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**BY-LAWS OF THE
CONSTRUCTION INDUSTRY REVIEW COMMITTEE
CITY OF TALLAHASSEE**

ARTICLE I - NAME AND AUTHORIZATION

A. NAME

The name of the Committee shall be the Construction Industry Review Committee herein after referred to as the "Committee".

B. AUTHORIZATION

The Committee exists by the authority of the Tallahassee City Commission pursuant to Ordinance 94-0-0020AA and may be modified or abolished by action of the City Commission.

ARTICLE II - PURPOSE AND FUNCTION

A. PURPOSE

This Committee shall serve in an advisory capacity to the Tallahassee City Commission and to the Growth Management Department on issues presented to the Committee related to the construction industry licensing and to perform functions as provided in Ordinance 94-0-0020AA, as codified in the City Land Development Code and amended from time to time, and Chapter 489, Florida Statutes and herein (hereinafter referred to as the Regulations).

B. FUNCTION

The functions of the Committee shall be:

1. Select a private business to prepare examinations, examine applicants, proctor examinations, grade examinations and provide grade results to the Building Official.
2. Perform all building industry disciplinary activities as required by the Regulations.
3. To hear testimony relative to alleged violations of City codes under its jurisdiction.
4. To issue findings of facts, conclusions of law, and orders which shall have the force of law and set forth the steps necessary to accomplish bringing a violation into compliance with the technical code that has been violated.

1
2 **ARTICLE III - MEMBERSHIP**

3
4 **A. MEMBERS**

5
6 The Committee shall be comprised of nine (9) members appointed by the City
7 Commission. Committee members will be selected based on their qualifications and
8 willingness to serve. Members will be selected without regard to race, creed, national
9 origin, age, sex or the presence of a disability. As much as possible, the Committee will
10 be made up of an equitable representation of City residents based on race and sex
11 according to the demographic ratio of the City. In consideration of the Americans with
12 Disabilities Act, efforts should be made to include members with disabilities.

13
14 **B. ELIGIBILITY**

15
16 1. The members of the Committee shall be selected from the following
17 classifications:

18
19 a. Three (3) members shall be registered or certified under Chapter 489
20 F.S., one from each of the following categories:

- 21
22 1. Electrical Contractor;
23 2. Plumbing Contractor; and
24 3. HVAC Class A or B or Mechanical Contractor;

25
26 b. One (1) member shall be a Gas Contractor licensed within the City of
27 Tallahassee.

28
29 c. Two (2) members shall be Journeymen certified by the City of
30 Tallahassee in either Electrical, Plumbing, or Gas; and

31
32 d. Three (3) members shall be citizens-at-large and shall be City
33 residents that are not, and have never been, members or practitioners of a profession
34 regulated by the State of Florida Construction Industry Licensing Board, this Committee,
35 or a member of any closely related profession.

36
37 **C. APPOINTMENTS**

38
39 1. Members shall be appointed initially as follows:

40
41 a. Electrical Contractor, and one Journeyman for three (3) years.

42
43 b. HVAC Class A or B, or Mechanical and one Journeyman for two (2)
44 years.

1 c. Plumbing Contractor, a Natural Gas Contractor and Citizen-at-Large for
2 one (1) year.

3
4 d. One citizen-at-large as identified in Florida Statute Section 489.131(10)
5 as amended by the 1998 Florida Legislature for one (1) year.

6
7 e. One citizen-at-large as identified in Florida Statute Section 489.131(10)
8 as amended by the 1998 Florida Legislature for two (2) years.

9
10 **2.** After the initial appointment, all members shall be appointed for a three-year
11 term. Members shall not serve more than two full consecutive terms.

12
13 **3.** It is the responsibility of the Mayor to insure an appointment is made within
14 thirty (30) days of notification of a vacancy. All appointments shall be confirmed by the
15 City Commission at the next available regular meeting. If a confirmation is not made
16 within thirty (30) days after appointment, the Committee may request an appointment be
17 agendaed for the next available Commission meeting.

