

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, AMENDING CHAPTER 400 OF THE INDIAN RIVER COUNTY CODE WITH RESPECT TO CONTRACTOR CATEGORIES BY MODIFYING AND DELETING CERTAIN DEFINITIONS OF SKILLS REQUIRING A CERTIFICATE OF COMPETENCY; UPDATING INSURANCE REQUIREMENTS FOR STATE AND LOCAL CONTRACTORS AND EXEMPT TRADES; UPDATING SUSPENSION OR REVOCATION OF REGISTRATION; HEARING; APPEAL, AND ESTABLISHING A PREREQUISITE FOR ACTIONS AGAINST A REGISTERED CONTRACTOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Indian River County has a vested interest in ensuring that local contractors are licensed, and perform quality work to its citizens and has enacted Chapter 400 of the Indian River County Code to perform this duty; and

WHEREAS, On May 29th, 2024, the Florida Legislature enacted Senate Bill 1142, preempting local licensing requirements, with certain exceptions; and

WHEREAS, Section 489.117(4)(a)(1), Florida Statutes was amended to allow the County to regulate local contractors whose license areas substantially correspond with state contractor license categories; and

WHEREAS, Section 489.117(4)(a)(3), Florida Statutes was amended to allow the County to offer local licensure only for aluminum gutters; siding; soffit or fascia; and fence installation if there was a license requirement prior to January 1st, 2021; and

WHEREAS, It is necessary for Indian River County to update Chapter 400 to comply with Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

Section 1. ENACTMENT AUTHORITY.

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the

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residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

SECTION 2. CODE AMENDMENTS

Indian River County Code Chapter 400, Regulating of Contractors, is hereby amended to read as follows:

PART I. GENERAL CONDITIONS

Section 400.01. Certificate required.

- (1) No person shall engage in the business of construction, contracting or subcontracting as regulated by Florida Statutes 489, Florida Administrative Code 61G4-15 or this chapter ~~or in a [any] categories listed in Appendix A to Ordinance No. 94-16 (copies of which are available in the clerk's office and the building officials office)~~ without first being state certified or registered, or locally licensed, with a valid certificate of competency issued by the Indian River County Building Department Division or designated as an exempt trade, unless certified under Florida Statutes State and local licensing categories, requirements and job scope will be updated as Florida Statutes are revised. A list of contractor license categories including exempt trades is available in the building division office.
- (2) A certificate of competency may be issued only to the holder of an appropriate valid Florida state certificate or to a person who has passed the ~~appropriate Block and Associates of Gainesville, Florida, examination which was proctored by a Block and Associates [employee]~~ required trade exam and has been issued a competency card or valid letter of reciprocity from that sponsoring jurisdiction, on behalf of any city or county situated in the State of Florida, upon payment of the appropriate fee. A certificate of competency issued by the county prior to this requirement to a person without a state certificate or one who has not passed the Block examination shall remain in effect if such certificate is valid on the effective date of this title.
- (3) When a person meets the requirements for issuance of a certificate of competency, that certificate will remain in force unless revoked pursuant to section 400.08 of this article or applicable Florida Statutes.
- (4) The same exemptions from regulation as set forth in Chapter 489 of the Florida Statutes are also exemptions under the requirements for a certificate of competency.
- (5) It shall be unlawful for any person to advertise or hold himself out to the public as a person engaged in a business regulated by this chapter unless that person has a valid certificate of competency or designated as exempt trades issued by the building ~~department~~ division and unless the advertisement or sign on the vehicle

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advertising the business shall clearly display the correct state ~~certification~~ license number or certificate of competency number issued by the building ~~department~~ division unless the trade falls under exempt trade status.

- (6) A contractor shall hire a subcontractor regulated under this chapter only if that subcontractor has a valid certificate of competency issued by the building ~~department~~ division, falls under an exempt trade or is certified pursuant to Florida Statutes.
- (7) Nothing in this chapter shall prevent any homeowner of an owner-occupied, single-family residence from performing any work regulated by this article and within the boundaries of his residential property, providing such work is done by himself. Such privilege does not convey the right to violate any of the provisions of this title, nor is it to be construed as exemption from obtaining a permit and paying the required fees therefor. New construction is limited as provided by Florida Statutes.
- (8) Any person with an unpaid fine, imposed pursuant to section 103.08 or section 400.08 of this Code, shall have permitting privileges revoked ~~surrender to the building official any Indian River County contractor's certificate of competency, which certificate shall be suspended automatically~~ until the fine is paid, at which time the suspended ~~certificate of competency~~ permitting privileges shall be re-instated ~~and returned~~ by the building official.

