

ORDINANCE 2026- 02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING CHAPTER 8 ARTICLE I OF THE FLAGLER COUNTY CODE RELATIVE TO THE CONTRACTOR LICENSING CODE; UPDATING DEFINITIONS TO MIRROR STATE DEFINITIONS; ELIMINATING LOCAL LICENSE TESTING; ALLOWING FOR RENEWAL OF EXISTING LICENSES AND RECIPROCITY; AUTHORIZING INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Flagler County adopted Ordinance 2007-10, codified at Chapter 8, Article I, Flagler County Code of Ordinances, establishing the Contractor Licensing Code of Flagler County (Contractor Licensing Code); and

WHEREAS, Flagler County adopted Ordinances 2008-23 and 2015-06, both codified at Chapter 8, Article I, Flagler County Code of Ordinances, amending certain sections related to the Contractor Licensing Code; and

WHEREAS, changes have been made to the Florida Statutes related to contractor licensing since the Contractor Licensing Code was last amended, including but not limited to the incorporation in Section 489.117, Florida Statutes of a prohibition against requiring licensure for a job scope that does not substantially correspond to the job scope of one of the contractor categories defined in Section 489.105(3)(a)-(o) and (q) or authorized in Section 489.1455(1), Florida Statutes; and

WHEREAS, the Flagler County Board of County Commissioners wishes to amend the Contractor Licensing Code to account for these statutory changes and to avail itself of the option to require state certification in lieu of local licensing of contractors on a going forward basis, while continuing to issue reciprocal certifications in certain instances and renew existing licenses; and

WHEREAS, the Flagler County Contractor Review Board on March 18, 2026 reviewed the proposed amendment and unanimously recommended approval to the Board of County Commissioners; and

WHEREAS, public notice of this action has been provided in accordance with Chapter 125.66(2)(a), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS

The above recitals are incorporated herein as true and correct and establish the legislative intent of this Ordinance.

SECTION 2. FLAGLER COUNTY CODE OF ORDINANCES AMENDMENT

Chapter 8, Article I, *Contractor Licensing Code*, of the Flagler County Code of Ordinances is hereby amended as follows (additions are shown in underline format, deletions are shown in ~~strikethrough~~ format):

- A. Chapter 8, Article I, Section 8-2, *Applicability*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-2. – Applicability.

This article shall apply to and be enforced in all unincorporated areas of the county; and in certain incorporated areas of the county where the building official and his/her designees are authorized to provide regulation and control pursuant to an interlocal agreement.

Only those individuals who received prequalification to sit for an examination for an authorized contractor license prior to September 10, 2025 and take and pass the required examinations within six (6) months from the date of prequalification may be issued a new authorized contractor license. After March 31, 2026, Flagler County shall not issue new authorized contractor licenses; provided however, the county will renew licenses which the county issued prior to March 31, 2026, for individuals who meet the requirements for such renewal under this Contractor Licensing Code. After March 31, 2026, unless an exemption applies, state certification as contemplated by F.S. ch. 489 or reciprocal certification as set forth in Section 8-11 shall be required of those who do not hold a current valid authorized contractor license.

- B. Chapter 8, Article I, Section 8-3, *Definitions*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-3. - Definitions.

~~Specialty trade contractor, nontested means a Flagler County authorized contractor approved to perform trades listed in section 8-5(c) of this Code in order to provide contracting services and obtain permitting privileges within unincorporated Flagler County and participating jurisdictions as further defined in section 8-5(c) of this Code.~~

C. Chapter 8, Article I, Section 8-4, *Exemptions*, of the Flagler County Code of Ordinances is amended to read as follows:

The following are exempt from ~~obtaining~~ maintaining an authorized contractor license:

- (8) Work performed by or on behalf of public utility companies, including telecommunication companies as defined in F.S. § 364.02 (~~12-13~~), including construction, maintenance, and development work on bridges, roads, streets, highways, or railroads, which is incidental to the primary business of the utility company.