18
19 **D. VACANCIES**

20
21 **1.** A member's position shall become vacant when:

22
23 a. A member is absent from 50% of the meetings called by the Chair or
24 otherwise scheduled in a given calendar year, regardless if such absence is excused or
25 unexcused. All absences will be duly recorded in the meeting minutes. Absences from
26 emergency meetings will not be recorded against a member in calculating the percent
27 of absences. Special exceptions on the removal of members for absences may be
28 made by the Chairperson of the Committee when the absences are due to health or
29 time-limited extenuating circumstances and the absences do not affect the ability of the
30 Committee to maintain a quorum, or

31
32 b. A member no longer meets eligibility requirements, or

33
34 c. A member's term expires, or

35
36 d. A member resigns.

37
38 **2.** The Chair shall immediately, upon receipt of a resignation or when advised of
39 a vacancy, notify the Treasurer-Clerk's Office.

40
41 **3.** Should a resignation be submitted to staff, they will immediately notify the
42 Chair and the Treasurer-Clerk's Office.

1 **ARTICLE IV. ORGANIZATION**

2
3 **A. OFFICERS**

4
5 1. The Committee shall elect from its members a Chair, Vice-Chair and (at the
6 discretion of the Committee) a Secretary.

7
8 2. Officers shall be elected for a term of one (1) year in September or October of
9 each year and shall assume office at the next meeting of the Committee.

10
11 **B. QUORUM**

12
13 Five (5) members of the Committee shall constitute a quorum and shall be
14 necessary to conduct business or take any official action, or to conduct a disciplinary
15 hearing. A majority vote of all Committee members present shall be required to take
16 disciplinary action pursuant to the Regulations.

17
18 **C. VOTING RIGHTS**

19
20 Each member shall be entitled to one (1) vote and shall cast that vote on each
21 item submitted. Proxy votes and absentee ballots shall not be permitted. Members
22 shall only abstain from a vote when there is a valid conflict of interest addressed to the
23 Committee.

24
25 **ARTICLE V. OFFICERS AND DUTIES**

26
27 **A. CHAIR**

28
29 1. The Chair shall preside over the meetings and shall be a voting member. The
30 Chair will officially sign the Orders of the Construction Industry Review Committee.

31
32 2. The Chair shall appoint chairs of all committees, standing and special.

33
34 3. It is the Chair's responsibility to ensure compliance with the bylaws. The
35 Chair will notify members of removal from the Committee for noncompliance. Specific
36 questions of conflict of interest will be addressed by the Committee's Attorney or
37 designee.

38
39 4. The Chair shall immediately, upon receipt of a resignation or when advised of
40 a vacancy, notify the Treasurer-Clerk's Office to begin the advertising and appointment
41 process.

42
43 5. The Chair may approve special exceptions on the removal of members for
44 absences at regularly scheduled meetings when the absences are due to health or
45 time-limited extenuating circumstances and the absences do not affect the ability of the
46 Committee to maintain a quorum.

1 **B. VICE-CHAIR**

2
3 The Vice-chair shall perform the duties in the absence of the chair.

4
5 **C. REMOVAL**

6
7 When an officer has been absent or has not performed the duties of that office
8 for three consecutive meetings, that officer may be removed from office by the
9 Committee with a majority vote at a regularly scheduled meeting.

10
11 **ARTICLE VI. COMMITTEE OPERATIONS**

12
13 **A.** The Committee shall have no authority other than as found in the Regulations
14 identified herein in Article II, and as provided in the bylaws and approved by the City
15 Commission.

16
17 **B.** The Committee will meet on an as-needed basis to hear disciplinary matters under
18 its jurisdiction. The Committee shall hold at least one meeting annually to address
19 administrative matters, elect officers, and any other business before it. Nothing herein
20 prohibits the annual meeting from being combined with a meeting held on disciplinary
21 matters. Notice of all meetings will be provided to the Public Information Office.
22 Meeting dates may be changed by the Chair with notification in advance by mail to
23 Committee members, written notice to the Public Information Office, and notice to the
24 public in compliance with the Florida Sunshine Law. Special meetings may be called by
25 the Chair or by a majority of the Committee members, with reasonable notice to the
26 public and to the Public Information Office.

27
28 **C.** All meetings will be open to the public. For advertising purposes, the Committee will
29 publish reasonable notice of its meetings . In addition the Committee will provide
30 notice of its meetings and any changes in meeting times or locations to the Public
31 Information Office. The Committee will insure agendas and minutes of its meetings are
32 available to the public in accordance with the State Sunshine Laws.

