

**Pinellas County Ordinance Sec. 122-1. Identification of commercial vehicles.**

(a) *Definitions.* As used in this section:

*Commercial vehicle* is defined as any vehicle, commercial in its design and structure, or any other vehicle used for commercial purposes. "Commercial purpose" means a use for compensation, including but not limited to the transport of animals, commodities, materials, solid waste, articles of trade, or the performance or tender of services. This definition does not include otherwise unmarked personal vehicles of supervisory personnel or crew.

(b) *Prohibited.* It shall be unlawful to operate upon any street, highway, road, or right-of-way any commercial vehicle registered in the county, or predominantly used for commercial purposes within the county, unless such vehicle is identified as set forth in subsection (c) of this section.

(c) *Identification.* Commercial vehicles as defined under this section shall be identified on **both** the right and left sides of the vehicle. The name and telephone number of the company or firm operating the vehicle shall be neatly and permanently painted on the vehicle, or on an attached plate, in contrasting color from the vehicle or plate, in letters not less than **three inches in height** and displayed in such manner that either the painting or nameplate shall be legible at all times.

(d) *Areas embraced.* All territory within the legal boundaries of Pinellas County, Florida, including all incorporated and unincorporated areas, shall be embraced by the provisions of this section.

(Ord. No. 72-3, §§ 1--5, 3-7-72; Ord. No. 85-32, §§ 1, 2, 10-1-85; Ord. No. 89-24, §§ 1, 2, 6-6-89; Ord. No. 01-24, § 1, 5-8-01)

ARTICLE I. COUNTYWIDE BUILDING CONSTRUCTION INDUSTRY REGULATIONS AND CONSTRUCTION CODES

DIVISION 1. COUNTYWIDE STANDARDS

Pinellas County Ordinance Sec. 22-1. Intent.

It is the intent of the legislature to provide for uniform building codes and uniform life safety codes for the county. It is further the intent of the legislature to provide for continuing uniformity of the aforementioned codes by placing the sole authority for making technical amendments to the codes, applicable within the boundaries of Pinellas County, with the Pinellas County Construction Licensing Board.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

Sec. 22-2. Adoption of codes.

For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, the county hereby adopts the codes known as:

- (1) The Florida Building Code.
- (2) The applicable version of the National Fire Protection Association Life Safety Code 101 adopted through the provisions of the Florida Fire Prevention Code or adopted pursuant to the powers of the Florida State Fire Marshal as described in Florida Administrative Code § 4A-60, as either may be subsequently amended.

Copies of all applicable codes, appendices and amendments or variations thereto adopted by the board [county construction licensing board], pursuant to the provisions of section 22-3, shall be filed with and available for inspection at the office of the board.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

#### Sec. 22-3. Amendments.

The board [county construction licensing board] shall have the power to amend the codes from time to time, subject to the provisions of section 553.73(4), Florida Statutes, and may adopt variations for different areas of the county if the variations are justified under the procedures contained herein and in section 553.73, Florida Statutes. Before making any amendment or variation, the board shall refer the proposed amendment to the appropriate county-wide board of adjustment and appeals described in section 22-6 for study and recommendations. The board shall then hold a public hearing on the proposed amendment or variation and shall reject, adopt, or defer action upon the recommendation of the board of adjustment and appeals. A two-thirds vote of the board is required to reject any recommendation of the board of adjustment and appeals. The board may adopt amendments to the codes that are necessary as a condition precedent to any federal- or state-sponsored program and the governing body of any municipality or the county may adopt amendments to the administrative chapter of the Florida Building Code. For the purposes of section 553.73, Florida Statutes, and chapter 98-287, Laws of Florida, as amended by chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of Florida, and as may be subsequently amended, the Pinellas County Construction Licensing Board shall be the sole local governing body authorized to make technical amendments to the Florida Building Code or the version of the National Fire Protection Association Life Safety Code 101 as described in section 22-2 and is deemed to be the countywide compliance review board for Pinellas County as required by section 553.73(4)(b)7., Florida Statutes. The Pinellas County Construction Licensing Board shall likewise be the local administrative board for the provision of interpretations upon request of local building officials and the resolution of conflicts of interpretations between local building officials and local fire code enforcement officials. The resolution of these disputes shall be in accordance with applicable general law. The decision of the board interpreting a code, resolving a conflict of interpretation, or adopting an amendment following a recommendation

by the applicable board of adjustment and appeals shall be the final local determination of the matter which is subject to appeal to the Florida Building Commission pursuant to section 553.73, Florida Statutes, and/or the state fire marshal pursuant to chapter 633, Florida Statutes.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