D. Chapter 8, Article I, Section 8-5, *Types of authorized contractors*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-5. - Types of authorized contractors.

- (a) *Class I contractors*: Class I contractors are state registered contractors, as set forth in F.S ch. 489, parts I and II, who have obtained an authorized contractor license from the county pursuant to this Code in order to contract with the public and obtain permitting privileges within unincorporated Flagler County and participating jurisdictions. ~~An applicant for an authorized contractor license in Class I shall successfully complete an approved written examination and shall also satisfy the requirements of Section 8-8 of this Code.~~

- (b) *Class II local specialty contractors*: Class II contractors shall include those included on the following list, which are those not in class I where work directly affects public health and safety through structural components or operating systems within a building. An applicant for an authorized contractor license in class II shall successfully complete an approved written examination and shall also satisfy the requirements of section 8-8 of this Code. These Class II contractor license types shall have the same meaning as those provided in Rule 61G4-15.100, Florida Administrative Code, as amended from time to time.

- (1) ~~*Aluminum erection*~~ Structural aluminum or screen enclosures specialty contractor shall mean those whose scope of work shall include and be limited to screened porches, screened enclosures,

~~preformed panel post and beam roofs, mobile home panel roof-overs, residential glass window and door enclosures, vinyl panel window enclosures, single story self-contained aluminum utility storage structures, raised wood decks for enclosures and the repair and/or replacement of wood incidental to the installation of glass windows and doors; installation of siding, soffit, fascia, gutters and preformed panel post and beam roofs. The scope of such work may also include masonry concrete work but limited to foundations, slabs and block knee walls incidental to the aluminum construction work. The aluminum erection contractor shall not perform any work that alters the structural integrity of the primary building including, but not limited to, roof trusses, lintels, load bearing walls and foundations.~~

- ~~(2) Carpentry-Structural carpentry specialty contractor shall mean those qualified and certified to perform rough framing, trusses, sheathing, metal framing, soffit, fascia, paneling, trim, cabinetry, doors, windows, stairs and incidental hardware.~~
- ~~(3) Concrete contractor shall mean those whose scope of work includes formwork, placement of steel reinforcement, batching, mixing, delivery, placing, finishing and curing of concrete work. Concrete contractor does not include masonry or block work.~~
- ~~(4) Drywall (commercial) Gypsum drywall specialty contractor shall mean those whose scope of work includes the installation of gypsum drywall products to wood and metal studs, wood and steel joists, and metal runners, including the preparation of the surface over which the drywall product is to be applied, and the placement of metal studs, runners, and all necessary trim in commercial and residential applications.~~
- ~~(54) Garage door installer-installation specialty contractor shall mean those qualified and certified to install, maintain, repair, alter or extend residential or commercial garage doors, including all hardware and operating devices. Installation of 120-volt electrical service required for the door operating devices may be included in the contract for work but must be subcontracted to a certified or registered electrical contractor.~~
- ~~(65) Glass and glazing specialty contractor shall mean those qualified to select, cut, assemble and install all makes and kinds of glass and glasswork and execute the glazing of frames, panels, sash, door and holding metal frames, ornamental decoration, mirrors, tub and shower enclosures.~~
- ~~(7) Hurricane protection installer shall mean those qualified and certified to perform fabrication, repair, maintenance, installation and~~

~~attachment of exterior opening protection assemblies, including hurricane shutter assemblies and similar products to protect residential and commercial dwellings. A hurricane protection installer may brace existing garage doors to comply with the Florida Building Code but shall not install new garage doors. Any electrical work performed in connection with the installation of protection devices may be included in the contract but must be subcontracted to a certified or registered electrical contractor.~~