33
34 **D.** All meetings shall be conducted in accordance with Robert's Rules of Order and the
35 Regulations.

36
37 **E.** All disciplinary hearings shall be conducted in accordance with the Regulations,
38 these by-laws, and the Disciplinary Hearing Procedure outline attached hereto as
39 Exhibit "A", incorporated by reference and made a part hereof.

40
41 **ARTICLE VII. STAFF SERVICES**

42
43 **A.** The Growth Management Department shall act as the liaison for the Committee
44 with the City Commission and the appropriate appointed official. The Building
45 Inspection Division will provide staff services to the Committee. Staff services will
46 include:

1 1. Publishing notice of meetings as set forth herein, providing notice of meetings
2 to the Public Information Office and Committee members; arranging meeting locations;
3 maintaining summary minutes of the meetings; preparing and distributing appropriate
4 information related to the meeting agenda; acting as secretary for the Committee.
5

6 2. Informing the Committee of events, activities, policies, programs, etc.
7 occurring within the scope of the Committee's function and informing the Committee of
8 all City Commission or department requests for information or assistance.
9

10 3. Ensuring the Treasurer-Clerk's Office is informed of all vacancies, expired
11 terms, changes in officers, or any other changes to the Committee and that all requests
12 for review of applications by the Committee and any subsequent recommendations by
13 the Committee or staff are returned in a timely manner to the Treasurer-Clerk's Office to
14 facilitate the appointment process.
15

16 4. Ensuring that the Committee is provided legal counsel for all disciplinary
17 hearings.
18

19 5. The responsibility for the continuous flow of information to the appropriate
20 appointed official including providing reports, actions, and recommendations of the
21 Committee and notification of noncompliance by the Committee or Chair with the bylaws
22 or statutes.
23

24 6. The responsibility for ensuring information provided by the Committee for City
25 Commission review is appropriately agendaed for the City Commission meetings.
26

27 **B.** A standard orientation program will be provided by staff to all new members. The
28 program will address, but not be limited to, the bylaws, conflicts of interest, the Florida
29 Sunshine Law, ethics standards, financial disclosure requirements, and legal obligations
30 and responsibilities. Staff will ensure responses are provided to any concerns the new
31 members may have regarding the duties and responsibilities of the Committee and the
32 members.
33

34 **ARTICLE VIII. BYLAWS AND EFFECTIVE DATE**

35

36 **A.** Any changes to the bylaws will be reviewed and approved by the Committee and the
37 City Commission and filed with Growth Management Department and the Treasurer-
38 Clerk's Office.
39

- 40 1. These Bylaws shall become effective upon adoption by the City Commission.
- 41 2. These Bylaws were originally approved on July 13, 1994.
- 42 3. These Bylaws were amended on September 23, 1998.
- 43 4. These Bylaws were amended on September 11, 2002.
- 44 5. These Bylaws were amended on November 13, 2002.
- 45 6. These Bylaws were amended on January 26, 2005.
- 46 7. These Bylaws were amended on January 28, 2009.

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Approved by the City Commission on the 28th day of January, 2009.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
Gary Herndon
City Treasurer-Clerk

By: _____
James R. English
City Attorney

Approved by Construction Industry Review Committee:

Date

Chair

EXHIBIT A

CITY OF TALLAHASSEE CONSTRUCTION INDUSTRY REVIEW COMMITTEE DISCIPLINARY HEARING PROCEDURE

The following procedures of the City of Tallahassee Construction Industry Review Committee (Committee) are intended to assist the Committee in carrying out the Committee's disciplinary functions outlined in Part I, Chapter 489, Florida Statutes; and as required by City of Tallahassee as codified in Chapter 3 of the City of Tallahassee Land Development Code, as amended from time to time. These procedures have been approved by the Tallahassee City Commission as part of the Committee's bylaws.

PRIOR TO HEARING:

1. Upon receipt of a complaint or discovery of a possible violation, the Building Official may conduct an initial inspection, and contact alleged violators to negotiate voluntary compliance. (Alleged violators will be referred to hereinafter as Respondents.) The Respondent must be a locally licensed or registered contractor. If voluntary compliance is not forthcoming, the Building Official may swear out a complaint as authorized by Section 3-240, City of Tallahassee Land Development Code or proceed on a complaint initiated by others.

