

## 4.1. - Generally

### *4.1.1. Classifications*

- A. For purposes of this Chapter, the classifications for contractor shall be as those listed in F.S. § 489.105(3), and the actual scope and duties shall conform to those classifications in F.S. § 489.113(3) and are meant to include all those certifications contained therein. The provisions of this Chapter do not apply to an authorized representative of the United States government, the State, the county, the City, or any political corporation or subdivision thereof, if the operation of a trade is done by its own salaried employees, nor to anyone exempt pursuant to State or federal law.

### *4.1.2. Unlawful Acts*

- A. It shall be unlawful for any contractor operating within the City, whether licensed individually or as a firm and through its officers, directors or qualified representatives, to commit any one or more of the following acts or omissions:
1. To perform work outside the scope of operations in which a contractor is licensed for;
  2. To depart from approved plans;
  3. To misrepresent any material fact;
  4. To commit any willful or fraudulent act; or
  5. To have negligence, incompetence or misconduct in the practice of contracting within this Chapter.

### *4.1.3. Responsibilities of Licensed Contractors*

- A. **Responsibilities.** Every contractor licensed or registered by the City shall have all of the following responsibilities with respect to any work within the City done by the contractor or under the contractor's direction or by the contractor's employees or subcontractors:
1. To see that all such work shall fully conform to the requirements of the applicable provisions of this Code and other ordinances of the City pertaining or relating to such work, including, but not limited to, the Florida Building Code and all associated technical codes, the National Electrical Code, now or hereafter adopted by the City.
  2. To see that all such work is done in full conformity with the plans and specifications covering the work.
  3. To see that all progressive or other payments made by or for the owner on account of any such work are properly applied in payment of labor and material bills in accordance with the Florida Mechanics' Lien Law, F.S. Ch. 713.
  4. To see that all workers are covered by workers' compensation insurance at all times when and to the extent required by law.

5. To see that no alternate materials are substituted for those called for by the plans or specifications, without the prior written consent of the City Building Official or designee concerned with such work.
- B. **Personal Attendance.** The personal attendance and presence on the job of the contractor or their designated agent is required from time to time, and for such length of time, as to ensure the proper fulfillment of such responsibilities.
- C. **Authority of License.** The fact that the building permit or other permit for a particular job or part of a job is issued to the owner or other third party shall not be deemed to diminish the responsibilities of any contractor as set out in this Chapter where the work is being done by the contractor or the contractor's employees or under the authority of the license.
- D. **Partnership.** Where any contractor does business as a partnership, at least one partner shall be certified as a contractor's employee or under the authority of a contractor's partnership, and at least one general partner shall be certified as a contractor. Where any contractor is incorporated, at least one of the chief executive officers of the corporation shall be certified as a contractor.

(Ord. No. 2022-15, § 3(Exh. C), 7-12-22)