- (86) ~~Irrigation sprinkler specialty contractor shall mean those who have the knowledge and skill to install, repair, maintain and replace lawn sprinkler irrigation systems.~~
- (97) ~~Marine specialty contractor shall mean those qualified and certified to construct, install, maintain, repair or alter seawalls, bulkheads, docks, piers, wharfs, piles, boatlifts, davits, boat houses and other marine structures. Any electrical, plumbing, mechanical, or roofing work including [except as set forth in F.S. § 489.113(3)(b)] in the scope of work may be included in the contract but must be subcontracted to the appropriate certified or registered contractor.~~
- (108) ~~Masonry Structural masonry specialty contractor shall mean those qualified and certified to select, cut, install and lay brick, stone and masonry products, including structural glass, brick or block and insulated concrete units, placement of reinforcing steel and any concrete forming and placing incorporated into the masonry work.~~
- (119) ~~Siding, window Window and door installer installation specialty contractor shall mean those qualified and certified to perform siding, window and door installation, including vinyl, wood or aluminum siding, soffit, fascia, gutters and all types of windows and doors, as well as any work necessary to prepare or repair substrate to accomplish proper installation, but not including any structural alterations.~~
- (12) ~~Sign contractor (nonelectrical) shall mean those qualified and certified to perform installation, repair, maintenance and modification of nonelectrical signs in accordance with the Florida Building Code. Electrical work may be included in the contract but must be subcontracted to a certified or registered electrical contractor.~~
- (1310) ~~Structural steel/structural framing work specialty contractor shall mean those qualified to erect structural steel shapes and plates, including such minor field fabrication, as may be necessary, of any profile, perimeter or cross section that are or may be used as structural members for buildings and structures, including metal decking, siding, joists, riveting, welding and rigging, only in connection therewith.~~

~~(c) Local specialty trade contractor, nontested: Specialty trade contractor nontested shall include those not in class I or class II. An applicant for an authorized specialty trade nontested contractor's license shall provide three (3) written letters of reference from individuals who can verify the applicant's workmanship in the trade being applied for. Specialty trades contractors shall also satisfy the requirements of section 8-8 of this Code.~~

~~(1) Drywall (residential) shall mean those authorized to install gypsum drywall products to wood and metal studs, wood and steel joist, and metal runners, including the preparation of the surface over which the drywall product is to be applied, and the placement of metal studs, runners, and all necessary trim in residential applications.~~

~~(2) Fence installer shall mean those authorized to install all types of fencing.~~

~~(3) Paving shall mean those authorized to construct roads, parking lots, sidewalks, curbs and gutters, nonstructural patios and driveways.~~

~~(411) Stucco (plaster Plaster and lath specialty contractor) shall mean those authorized in the application of a mixture of sand or other aggregates, or Portland cement and water and similar exterior finishing systems.~~

~~(5) Shed installer (pre-fab) shall mean those authorized for delivery, anchorage and placement of prefabricated sheds.~~

E. Chapter 8, Article I, Section 8-7, *Contractor review board*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-7. – Contractor review board.

(a) *Members.*

(8) The board shall hold ~~monthly~~ meetings ~~or as needed as~~ established by the board's bylaws. Each meeting shall be called to order by the chairman or, in his/her absence, by the vice-chairman or senior member.

(b) *Powers and duties of the board.*

The board shall have the authority to:

- (2) ~~Review and approve or deny applications for the county authorized contractor licenses and address all other~~ Address meeting agenda items prepared by the licensing administrator;

- (4) ~~Hear appeals of decisions and interpretations of the building official;~~
- (5) ~~Hear appeals of decisions and interpretations of the licensing administrator;~~
- (6) ~~Hear appeals of the building official on determinations of unsafe buildings as set forth in the Code;~~
- (7-5) Issue subpoenas. Subpoenas may be served by the sheriff of the county or by a private process server;
- (8-6) Take testimony under oath;
- (9-7) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance;
- (10-8) Adopt rules for the conduct of its hearings.

F. Chapter 8, Article I, Section 8-8, *Requirements for authorized contractor license*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-8. - Requirements for authorized contractor license Contractor requirements.

~~Authorized contractor license.~~ Except as provided in section 8-4 of this Code, it shall be a violation of this Code for any person to engage in the occupation of a contractor or the business of contracting within the county or participating jurisdictions without a valid state certification or a county authorized contractor license issued by the county licensing administrator.