Any fine paid in order to continue contracting during any appeal period shall be refunded if the appellant prevails on appeal.

No person with an unpaid fine shall be eligible to obtain a certificate of competency or renewal of a certificate of competency, until the fine is paid.

Section 400.02. Permits required.

A permit shall be obtained from the building official before doing any work or construction of any character, whether permanent or temporary, when a permit is required under any of the technical codes adopted herein.

Section 400.03. Presumption working for compensation.

Any time a person is doing work for another person other than a family member, there is a rebuttable presumption that the work is being done for compensation. For the purposes of this section family means a member of the immediate family which includes spouse, children, parent, brother, sister, father-in-law, mother-in-law, grandmother, grandfather or legal guardian.

Section 400.031. Employee-independent contractor.

A person working on a job site shall be deemed to be an independent contractor unless it is shown that the person 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. In

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addition, it must be shown that a Federal Form I-9 has been executed by the employee and employer prior to the person having started work for the employer.

Section 400.04. Fees.

It is the policy of Indian River County that the building ~~department~~ division be financed per Florida Statute 553.80(1) by permit and other related issued fees and fines ~~to the extent feasible, by user fees~~. Accordingly, fees for the various permits and related inspections are required and shall be established by resolution.

Section 400.05. Insurance required.

- (1) Every contractor that is regulated by Florida Statutes Chapter 489 or this chapter and doing business in Indian River County shall be required to maintain at all times with a casualty insurance company authorized to do business in the State of Florida, Workmen's Compensation Insurance and public liability insurance with minimum limits as provided by Florida Statutes and the Florida Administrative Code.
- (2) All other contractors that are regulated by this chapter shall be required to maintain at all times with a casualty insurance company authorized to do business in the State of Florida, public liability insurance with minimum coverage of one hundred thousand dollars (\$100,000.00) for bodily injury liability; twenty-five thousand dollars (\$25,000.00) for property damage liability; and Workmen's Compensation Insurance as required by Florida Statutes and the Florida Administrative Code.
- (3) All contractors shall file with the building official, at the time application is made for registration, and with the tax collector, at the time that their applicable business license is renewed, a certificate signed by a qualified agent of the casualty insurance company stating that policies have been issued to the registrant for employee's liability insurance or Workmen's Compensation Insurance, public liability insurance and public property damage.
- (4) In the event of the cancellation of a policy, ~~the building department shall immediately notify the registrant and~~ the registrant shall be required to immediately furnish a new certificate in full compliance with the times of this section. Failure to do so shall constitute a violation of this section and such registration shall automatically be ~~revoked~~ placed in the inactive status. Such registration may be reinstated by the building ~~department~~ division when the registrant has furnished a certificate of insurance in compliance with this section.

Section 400.06. Rights under registration.

Registration under this chapter shall be evidence that the person is entitled to all the rights and privileges of a contractor in the division in which registration is granted and while the registration remains in force.

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Section 400.07. Suspension or revocation of registration.

The construction board of adjustments and appeals shall have the power, in addition to all other powers provided for in this chapter or Florida Statutes, to revoke or suspend the registration or revoke permit privileges of any person approved, registered or licensed under this chapter or revoke permit privileges of any person designated as an exempt trade category, who shall be guilty of any one (1) or more of this following acts or omissions:

- (1) Fraud or deceit in obtaining registration or in presenting testimony or evidence to the building official, building division or construction board of adjustment and appeals;
- (2) Negligence, incompetence, or misconduct in the practice of contracting within the meaning of this chapter or F.S. Ch. 489;
- (3) Abandonment of any contract without written legal excuses;
- (4) Diversion of property or funds received under express agreement for prosecution or completion of a specific contract under this chapter, or a special purpose in the prosecution or completion of any contract, or application or use for any other contract, obligation, or purpose with intent to defraud or deceive creditors or the owner;
- (5) Fraudulent departure from or disregard of plans or specifications in any material respect without written consent of the owner or his duly authorized representative; or the doing of any willful, fraudulent act by the licensee in consequence of which another is substantially injured or damaged;
- (6) Willful and deliberate disregard and violation of the ordinances of the county, including, but not limited to, the building, electrical, plumbing, and zoning ordinances of the county;
- (7) Willfully and deliberately engaging in a type or class of contracting for which the contractor is not licensed or registered.