#### Sec. 22-4. Applicability of codes.

Except as provided in this division for amendments and variations, the codes [adopted in this division] shall be exclusively controlling in the construction of all buildings and structures within the county and no municipality of the county shall adopt any technical amendments, ordinances, rules or regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures that conflict with the codes as amended.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

#### Sec. 22-5. Inspection and enforcement.

Inspection and enforcement of the codes [adopted in this division] shall be effected by the county, the municipalities in the county or the authorized designees of either.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

#### Sec. 22-6. Boards of adjustment and appeals.

(a) The board [county construction licensing board] shall create four boards of adjustment and appeals as follows:

(1) A plumbing, mechanical and gas board of adjustment and appeals consisting of one mechanical engineer, two plumbing contractors, two natural gas contractors and two mechanical or Class A air conditioning contractors. This board of adjustment and appeals shall have the powers and duties specified in subsection (b) for appeals relating to plumbing, mechanical and gas provisions of the Florida Building Code.

(2) An electrical board consisting of one electrical engineer, two electrical contractors and one member of the building industry at large. This board shall have the powers and duties provided in subsection (b) for appeals relating to the electrical provisions of the Florida Building Code.

(3) A board of adjustment and appeals for the Florida Building Code provisions not falling within the jurisdiction of the boards created by subsection (1) or subsection (2).

(4) A life safety and fire code board of adjustment and appeals of two active fire marshals, two active building officials and a fifth member to be selected from the joint recommendation of the fire marshals and building officials comprising said board.

(b) Any appeal which may be brought before either the board of adjustment and appeals for the Florida Building Code or the board of adjustment and appeals for the Life Safety and Fire

Code, shall be referred to the latter. The board of adjustment and appeals for the Life Safety and Fire Code shall determine whether or not it has jurisdiction over said appeal. Upon a determination that said board has no jurisdiction, the appeal shall be considered by the board of adjustment and appeals for the Florida Building Code. The boards of adjustment and appeals shall meet as frequently as is required but not less often than once every three months. Members of the boards shall serve without compensation. Any person aggrieved by a ruling of a building director or a fire marshal or other fire official of any municipality or of the county, or any building director or fire marshal or other fire official desiring interpretation of a code, may file a written appeal to the proper board of adjustment and appeals. Provided, however, if the municipality in which the dispute occurred has established a board of adjustment and appeals the aggrieved party must first appeal to the municipal board. After a decision is rendered by the municipal board the aggrieved party shall have 15 days to file the appeal provided for in this subsection. The decision of the boards shall be furnished to the appealing party in writing within 15 days after the meeting at which the appeal was considered. The decisions of the boards are subject to appeal pursuant to section 553.73, Florida Statutes. (Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

#### Sec. 22-7. Interpretation of codes.

The respective boards of adjustment and appeals shall have authority to interpret its respective code adopted for the county. Interpretations of the codes shall be based upon specific findings of fact and may be made when any provision of the code is ambiguous as applied to an activity subject to the code or to allow alternate material and types of construction if found to be in conformity with the intent of said code. The codes shall be interpreted liberally to provide safe, economic and sound buildings and structures in the county. Code interpretations of any board of adjustment and appeals made under this section shall be final administrative actions and shall not be subject to review by the board [county construction licensing board]. Final decisions of the board or any board of adjustment and appeals shall be based upon substantial competent evidence and shall be subject to review by the Florida Building Commission or the Florida State Fire Marshal.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 1, 12-2-03)

## DIVISION 2. ENFORCEMENT OF COUNTYWIDE STANDARDS

#### Sec. 22-8. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Application for permit* means any permit application made under the codes listed in section 22-14(5), including all documents submitted therewith.

*Appropriate editions* means the version of the code listed in section 22-14(5), as amended and adopted by the appropriate local government entity, the county construction licensing board, state building commission, or state fire marshal, as applicable.

*Duly qualified* means in conformance with the requirements of F.S. ch. 489 or Laws of Fla. ch. 75-489 (compiled in ch. 26, art. III, div. 2 of this Code), as they may be amended, by being certified, licensed, or registered.

*Investigator* means any law enforcement officer, or any individual authorized, by the applicable local governmental entity through ordinance, resolution, policy, or administrative order, to enforce the provisions of this article and who has the authority to issue notices to appear, including the county construction licensing board investigators and executive director.

*Licensed* means licensed as required pursuant to F.S. ch. 489 or Laws of Fla. ch. 75-489 (compiled in ch. 26, art. III, div. 2 of this Code), as amended.

*Registered* means registered as required pursuant to said statute.