~~(1) Class I authorized contractor license:~~

- a. ~~Applicants shall submit an approved completed application accompanied by the required supporting documents and the applicable fees. The work authorized shall be limited to the scope of work described in the classification for which the license is issued by the board;~~

~~b. Applicants shall establish eligibility for authorized contractor licenses pursuant to:~~

~~1. Passing an approved examination for a trade as set forth in section 8-9; or~~

~~2. The reciprocity provisions set forth in section 8-11.~~

~~(2) — Class II authorized contractor license:~~

~~a. Applicants shall submit an approved completed application accompanied by the required supporting documents and the applicable fees. The work authorized shall be limited to the scope of work described in the classification for which the license is issued by the board;~~

~~b. Applicants shall establish eligibility to receive an authorized contractor license pursuant to:~~

~~1. Passing an approved examination for a trade as set forth in section 8-9;~~

~~2. The reciprocity provisions set forth in section 8-11.~~

~~(3) — Local specialty trade contractor, nontested:~~

~~a. Applicants shall submit an approved completed application accompanied by the required supporting documents and the applicable fees. The work authorized shall be limited to the scope of work described in the classification for which the license is issued by the board.~~

~~b. Applicants shall establish eligibility to receive an authorized contractor license by:~~

~~1. Submitting a minimum of three (3) letters of reference from individuals that attests to the workmanship and work ethic of the applicant in carrying out the work in the trade; and~~

~~2. Satisfying section 8-9(b)(2) of this Code showing evidence of understanding lien laws, notice of commencement procedures, insurance standards and other business and legal subjects necessary to protect the public or, as a grandfathered alternative to such evidence, proof that the applicant engaged in contractual services in Flagler County within the category applied for in 2005-2006 and in 2006-2007. Proof shall include evidence or copies of the applicant's Flagler County Business Tax Receipt (or occupational license fee receipt, as applicable) for 2005-2006~~

and 2006-2007; and

3. ~~Showing proof of worker's compensation insurance or a valid state exemption and proof of general liability insurance as required by section 8-16 of this Code.~~

G. Chapter 8, Article I, Section 8-9, *Written examination*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-9. - ~~Written examination~~ Reserved.

~~(a) Prequalification:~~

- ~~(1) The licensing administrator shall verify completeness of an application and render a determination of prequalification for the applicant to sit for an examination.~~
- ~~(2) Prequalification to sit for the examination may be denied for any one (1) of the following reasons:~~
 - ~~a. An incomplete application;~~
 - ~~b. False statements on the application or supporting documentation;~~
 - ~~c. Inability to verify the submittals provided in the application process or a finding that such submittals are incomplete, inaccurate or false;~~
 - ~~d. The applicant does not possess the necessary experience, knowledge and ability required for the type of license for which the application is made;~~
 - ~~e. Failure to satisfy or discharge a judgment or order which is related to engaging in the business of contracting.~~

~~(b) Testing requirements:~~

- ~~(1) A prequalified applicant shall obtain a passing score of seventy-five (75) percent or higher on the technical examination in order to qualify for an authorized contractor license.~~
- ~~(2) A prequalified applicant, as a prerequisite to qualify for an authorized contractor license, must show evidence of understanding lien laws, notice of commencement procedures, insurance standards and other business and legal subjects necessary to protect the public by either:~~
 - ~~a. Passing a written examination on business and law subjects acceptable to the board, with a score of seventy-five (75) percent or higher; or~~

~~b. Completing a course of instruction on business and law subjects from an educational institution acceptable to the county review board.~~

~~(3) Written verification of the examination score from the testing agency shall be submitted to the county.~~

~~(4) Any person who fails to pass examinations or takes the examinations more than one (1) year from the date of pr-qualification is required to reapply pursuant to the provisions herein.~~

H. Chapter 8, Article I, Section 8-11, *Reciprocal certification*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-11. - Reciprocal certification.

