

ORDINANCE 51 - 16

AN ORDINANCE AMENDING CHAPTER 5, BUILDING, SECTION 5-4, AND CHAPTER 6, CONTRACTORS AND CONSTRUCTION REGULATION BOARD, SECTIONS 6-4.1, 6-4.2.1, AND 6-8 OF THE CITY OF CAPE CORAL CODE OF ORDINANCES, PERTAINING TO CONTRACTOR LICENSURE REQUIREMENTS AND ASSOCIATED FEES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapter 6, Cape Coral Code of Ordinances, provides regulations regarding the quality and character of work performed by the various contractors conducting business within the City; and

WHEREAS, effective July 1, 2016, Session Law 2016-129 (H.B. 535) made certain changes that affect the City's Department of Community Development, Building Division, including amending §553.80, Florida Statutes, to prohibit the City from requiring building permit fees to include payment for certain contractor licensing elements, i.e., for expenses associated with proof of licensure; and for recording or filing a license, or evidence of workers' compensation insurance coverage; and

WHEREAS, the amendments in this ordinance delete the fee requirements; and

WHEREAS, the Cape Coral City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 5, Section 5-4, is hereby amended as follows:

**§ 5-4 Schedule of fees to be collected by Department of Community Development.**

(a) The following fees are authorized to be collected by the Department of Community Development.

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(4) *Contractors' licenses.*

- a. ~~All certified contractors: \$10.~~
- b. ~~General contractor, registered "A": \$200.~~
- c. ~~Building contractor, registered "B": \$150.~~
- d. ~~Residential contractor, registered "C": \$125.~~
- e. ~~Sheet metal contractor, registered: \$100.~~
- f. ~~Roofing, registered: \$100.~~
- g. ~~Air conditioning, registered "A": \$100.~~
- h. ~~Air conditioning, registered "B": \$100.~~
- i. ~~Air conditioning, registered "C": \$100.~~
- j. ~~Mechanical, registered: \$100.~~
- k. ~~Swimming pools, registered "A", "B" and "C": \$100.~~
- l. ~~Electrical, registered: \$100.~~
- m. ~~Plumbing, registered: \$100.~~
- na. Specialty: \$75.
- ob. Inactive status: \$15.

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SECTION 2. The City of Cape Coral Code of Ordinances, Chapter 6, Section 6-4.1, is hereby amended as follows:

**§ 6-4.1 Registered contractors.**

After January 1, 2010 no person or entity licensed as a registered contractor will be issued a Cape Coral specialty contractor's license based solely on registration. Each such person or entity on or after January 1, 2010 must meet the requirements of and be licensed in the appropriate City of Cape Coral specialty contractor category, or be licensed in the appropriate Florida Department of

Business and Professional Regulation (DPBR) specialty license category. Notwithstanding the foregoing, any registered contractor issued a City of Cape Coral specialty license on or before January 1, 2010 may continue to renew the City of Cape Coral specialty license as long as application for renewal ~~and fees are~~ is timely paid made. Failure to make timely application ~~or payment~~ will result in the irrevocable lapse of such specialty license that was issued because the contractor initially was registered, and the contractor will have to meet the then current requirements by the city or DPBR for such specialty license. An expired specialty license obtained through registration may not be reinstated by the Construction Regulation Board under any circumstances.

SECTION 3. The City of Cape Coral Code of Ordinances, Chapter 6, Article I, Section 6-4.2.1, is hereby amended as follows:

**§ 6-4.2.1 Elimination of registered contractors and grandfathering.**

Upon the effective date of this section, no person or entity will be eligible to apply for or receive a registered contractor's license, apply for registration, or qualify in any category or trade as a registered contractor in the City of Cape Coral. A contractor that is registered with the State of Florida or any other local government may not perform contracting work in Cape Coral unless the contractor possesses either a valid City of Cape Coral specialty contractor's license, or a certificate or license in any category, except that in a registered contractor category, trade or specialty currently or in the future regulated or licensed by the Florida Department of Business and Professional Regulation (DPBR). However, notwithstanding the foregoing, any person or entity currently registered or licensed as a registered contractor with the City of Cape Coral in any trade or category may continue to renew the City of Cape Coral registration or registered license as long as application for renewal ~~and fees are~~ is timely made and paid. Failure to make timely application ~~or payment~~ will result in the irrevocable lapse of such registration or registered license, and the contractor will have to meet the then current requirements for licensure by the DPBR. An expired, grandfathered registration or registered license may not be reinstated by the Construction Regulation Board under any circumstances. This provision is not intended to change the status or affect the rights of any person or entity governed by or in compliance with the provisions of § 6-4.1 or § 6-4.2 of the Cape Coral Code as these sections currently exist or may be amended.

SECTION 4. The City of Cape Coral Code of Ordinances, Chapter 6, Article I, Section 6-8, is hereby amended as follows:

**§ 6-8 Biennial renewal fees.**

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(f) When applying for the renewal of any contractor's license, applicant ~~must~~ shall present proof of insurance as specified in § 6-7(2)(a). ~~If contractor cannot present sufficient or adequate proof of insurance at the time of renewal, but contractor is otherwise qualified to have its license renewed, upon payment of the regular renewal fee, the contractor's license shall be renewed for no more than 60 days by the Department of Community Development in order to allow license holder to procure and present adequate proof of insurance. Provided contractor presents adequate evidence of insurance within the 60-day period, the license shall be renewed for the balance of the renewal term upon payment of a \$25 administrative fee for the first incidence of failing to present adequate proof of insurance at license renewal. For good cause shown, the Department of Community Development may grant brief additional extensions of time to a contractor to obtain and present evidence of adequate proof of insurance. For each subsequent incident where contractor fails to provide proof of insurance at time of renewal, the administrative fee will be \$100.~~

(g) ~~Failure to provide adequate proof of insurance within the 60-day period prescribed in § 6-8(f) or the~~ The lapse of insurance coverage at any time after license renewal will result in an automatic administrative suspension of the contractor's license, permit pulling privileges and right to perform any work that would normally be allowed to be performed by a licensed contractor. A contractor performing work while the contractor's license is administratively suspended will be considered an unlicensed contractor and subject to all penalties pertaining to performing work as an unlicensed contractor. The contractor's license will not be reinstated until the contractor provides proof of compliance with the insurance requirements of the City Code.

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SECTION 5. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in

no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
MARNI L. RETZER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

RETZER	_____	LEON	_____
BURCH	_____	ERBRICK	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOHN E. NACLERIO III  
ASSISTANT CITY ATTORNEY  
ord\ContractorFees