2. Within five (5) working days after a sworn complaint is received, the Building Official, shall serve notice of the complaint to the Respondent as provided in Section 3-240(c). The Building Official may provide a reasonable amount of time for correction of the violation; and shall provide notice of any available administrative remedies.

3. Respondent may pursue administrative remedies by requesting an extension of time for compliance from the Building Official or a variance from Code requirements from the appropriate City agency. Prior to expiration of the time for voluntary compliance, Respondent shall notify the Building Official that he/she will pursue compliance or a variance.

4. The Building Official shall monitor progress of voluntary compliance efforts or any administrative remedies. If the violation is not corrected, the Building Official shall serve a notice of violation on the Respondent with the following information:

- a. Notice of the specific violation(s) at issue;
- b. Allowance of additional time up to the hearing date for compliance;

- c. A date for review of possible disciplinary action by the Committee at the next available Committee meeting, which date shall not be sooner than thirty (30) days after a copy of the sworn complaint was mailed to the Respondent; and
- d. Notice pursuant to Section 286.0105, Florida Statutes, and as required by the Americans with Disabilities Act.

5. If the Committee determines to go forward with an evidentiary hearing on the complaint, the Building Official shall promptly provide notice to the Respondent of the evidentiary hearing. The Building Official shall submit a case report; copies of the code, article, and section cited; and proof of service on Respondent, to the Committee Secretary at least fifteen (15) days prior to the hearing.

6. The Committee Secretary shall prepare each case for Committee hearing as follows:

- a. Assigning case number;
- b. Reviewing documents;
- c. Preparing statement of violation;
- d. Preparing a witness list;
- e. Subpoenaing witnesses, if necessary;
- f. Placing case on the Committee's agenda;
- g. Verifying proper service on Respondent; and
- h. At least ten (10) working days prior to the hearing date, sending the following documents to the Respondent by U.S. Mail:
 - i. Reminder of hearing date;
 - ii. A copy of these disciplinary hearing procedures;
 - iii. The case report;
 - iv. The statement of violation;
 - v. City's witness list;
 - vi. Committee agenda; and

- vii. A statement pursuant to Section 286.0105, Florida Statutes, that if a person decides to appeal the Committee's decision with respect to any matter considered at the meeting or hearing, he or she will need a record of the proceedings, and that he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further, neither the City nor the Committee will provide a verbatim record.

7. At least five (5) working days prior to the Committee meeting, the Respondent may file a written response to the statement of violation, and shall submit a witness list to the Committee Secretary at the following address:

Construction Industry Review Committee Secretary
Growth Management Dept., Building Inspection Division
300 South Adams Street #B-28
Tallahassee, FL 32301

Upon receipt of the Respondent's response and witness list, the Committee Secretary shall deliver a copy to the Building Official and shall provide a copy to the Committee.

8. The Building Official shall conduct a final investigation prior to the Committee meeting for the purpose of updating the case report. The update may be presented verbally at the hearing. If a supplemental written report is prepared prior to the hearing, the Building Official shall provide copies to the Committee Secretary and the Respondent.

HEARING BEFORE COMMITTEE

- 10. Unless otherwise determined by the Chair, the Committee hears cases as follows:
 - a. Committee Chair reads case number and name of Respondent;¹
 - b. Witnesses are sworn in.² All witnesses may be examined by the Committee, Building Official, City Attorney, Respondent, or Respondent's attorney;
 - c. The Building Official presents the City's case;
 - d. Respondent presents his/her case;

¹ The hearing may proceed in the absence of the Respondent if notice of the hearing has been properly served on the Respondent.

² The person who swears the witnesses must have a valid Florida notary public commission.