Section 400.08. Suspension or revocation of registration; hearing; appeal.

- (1) Any person, after having received a favorable decision in a court of competent jurisdiction against a registered contractor, or through a notarized complaint affidavit, may bring charges against said contractor. Such charges shall be made in writing and sworn to by said person. The building official shall mail a copy of such charges to the accused within fifteen (15) days from the receipt thereof and shall serve notice upon the accused and upon all interested persons of the date fixed for a hearing on such charges before the construction board of adjustment and appeals. The accused shall have the right to appear personally or with counsel and to produce witnesses and evidence in defense. If after hearing the evidence the board determines that the accused is guilty of the charges brought against the accused, the appropriate board may suspend or cancel the contractor's registration

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and/or permit privileges. In lieu of suspension or revocation the board may provide for a fine, or restitution to the owner.

- (2) The building official may bring charges under the procedures of paragraph (1) of this section without seeking a court determination.

Section 400.09. Utility connects prohibited until notice of issuance of certificate of occupancy.

- (1) Except as provided in paragraph (2) of this section, no permanent utilities, i.e., electricity, gas or heating facilities, shall be connected or be put in use until the particular utility so requested shall have first been given notice by the building official that the certificate of occupancy has been issued. The notice is to be given to the department or agency operating the utility.
- (2) Utility service may be provided prior to issuance of a certificate of occupancy when the appropriate inspector authorizes in writing the connection or use of a particular utility, or reconnection of unlawful connections.

Section 400.10. General powers, duties of building official.

- (1) The building official or inspector shall enforce the appropriate provisions of this title.
- (2) The building official may revoke a permit or approval issued under the provisions of this title when there has been any false statement or misrepresentation as to material fact in the application for a permit, or when work is being performed contrary to the provisions of this Code, Florida Administrative Code, or Florida Statutes.
- (3) It shall be unlawful for any person to hinder or interfere with the building official or inspector in the performance of their duties under this title.

PART II. CONSTRUCTION CONTRACTORS AND INSPECTORS

Section 400.11. Certificate of occupancy inspection by building official.

The building official shall, after final inspection of the site on which the new structure or construction has been completed, determine whether the site has been cleaned of all rubbish, construction sheds, or undesirable materials as a result of the construction, excavation, filling or grading of land. It shall be the duty of the building official to determine whether or not damage has resulted to public property or improvements as a result of the construction, excavating, grading, or filling of land. Further, at the time of the final inspection it shall be determined if any materials, debris or other material has been left on property adjacent to the construction-site.

Section 400.12. Notice to correct damage or unsightly conditions.

In the event there has been damage to public property or improvements, or debris, construction sheds, undesirable materials or unsightly material left on the site or adjacent property, then the building official shall notify the owner or the contractor, to

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commence correctional steps immediately to alleviate the condition or the damage. The condition or damage shall be corrected within five (5) days from the date of notification.

PART III. ELECTRICAL CONTRACTORS AND INSPECTORS

Section 400.13. Master, Certified, registered electrician or journeyman and ~~apprentice electricians.~~

- (1) All electrical construction, except homeowners' work permitted under section 400.01(7), shall be done by a ~~master~~ certified or registered electrician, a or journeyman electrician under the general supervision of a ~~master certified or registered electrician or an apprentice electrician under the direct personal supervision of a master electrician or journeyman electrician.~~
- (2) ~~Master~~ An electrician rating shall be established by being a state-certified electrical contractor or by ~~passing the Block and Associates of Gainesville, Florida,~~ examination for master electrician and registering with the county. ~~Master~~ Registered electricians holding a valid license from the county on the effective date of this title may continue to hold and renew that license without passing ~~the Block~~ additional examination or being state certified.
- (3) Journeyman electrician rating shall be established by ~~passing the Block and Associates of Gainesville, Florida,~~ an appropriate approved examination for journeyman electrician and registering with the county. Journeyman electricians holding a valid license from the county on the effective date of this title may continue to hold and renew that license without passing ~~the Block~~ additional examinations.
- ~~(4) Apprentice electricians shall register with the building official.~~
- ~~(5) Master, journeyman, and apprentice electricians shall carry their registration card on their person during working hours. Upon request of the electrical inspector the registration card shall be produced. Failure to carry the card or to show it upon request constitutes grounds for revocation or suspension of the person's registration.~~