*Regulated* means required to be certified, licensed, and/or registered pursuant to F.S. ch. 489 or Laws of Fla. ch. 75-489 (compiled in ch. 26, art. III, div. 2 of this Code), as amended, excluding those trades or activities not subject to, or specifically exempt from, F.S. ch. 489 or Laws of Fla. ch. 75-489, as amended.

*Said Laws of Florida* means Laws of Fla. ch. 75-489, as amended by Laws of Fla. chs. 78-594, 81-466, 85-490, 89-504, 93-387 and 2002-350 (compiled as ch. 26, art. III, div. 2 of this Code), as amended, and any rules or regulations adopted thereunder.

*Said statute* means the provisions of F.S. ch. 489, pts. I and II (F.S. §§ 489.101 et seq. and 489.501 et seq.), as amended, and any rules and regulations adopted thereunder.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

#### Sec. 22-9. Purpose.

This article is intended to facilitate the uniform, orderly, and comprehensive enforcement of construction trade ordinances in the county.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

#### Sec. 22-10. Territory embraced.

The provisions of this article shall apply to both the incorporated and unincorporated areas of the county.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

#### Sec. 22-11. Enforcement.

(a) The executive director and investigators of the Pinellas County Construction Licensing Board (PCCLB) are hereby charged with the enforcement responsibilities of this article.

(b) The PCCLB executive director and investigators are hereby authorized to enforce against any violation of F.S. § 489.127(1) or F.S. § 489.531(1) and of this article. The

investigator may issue a citation or notice to appear for any such violation when, based upon personal investigation, the investigator has reasonable and probable grounds to believe such violation has occurred.

(c) PCCLB investigators shall not have the power of physical arrest.

(d) Law enforcement officers are additionally authorized to enforce the provisions of this article.

(e) Municipalities within which this article is effective may, by interlocal agreement with the PCCLB and by ordinance, resolution, policy, or administrative order, authorize individual(s) to enforce the provisions of this article.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

#### Sec. 22-12. Citation procedures.

(a) Any person cited for violation of this article shall be cited to appear either:

(1) Before the PCCLB, or a special master designated by the PCCLB, for an administrative hearing pursuant to F.S. § 489.127(5); or

(2) In county court, under F.S. § 125.69.

(b) Any person cited for an infraction under this section shall sign and accept a citation indicating a promise to appear.

(c) Any person who willfully refuses to accept and sign the citation shall be in violation of this article and may be prosecuted in accordance with section 1-8, or under applicable law.

(d) Any person cited with a violation of this article may pay the penalty in accordance with the fine amount as listed on the face of the citation within 20 days of the date of receiving the citation, in lieu of the court appearance or appearance before the PCCLB or special master under subsection (a)(1).

(e) If the person cited follows the procedure in subsection (d) of this section, he shall be deemed to have admitted the violation and to have waived his right to a hearing on the issue of the commission of the infraction.

(f) Any person electing to appear or who is required to so appear shall be deemed to have waived his right to the payment of the civil penalty in subsection (d) of this section, and shall be subject to whatever penalty or penalties, if any, in addition to any and all court fees and costs, including costs of prosecution and investigation, as are set by the county court, PCCLB or special master.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

#### Sec. 22-13. Penalties for violations.

(a) Violations of this division may result in a civil penalty of \$500.00 or up to 60 days in county jail or both. This division shall not be construed to effect any provision of F.S. § 489.127(5).

(b) Each day of a continuing violation, each advertisement, each permit, each contract, and each separate activity requiring a permit shall constitute a separate violation under section 22-14.

(c) Jail shall be a possible sentence only under the county court process, and no jail time shall be given as a sentence for a violation of this division unless:

(1) The defendant has been previously convicted or paid fines in satisfaction of citations under this division twice in the previous 12 months under either process contained in section 22-12; and

(2) The prosecuting attorney files a written notice with the court that a jail sentence will be requested.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

#### Sec. 22-14. Acts prohibited.

It shall be a violation of this article for any person or entity to:

(1) Engage in the business of contracting in the construction trades regulated pursuant to F.S. ch. 489, pts. I and II (F.S. §§ 489.101 et seq. and 489.501 et seq.); Laws of Fla. ch. 75-489, as amended by Laws of Fla. chs. 78-594, 81-466, 85-490, 86-444, 89-504, 93-287, 2002-350, and 2003-319 (compiled in ch. 26, art. III, div. 2 of this Code) and as may be amended by special act hereafter; and any rules and regulations promulgated under F.S. ch. 489 and under Laws of Fla. ch. 75-489, as amended, without being in compliance with all of said statutes, said Laws of Florida, and any rules and regulations promulgated thereunder.

(2) Intentionally furnish any materially false, misleading, or misrepresentative information on an application for permit or license.