- e. The Building Official may present rebuttal testimony or may call witnesses to present rebuttal testimony. Rebuttal testimony may be limited by the Chair to matters raised during the Respondent's presentation of his/her case;
 - f. The Committee's proceedings during the hearing shall not be strictly bound by the Florida Rules of Evidence or the Florida Rules of Civil Procedure, and the Chair shall make decisions on the evidentiary and procedural questions;
 - g. After both parties have concluded their cases, the Chair shall close the hearing and begin Committee deliberations;
 - h. After Committee deliberations begin, additional evidence or testimony may be allowed only upon a majority vote of the Committee members present; and
 - i. The Committee shall, in every case, reach a decision without unreasonable or unnecessary delay. In no case may the Committee fail to render a decision on the complaint within five (5) working days after the conclusion of the final hearing thereon. Any continuance of a final hearing for the purpose of allowing submission of additional information to the Committee is within the Committee's discretion. If a continuance is permitted, the continued hearing shall be open to the public and reasonable notice of the date and time shall be provided to all known interested parties.
11. The Committee shall consider and decide the case as follows:
- a. All deliberations shall be in open public session;
 - b. If, after hearing the evidence, the Committee determines the Respondent is guilty of the alleged acts based on satisfactory proof that the license holder has violated, willfully or otherwise, any of the provisions of Chapter 3 of the Land Development Code or any ordinance related to construction in the City Code, it may enter an order suspending or revoking the license holder's certificate; requiring restitution; imposing a fine not to exceed \$5,000; or a combination thereof;
 - c. The Committee's order shall be in writing, shall include findings of fact, shall include a recommendation for a penalty to the Florida Construction Industry Licensing Board and/or the Electrical Contractors Licensing Board (State Boards) pursuant to Section

489.131(7) or 489.537(5), Florida Statutes, and shall indicate the vote taken on the matter. The recommended penalty may include a recommendation for no further action, restitution or a recommendation for suspension, revocation, or restriction of the registration, or a fine to be levied by the State Boards, or a combination thereof.

- d. The order shall also include a statement on rights to appeal. Every order shall be promptly filed in the office of the Building Official, and a copy shall be mailed to the Respondent and to the complainant within ten (10) days of the Committee's decision;
- e. Copies of the order shall be promptly mailed to the Department of Business and Professional Regulation and the State Boards;
- f. The Building Official shall insure that minutes of each meeting are prepared, and that a file on each case is maintained, as required by the Florida Sunshine Law and Open Records Law; and
- g. The Committee's written order shall inform the Respondent and the complainant of the penalty which will be recommended to the State Boards pursuant to Chapter 489, Florida Statutes, the right to appeal, and the consequences of no appeal.

APPEALS:

12. Within thirty (30) days of the issuance of the recommended penalty to the State Boards, and the Department of Business and Professional Regulation, the disciplined contractor, or the complainant may challenge the Committee's recommended penalty to the State Board pursuant to Section 489.131(7) or 489.537(5), Florida Statutes. Failure to challenge the Committee's recommended penalty in a timely manner shall constitute a waiver of a right to a hearing before the State Board. A waiver of the right to a hearing before the State Board shall be deemed an admission of the violation, and the penalty recommended shall become a final order without further State Board action. The disciplined contractor may appeal the State Board action to the District Court.

13. An aggrieved party may request review of the order of the Committee by petition for writ of certiorari filed in the Leon County Circuit Court within thirty (30) days of the Committee decision.

ORDINANCE NO. 09-O-07AA

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE RELATED TO THE ORGANIZATION AND DUTIES OF THE CONSTRUCTION INDUSTRY REVIEW COMMITTEE; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

NOW, THEREFORE, be it enacted by the people of the City of Tallahassee, Florida, as follows:

Section 1. Division 7, Construction Industry Review Committee, of Article III, Boards, Committees, and Commissions, of Chapter 2, Administration, of the Tallahassee Land Development Code, is hereby amended to read as follows:

ARTICLE III. BOARDS, COMMITTEES AND COMMISSIONS

...

DIVISION 7. CONSTRUCTION INDUSTRY REVIEW COMMITTEE

Sec. 2-231. Created; function.

There is hereby created the construction industry review committee, which shall function as follows:

~~(1) Receive, review and approve or disapprove applications from persons requesting to be examined for plumbing, electrical, mechanical and natural gas contractor's or master's certificates until September 30, 2003.~~

~~(2) Receive, review and approve or disapprove applications from persons requesting to be examined for plumbing, electrical and natural gas journeyman competency certification.~~

(3) Select a private business to prepare examinations, examine applicants, proctor examinations, grade examinations and provide grade results to the ~~committee~~Building Official

for persons requesting to be examined for mechanical, plumbing, electrical and natural gas journeyman competency certification.

(42) Perform all building industry disciplinary activities as required by this Code.