~~Section 400.14. Inspection of work.~~

- ~~(1) Electrical inspections shall be done in a minimum of two (2) steps. All pipe wire and fittings shall be in place and wire connections made for the first or so-called roughing-in inspection. All wire shall be terminated, receptacles, equipment connected, fixtures hung and ready for the final electrical inspection.~~
- ~~(2) It shall be unlawful to conceal any electrical wiring or equipment until it has been inspected and approved. The service switch and distribution panel must be set and be wired prior to inspection.~~
- ~~(3) Large or complicated jobs may be inspected in sections upon approval of the inspector.~~

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Section 400.15. Certificate.

~~After completion of all work, a final notice shall be given to the inspector for a final inspection. If he finds the work has been satisfactorily done he shall issue a certificate of inspection upon the request of the electrician holding the permit. Only one certificate shall be issued. The certificate does not relieve the master electrician of the responsibility for any defective work which may have escaped the notice of the inspector.~~

Section 400.16. Duties of electrical inspector.

- ~~(1) It shall be the duty of the electrical inspector to issue permits for and inspect all electrical wiring, apparatus or equipment for the light, heat, or power inside of or attached to buildings within Indian River County, and to enforce the laws, rules, and regulations relating to electricity.~~
- ~~(2) It shall be unlawful for any person to use any electrical current in or through any wiring, apparatus, or fixtures for light, heat, or power in any building or structure within the county until the same shall have been inspected and approved by the electrical inspector.~~
- ~~(3) The electrical inspector may give temporary permission to connect and furnish electric current to any wiring, apparatus, or fixture for a period not exceeding 30 days, if, in his opinion, such wiring, apparatus, or fixture is in such condition that current may safely be connected thereto, and there exists a necessity for such use. A written application shall be filed with him, requesting such permission.~~
- ~~(4) The electrical inspector is hereby empowered to inspect or reinspect, at his option, all interior wires and apparatus conducting or using electric current for light, heat, or power, and when said conductors or apparatus are found to be unsafe to life or property, he shall notify the person, firm, or corporation owning, using, or operating them and place them in a safe and secure condition within twenty-four (24) hours, or within such further time as the electrical inspector shall determine to be necessary.~~
- ~~(5) Whenever any wiring, apparatus, or fixture conducting or using electric current for light, heat, or power is found upon inspection by the electrical inspector or one of his duly authorized assistants to be especially or immediately hazardous to life and property, the electrical inspector shall immediately open the switch or circuit breaker controlling the supply of current to such wiring, apparatus, or fixture and shall post in a conspicuous place near such switch or circuit breaker a notice reading as follows:~~

~~"NOTICE: WIRING CONDEMNED"~~

~~"The use of electric current is prohibited through his wiring or equipment until proper repairs have been made and such repairs have been approved by the county electrical inspector."~~

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~~Repairs must be made by a licensed electrician and the inspector must be notified when completed.~~

~~After such notice is posted as provided in the foregoing, no person shall close the switch or circuit breaker which has been opened by the electrical inspector or use or attempt to use any current through such wiring, apparatus, or fixture, which has been condemned, until necessary repairs have been made and such repairs have been approved by the electrical inspector. The electrical inspector may also notify the electric transmission and distribution department or other person, firm, or corporation furnishing current to such wiring, apparatus, or fixture to disconnect the supply wires and cut off the current from premises where such wiring, apparatus, or fixture is located and such supply wires shall be disconnected and the current cut off until necessary repairs are made and approved by the electrical inspector.~~

~~Section 400.17. Interfering with electrical inspector.~~

~~It shall be unlawful for any person, firm, or corporation to hinder or interfere with the electrical inspector or any assistant electrical inspector in the performance of their duties under this chapter.~~