(a) Any person who has been issued a current license or certificate of licensure by any county within the state certifying that the holder has been examined and is authorized to perform the work specified thereon may, ~~after making application for licensure as provided in this Code,~~ be authorized to work in the same category or class without further examination provided that the license type tested for aligns with the license types identified in Rule 61G4-15.100, Florida Administrative Code, as amended from time to time. Applicants for reciprocal certification shall submit an approved completed application accompanied by the required supporting documents and the applicable fees. The work authorized by the reciprocal certification shall be limited to the scope of work described in the county-issued license or certificate of licensure.

(b) In order for a person who has been issued an authorized license by any county within the state to be licensed pursuant to subsection (a) of this section, the individual must first affirmatively show that:

(1) the county upon whose license the person is basing the request for certification extends the same certification privileges to individuals authorized by the county licensing administrator;

(2) he or she passed a technical examination specific to his or her trade with a score of seventy-five percent or higher; and

(3) he or she passed a written examination on business and law subjects with a score of seventy-five percent or higher.

Written verification of examination scores from the testing agency(ies) shall be required.

- I. Chapter 8, Article I, Section 8-12, *Expiration of authorized contractor license*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-12. - Expiration of authorized contractor license.

An authorized contractor license shall be renewed each biennial year by payment of the applicable fee. All authorized contractor licenses expire on September 30 of each odd numbered year. Authorized contractor licenses not renewed by September 30 may be restored upon payment of a late fee through December 31 of that odd year. Any license not renewed by December 31 of its expiration year shall expire. Reapplication ~~pursuant to this Code will~~ not be ~~required~~ permitted.

- J. Chapter 8, Article I, Section 8-16, *Regulatory requirements*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-16. - Expiration of authorized contractor license.

(a) *Display of contractor's license number.*

- (1) All construction advertising shall be in compliance with F.S. §§ 489.119 (65), and 489.521 (7), as amended. Any contractor regulated pursuant to this Code shall display a state license or registration number, or an authorized contractor's license, as applicable, in any advertisement aired, circulated, displayed, distributed or marketed within the county that offers services of the contractor regulated by this Code.

- (3) 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 construction related activities, the registration, certification or authorized contractor's license number must be conspicuously and legibly displayed along with the name, text, or artwork, as set forth in F.S. § 489.119(65)(c), as amended.

- K. Chapter 8, Article I, Section 8-19, *Appeals*, of the Flagler County Code of Ordinances is amended to read as follows:

Sec. 8-19. – Appeals.

- (a) ~~Appeals of a decision rendered by the building official shall be filed with the county in writing within thirty (30) days of the written decision.~~

- ~~(b) The building official may, by written decision, reduce the time period for appeal of decisions related to unsafe structures in the interest of public safety and welfare.~~
- ~~(c) Appeals relating to provisions of the Florida Building Code, other than local amendments, shall be appealed to the state building commission, pursuant to F.S. § 120.569.~~
- (d) Board orders reflecting final disposition of an issue shall constitute final agency action. An aggrieved person, including the local governing body, may appeal a final order of the board, within thirty (30) days of the date the chair executes the board's final order. Appeal of a final order of the board shall be to the circuit court by writ of certiorari. Said appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the board. Petitioner and/or alleged violator shall not have the remedy of other extraordinary writs or other judicial remedy or process until all administrative remedies, including review by writ of certiorari, have been exhausted.

SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS

A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions or amendments thereto, and shall be appropriately renumbered or relettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.

B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

SECTION 4. SEVERABILITY

It is the intent of the Board of County Commissioners of Flagler County, Florida, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Department of State, as provided by Section 125.66, Florida Statutes.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF
FLAGLER COUNTY, FLORIDA THIS 20 DAY OF April, 2026.

FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS

By: Leann Pennington

for Leann Pennington, Chair

ATTEST:

By: Tom Bexley

Tom Bexley, Clerk of the
Circuit Court and Comptroller

Approved as to Form:

Sarah E. Spector
Sarah E. Spector, Assistant County Attorney