...

Sec. 2-234. Meetings; rules; records; quorum.

(a) The chairperson shall preside at all meetings and sign official correspondence for the committee. Meetings shall be held as necessary for building industry disciplinary activities or when called by the chairperson.

...

Section 2. Division 2, Citations, of Article II, Administration and Enforcement, of Chapter 3, Buildings and Building Regulations, of the Tallahassee Land Development Code, is hereby amended to read as follows:

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 2. CITATIONS

...

Sec. 3-58. Administration of citation program.

The city's ~~construction industry review, as set forth in this chapter,~~ Building Official shall be responsible for the administration of the citation program under this chapter and for the training of code enforcement officers.

...

Section 3. Division 2, Certification, of Article V, Construction Industry, of Chapter 3, Buildings and Building Regulations, of the Tallahassee Land Development Code, is hereby amended to read as follows:

ARTICLE V. CONSTRUCTION INDUSTRY

...

DIVISION 2. CERTIFICATION

Sec. 3-231. Required.

No person shall work as or conduct business in any occupation, trade or business listed in section 3-233 without a certificate of competency issued by the ~~construction industry review committee~~ Building Official and, when required, a current State of Florida Registered contractor license or a current State of Florida Certified contractor license.

Sec. 3-232. Application.

(a) To obtain a certificate of competency as a journeyman in the City, an applicant shall submit an application in writing to the ~~construction industry review committee~~ Building Official, on ~~the committee's prescribed~~ forms approved by the Building Official, requesting to be examined in the category desired.

(b) No new certificate of competency shall be issued by the committee ~~after September 30, 2004, except for journeyman plumbing, journeyman electrical, and journeyman gas fitter.~~

~~(c) Any application for a journeyman certificate of competency in mechanical, plumbing, electrical or as a gas fitter may be approved by the Building Official upon satisfaction of the requirements of this chapter.~~

Sec. 3-233. Required experience and examination.

~~(a) An applicant shall be entitled to take the examination for the purpose of determining whether the applicant is qualified to engage in contracting if the applicant can show that he/she:~~

- ~~(1) Has the required number of years experience in the appropriate field under the supervision of a contractor licensed in the appropriate field;~~

~~(2) — Has the required number of years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker; and~~

~~3) — Has worked as a foreman in charge of a group of workers under the supervision of a superintendent or a contractor (or the equivalent) at least one year.~~

~~The committee Building Official may accept credits for accredited college-level courses in the appropriate field for up to one-third of the years of experience required. All junior college or community college-level courses shall be considered accredited college-level courses. Two years of education in the appropriate field at an accredited vocational school may be substituted for one year of practical experience.~~

~~(b)(a) An applicant shall be entitled to take the examination for the purpose of determining whether the applicant is qualified to work as a journeyman if the applicant can show the required number of years experience in the appropriate field under the direct employ of a contractor licensed in the appropriate field. The committee Building Official may accept credits for accredited college-level courses in the appropriate field for up to one-fourth of the years of experience required. All junior college or community college-level courses shall be considered accredited college-level courses. Two years of education in the appropriate field at an accredited vocational school may be substituted for one year of practical experience.~~

...

(c) Examinations shall be prepared, administered and graded by an independent testing firm selected by the committee Building Official and shall be at dates, times and locations selected and announced by that firm.

(d) Special examinations may be administered by that firm's policies ~~and in accordance with practices of the committee~~ with the approval of the Building Official.

(e) A passing grade on the examination shall be as required for the category of work for which a certificate is sought as herein provided above, except that the ~~committee~~ Building Official may reduce the passing grade for the journeyman categories by one point per year, up to a maximum reduction of ten points based on all of the following criteria.

...

Sec. 3-235. Annual renewal of certificate of competency.

(a) Every holder of a valid certificate of competency issued by the city shall, no later than October 1 of each year, file with the building official an application for certificate renewal. The application shall be on a form provided by the building official and shall contain the following information:

- (1) Full name.
- (2) Current mailing address.
- (3) Current telephone.
- (4) Current city certificate of competency number.
- (5) Current state registration number, if applicable.

The application may be filed no more than 90 days prior to the expiration of the certificate.

(b) At the time of certificate renewal, the certificate holder shall pay the renewal fee as prescribed in the schedule of fees adopted by the city commission. No examination is required for renewal of a certificate.