PART IV. PLUMBING CONTRACTOR AND INSPECTORS

~~Section 400.18. Certificate required.~~

- ~~(1) All plumbing construction, except homeowners' work permitted under section 400.01(7) and preliminary preparation, such as the digging of trenches, shall be done by a master plumber, a journeyman plumber under the general supervision of a master plumber, or an apprentice plumber under the direct personal supervision of a master or journeyman plumber.~~
- ~~(2) Master, journeyman, and apprentice plumbers shall carry their registration card on their person during working hours. Upon request of the plumbing inspector the registration card shall be produced. Failure to carry the card or to show it upon request constitutes grounds for revocation or suspension of the person's county registration.~~

~~Section 400.19~~ 14. Master, Certified, Registered or journeyman, and apprentice plumbers.

- ~~(1) Master Certified plumbers.~~ A master plumber's rating designation shall be established by being a state-certified plumbing contractor or by passing the ~~Block and Associates of Gainesville, Florida examination for master plumber and~~ registering with the county. Master Registered plumbers holding a valid certificate of competency from the county on the effective date of this section may continue to hold and renew that license without passing the ~~Block~~ additional examination or being state certified.
- ~~(2) Journeyman plumbers.~~ A journeyman rating shall be established by passing an appropriate approved the ~~Block and Associates of Gainesville, Florida examination~~

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for journeyman plumber and registering with the county. Journeyman plumbers holding a valid certificate of competency from the county on the effective date of this section may continue to hold and renew that license without passing the ~~Block~~ additional examination.

- ~~(3) *Apprentice plumbers.* Any person desiring to become an apprentice plumber shall register with the building official.~~
- ~~(4) *Use of licensee's name by others.* No person who has obtained a master plumber's license shall allow his name to be used by another person either for the purpose of obtaining permits or doing business or work under the license, except as herein permitted.~~

Section 400.20. Inspections.

- ~~(1) It shall be unlawful to conceal any plumbing work until same has been inspected and approved.~~
- ~~(2) In large and complicated jobs the work may be inspected in sections on the approval of the inspector.~~
- ~~(3) It shall be the duty of the building official through the plumbing inspector to enforce the provisions of this title and to make the inspections and tests required thereunder.~~

Section 400.21. Certificate of inspection and approval.

- ~~(1) After completion of the entire work, a notice shall be given the inspector for a final inspection, and if the work has been satisfactorily done, the inspector shall issue a certificate of inspection upon the request of the plumber holding the permit. Only one certificate shall be issued.~~
- ~~(2) This certificate shall not relieve the master plumber of his responsibility for any defective work which may have escaped notice of the inspector.~~

Section 3. Severability and Conflict

If any section, sentence, paragraph, phrase, or word of this ordinance is held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance not having been held by a court of competent jurisdiction to be unconstitutional, inoperative or void, which shall remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Codification.

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ORDINANCE NO. 2025-_____

The amended language contained in Section 2 of this ordinance shall be codified in Chapter 400 of The Code of Indian River County. Additional codification, renumbering, or relettering of this ordinance is left to the discretion of Municipal Code Corporation.

Section 5. Effective Date.

A certified copy of this ordinance, as enacted, shall be filed by the Clerk with the Office of the Secretary of State of the State of Florida within ten days after enactment, and this ordinance shall take effect upon filing with the Secretary of State.

This ordinance was advertised in the *Indian River Press Journal* on the 2nd day of September, 2025, for a public hearing to be held on the 23rd day of September, 2025, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Joseph E. Flescher	_____
Vice Chairman Deryl Loar	_____
Commissioner Susan Adams	_____
Commissioner Joseph H. Earman	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this 23rd day of September, 2025.

**BOARD OF COUNTY
COMMISSIONERS OF INDIAN RIVER
COUNTY, FLORIDA**

By: _____
Joseph E. Flescher, Chairman

**ATTEST: Ryan L. Butler, Clerk
and Comptroller**

By: _____
Deputy Clerk

Approved as to form and
legal sufficiency:

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ORDINANCE NO. 2025-____

By: _____
Christopher A. Hicks, Assistant County Attorney

Effective Date: This ordinance was filed with the Department of State and becomes effective on the _____ day of _____, 2025.

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