving the required notice from the health officer to do so.~~

896 \* \* \*

**PART 11. HOUSING CODE**

898           **Sec. 40.241. ~~Adopted.~~ Reserved**

          (a) ~~—To the extent not inconsistent with this Part, there is hereby adopted for the~~  
900 ~~purpose of establishing and prescribing rules and regulations for the maintenance and habitability~~  
~~of existing housing, those certain standards known as the Standard Housing Code, 1991 Edition,~~  
902 ~~published by the Southern Building Code Congress International, Inc., as amended in Section~~  
~~40.242.~~

904           (b) ~~—In the event of inconsistencies between the provisions of the Standard Housing~~  
~~Code adopted in subsection (a) of this Section and any other provisions of the Seminole County~~  
906 ~~Code, or any other ordinance or resolution promulgated pursuant thereto, the Seminole County~~  
~~Code, other ordinance or resolution shall prevail.~~

908           **Sec. 40.242. ~~Amendments.~~ Reserved**

          The Standard Housing Code adopted in Section 40.241 is amended in the following  
910 ~~respects:~~

- (a) ~~—Section 105 "Hardships" is deleted.~~
- 912           (b) ~~—Section 106 "Housing Board of Adjustments and Appeals" is deleted.~~
- (c) ~~—Section 107 "Appeals" is deleted.~~
- 914           (d) ~~—Section 103.1 is amended to read as follows~~

**103.1 Right Of Entry**

916           The Housing Official shall enforce the provision of this Code, and he, or his duly  
~~authorized representative upon presentation of proper identification to the owner, agent,~~  
918 ~~or tenant in charge of such property, may enter any building, structure, dwelling,~~  
~~apartment, apartment house, or premises, during all reasonable hours, *except where*~~

920 ~~prohibited by law and except in cases of emergency where extreme hazards are known to~~  
exist which may involve the potential loss of life or severe property damage, in which  
922 ~~case the above limitations shall not apply.~~

(e) — Section 104 is amended to read as follows:

924 **104 Inspections**

The Housing Official shall make or cause to be made inspections to determine the  
926 condition of residential buildings and premises in the interest of safeguarding the health  
and safety of the occupants of such buildings and of the general public. For the purpose  
928 of making such inspections, the Housing Official, or his agent, is hereby authorized to  
enter, examine, and survey at all reasonable times except where prohibited by law all  
930 residential buildings and premises. The owner or occupant of every residential building  
or the person in charge thereof shall give the Housing Official free access to such  
932 residential building and its premises, at all reasonable times for the purpose of such  
inspection, examination, and survey.

934 **Sec. 40.243. Administrative review procedure. Reserved**

(a) — The owner of a building or structure may request administrative review of the  
936 notice of violations of the Building Inspector to the Building Official.

(b) — The administrative review of the notice of violations of the Building Inspector  
938 shall be for the purpose of rendering a decision of the Building Official concerning:

(1) — If the literal application of the requirements of this Part cause undue  
940 hardship on an owner or tenant; or

(2) — A claim by the owner that the intent and meaning of this Part or any of the  
942 regulations promulgated pursuant to this Part have been misconstrued or improperly interpreted.

944 (c) — A request for administrative review to the Building Official must be filed, in  
writing, within 30 calendar days of receipt of the notice of violations of the Building Inspector.  
The owner shall state the location of the property, the date of the notice of violations, the undue  
946 hardship or conditions upon which the request for administrative review is requested, and the  
variance or modification requested and the reasons therefor. The Building Official shall forward  
948 to the owner his written decision within 30 calendar days of receipt of the request for  
administrative review.

950 (d) — Administrative review of the Building Official's decision may be appealed to the  
Director of Planning and Development. Appeals to the Director of Planning and Development  
952 must be filed within 15 calendar days of receipt of the Building Official's decision or, in the  
event of a lack of decision by the Building Official, 45 calendar days from filing the request for  
954 administrative review

**Sec. 40.244. Decisions. Reserved**

956 All decisions of either the Building Official or the Director of Planning and Development  
to vary the application of any provision of this Part or to modify a notice of violation of the  
958 Building Inspector shall specify in what manner such variance or modification is made, the  
conditions upon which the variance or modification is made, and the reasons therefor. All  
960 decisions shall identify deficiencies in the owner's property under this Part. Every decision shall  
be in writing. A copy of the written decision shall be filed in the office of the Building Official.

962 **Sec. 40.245. Appeals. Reserved**

(a) — An owner who receives a decision of the Director of Planning and Development  
964 identifying deficiencies in his property under this Part or who claims to be aggrieved by denial of

~~a variance or modification of this Part shall have a right of appeal to the Board of County  
966 Commissioners.~~

~~(b) — The owner receiving a decision of the Director of Planning and Development may  
968 within 30 calendar days from receipt of the decision or, in the event of lack of decision of the  
Director of Planning and Development, 45 calendar days from filing the request for review by  
970 the Director of Planning and Development, whichever is later, to request an appeal pursuant to  
this Section.~~

~~(c) — The request for appeal must be filed with the office of the Director of Planning  
972 and Development. The owner must state the location of the property, the date of the notice of  
violations, the variance or modification requested and the reasons therefor, and the undue  
974 hardship or conditions upon which the appeal is made.~~

~~(d) — The appeal shall be limited to the administrative review of the Director of  
976 Planning and Development or, in the event of no decision by the Director of Planning and  
Development direct review concerning the variance or modification requested or the undue  
978 hardship or conditions upon which the appeal is made.~~

~~(e) — The decision of the Board of County Commissioners shall be the final  
980 administrative review.~~

982 \* \* \*

**Section 3. Codification.** It is the intention of the Board of County Commissioners that  
984 the provisions of this Ordinance will become and be made a part of the Seminole County Code,  
and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word  
986 or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such  
intention, except that Sections 1, 3, 4 and 5 of this Ordinance are not to be codified.

988           **Section 4. Severability.** If any provision or application of this Ordinance to any person  
or circumstance is held invalid, then it is the intent of the Board of County Commissioners that  
990 such invalidity will not affect other provisions or applications of this Ordinance that can be given  
effect without the invalid provision or application and, to this end, the provisions of this Ordinance  
992 are declared severable.

**Section 5. Effective date.** This Ordinance will take effect upon filing a copy of this  
994 Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

**BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this  
996 \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
GRANT MALOY  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

\_\_\_\_\_  
ANDRIA HERR, Chairman