(3) Hold oneself out as being certified pursuant to said statute or said Laws of Florida when not so certified.

(4) Hold oneself out as being licensed or registered pursuant to said statute or said Laws of Florida when not so licensed or registered.

(5) Engage in any activity requiring a permit without having obtained the appropriate permits under the applicable edition or version of the Florida Building Code, the Standard for the Storage and Handling of Liquefied Petroleum Gases (NFPA 58), the National Fire Protection Association Life Safety Code 101, or any other applicable construction related code.

**Cross references:** Adoption of codes, § 22-2.

(6) To advertise to the public in any publication, transmission, business card, pamphlet, telephone directory, or otherwise that he is a contractor, is qualified to engage in business as a contractor, or that he will perform work in a trade regulated by said statute or said Laws of Florida without being duly qualified to so act.

(7) Submit an advertisement to any publisher for placement in any publication which is primarily circulated, displayed, distributed or marketed within the county, which advertisement identifies a contractor offering services regulated by said statute or said Laws of Florida as

they may be amended from time to time, unless the advertisement included the certification number issued by the state or by the county to that contractor, pursuant to section 26-81 as it has been or may be amended.

(Ord. No. 98-9, § 1, 1-6-98; Laws of Fla. Ch. 2002-350, § 1; Ord. No. 03-98, § 2, 12-2-03)

Sec. 22-15. Limitation on powers of investigators, director.

Nothing contained in this article shall be construed to authorize or permit the investigators or the construction licensing board executive director to perform any function or duty of a law enforcement officer other than as specified in this article.

(Ord. No. 98-9, § 1, 1-6-98; Ord. No. 03-98, § 2, 12-2-03)

Secs. 22-16--22-25. Reserved.

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## **Sec. 26-81. Publication of advertisements for construction contractors.**

(a) *Intent.* It is the intent of this section to prohibit the publication of advertising without the inclusion of the contractor's license number, in order to avoid misleading advertising which represents individuals or business organizations to be qualified certified or registered contractors, when in fact they are not.

(b) *Prohibitions.*

(1) No person or other legal entity or agent thereof shall cause or permit to be published an advertisement in any newspaper, airwave transmission, phone directory or other advertising medium used, which is primarily circulated, displayed, distributed, marketed or transmitted over the airwaves within the county, which advertisement identifies a contractor offering services regulated by F.S. ch. 489, or by Laws of Fla. ch. 75-489 (compiled in division 2 of this article), as they may be amended from time to time, unless the advertisement includes either the license number issued by the state or the license number issued by the county construction licensing board, as may apply to the specific services offered by the contractor.

(2) An "advertisement" shall be defined to include any announcement, listing, estimate, invoice, contract, proposal, display, entry or other written or oral statement, of whatever nature or kind, appearing in any newspaper, airwave transmission, phone directory, or other advertising medium used, which specifically includes a name and address or telephone number describing or advertising services regulated by F.S. ch. 489 or by Laws of Fla. ch. 75-489.

(c) *Enforcement.* The provisions of this section shall be enforced by either or both of the department of justice and consumer services and the county construction licensing board.

(d) *Penalties.* Violations of this section are punishable as provided in section 1-8.

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### **Chapter 489.119, Florida Statutes**

(6)(a) Each registered or certified contractor shall affix the number of his or her registration or certification to each application for a building permit and on each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of the building permit, that the contractor taking out the permit must provide verification giving his or her Construction Industry Licensing Board registration or certification number.

(b) The registration or certification number of each contractor or certificate of authority number for each business organization shall appear in each offer of services, business proposal, bid, contract, or **advertisement**, regardless of medium, as defined by board rule, used by that contractor or business organization in the practice of contracting.

(c) 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 number of the business organization must be conspicuously and legibly displayed** with the name, text, or artwork. **Local governments may also require that locally licensed contractors must also display their certificate of competency or license numbers.** Nothing in this paragraph shall be construed to create a mandatory vehicle signage requirement.

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### **CILB Board Rule 61G4-12.011 Definitions.**

(3) The terms "advertise" and "advertises" shall apply to business cards, business proposals, contracts, construction site signs, all newspapers, airwave transmission (other than internal company communications), any electronic media including Internet sites, phone directory, and other media including handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufacturer's "authorized dealer" listings, and **signs on vehicles**. They shall not apply to balloons, pencils, pens, hats, shirts, articles of clothing, or other promotional novelties. Neither

shall the terms apply to any single line phone directory listing; nor to free phone directory listings (regardless of page color) of one, two or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole and in part in an unbolded or unhighlighted print or without further textual or pictorial elaboration or touting in its overall display.