(c) Any certificate holder who fails to renew his certificate prior to the renewal date shall pay twice the standard renewal fee prescribed in the schedule of fees. Any certificate holder working with an expired certificate may be subject to disciplinary action by the construction industry review committee up to and including revocation of the certificate.

(d) Any certificate holder who wishes to place his certification in inactive status may do so by submitting an inactive status request on a form to be provided by the building official. While a

certificate is inactive, the certificate holder shall be required to pay a fee equal to one-half of the normal renewal fee. To change a certificate from inactive to active status, the certificate holder must pay the full renewal fee required per the schedule of fees. ~~and~~ When a Master level certificate holder changes from inactive to active status the certificate holder must provide proof to the building official that a minimum of 14 hours of continuing education approved by the state construction industry licensing board had been completed within the previous two years. No certificate holder with their certificate inactive may obtain a permit for work in the city or county in a capacity that requires an active certificate.

(e) All existing certificates of competency issued, which do not have expiration dates, shall expire on October 1, 1995. Any certificates not renewed after October 1, 1995, shall be considered suspended until renewed. No certificate shall be revoked without action of the construction industry review committee.

(f) All certificates of competency which have not been renewed for four consecutive renewal cycles shall become null and void. Any certificate holder whose certificate of competency becomes null and void must make application to the committee to have the certificate reinstated. The Building Official may require the certificate holder to take the current examination being required for new applicants, or may reinstate the certificate without examination if the following conditions are met:

- (1) The Master level certificate holder must provide proof that he has been working in the trade in which he had held the certificate for a minimum of two years within the past ten years under the direction of or as a licensed contractor.

(2) The applicant must provide proof of completing a minimum of 56 hours of continuing education. The required continuing education hours must be approved as continuing education by the state.

(3) The Journeyman Level certificate holder must provide proof that he has been working in the trade in which he had held the certificate for a minimum of two years within the past ten years under the direction of a licensed contractor.

Sec. 3-236. Possession of certificate.

Each certificate of competency issued by the ~~committee~~Building Official shall remain in effect unless and until it is revoked or suspended by the construction industry review committee as hereinafter provided. Certificate holders shall keep the card on their person while performing work in that category.

...

Sec. 3-238. Certificate without examination.

Every person who, under the terms of this chapter, is required to hold a certificate of competency, may, at the discretion of the ~~committee~~Building Official, be entitled to a certificate of competency without examination upon meeting the following requirements:

- (1) Hold a current state registration as a mechanical; air conditioning Class A, B, or C; or sheet metal contractor, which was issued on or before March 11, 1987, based on a city or county occupational license;
- (2) Complete the required application, on the prescribed form and pay the applicable fees as required for obtaining approval for taking the appropriate examination;
- (3) Provide proof of continuing education equivalent to seven hours per year of experience required for the category requested. The continuing education shall be

related to the category requested, approved by the State of Florida Construction Industry Licensing Board and obtained in the most recent three years.

...

Section 4. Conflicts.

All ordinances and parts of ordinances of the Code of Ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability.

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 6. Effective Date.

This ordinance shall be effective immediately upon adoption.

INTRODUCED in the City Commission on the 14th day of January, 2009.

PASSED by the City Commission on the 28th day of January, 2009.

CITY OF TALLAHASSEE

By: _____
John R. Marks, III
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
Gary Herndon
City Treasurer-Clerk

By: _____
James R. English
City Attorney

related to the category requested, approved by the State of Florida Construction Industry Licensing Board and obtained in the most recent three years.

...

Section 4. Conflicts.

All ordinances and parts of ordinances of the Code of Ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability.

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 6. Effective Date.


This ordinance shall be effective immediately upon adoption.

INTRODUCED in the City Commission on the 14th day of January, 2009.

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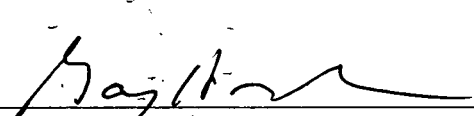
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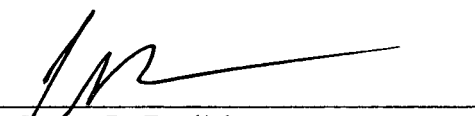
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