

By the Committee on Regulated Industries and Senator Clary

315-2148-98

1 A bill to be entitled
2 An act relating to contracting; amending s.
3 468.603, F.S.; providing definitions; creating
4 s. 468.604, F.S.; providing responsibilities of
5 building code administrators, plans examiners,
6 and inspectors; amending s. 468.605, F.S.;
7 providing membership of the Florida Building
8 Code Administrators and Inspectors Board;
9 amending s. 468.609, F.S.; providing standards
10 for certification as an inspector, building
11 code administrator, or plans examiner;
12 eliminating the board's authority to issue
13 temporary certificates; amending s. 468.617,
14 F.S.; providing that nothing prohibits local
15 governments from contracting with certified
16 persons to perform inspections; amending s.
17 468.627, F.S.; increasing the initial
18 examination fee; creating ss. 471.045, 481.222,
19 F.S.; allowing architects and professional
20 engineers to perform the duties of building
21 code inspectors in specified circumstances;
22 providing disciplinary guidelines; providing
23 restrictions; amending s. 489.129, F.S.;
24 clarifying what constitutes a knowing
25 violation; requiring the department to provide
26 certain information to a contractor who is the
27 subject of a complaint; amending s. 489.131,
28 F.S.; clarifying the department's authority to
29 initiate disciplinary actions; requiring local
30 boards to have consumer members; amending s.
31 469.001, F.S.; redefining the terms "abatement"

1 and "survey"; defining the term "project
2 designer"; amending s. 469.002, F.S., relating
3 to exemptions from state regulation of asbestos
4 abatement; revising an exemption applicable to
5 certain asbestos-related activities done by
6 government employees; revising certain existing
7 exemptions; amending s. 469.004, F.S.;
8 eliminating provisions relating to
9 prerequisites to issuance of a license and to
10 continuing education; amending s. 469.005,
11 F.S.; revising licensure requirements for
12 asbestos consultants and asbestos contractors
13 relating to required coursework; amending s.
14 469.006, F.S.; requiring applicants for
15 business licensure to submit evidence of
16 financial responsibility and an affidavit
17 attesting to having obtained the required
18 workers' compensation, public liability, and
19 property damage insurance; amending s. 469.013,
20 F.S.; revising continuing education
21 requirements applicable to asbestos surveyors,
22 management planners, and project monitors;
23 repealing s. 469.015, F.S., relating to seals;
24 amending ss. 255.551, 376.60, and 469.014,
25 F.S.; conforming cross-references; amending s.
26 489.103, F.S.; providing exemptions from
27 regulation for the sale, delivery, assembly, or
28 tie-down of prefabricated portable sheds under
29 certain conditions; amending s. 489.105, F.S.;
30 revising and providing definitions applicable
31 to contractors; amending s. 489.107, F.S.;

1 eliminating reference to board jurisdiction
2 over examinations; requiring the Construction
3 Industry Licensing Board and the Electrical
4 Contractors' Licensing Board to each appoint a
5 committee to meet jointly at least twice a
6 year; amending s. 489.113, F.S.; providing that
7 expansion of the scope of practice of any type
8 of contractor does not limit the scope of
9 practice of any existing type of contractor
10 unless the Legislature expressly provides such
11 limitation; repealing s. 489.1135, F.S., which
12 provides for certification of underground
13 utility and excavation contractors; creating s.
14 489.1136, F.S.; providing for medical gas
15 certification for plumbing contractors who
16 install, improve, repair, or maintain conduits
17 used to transport gaseous or partly gaseous
18 substances for medical purposes; requiring
19 certain coursework; requiring an examination
20 for certain persons; providing for discipline
21 and penalties; providing a definition; amending
22 s. 553.06, F.S.; providing that plumbing
23 contractors who install, improve, repair, or
24 maintain such conduits shall be governed by the
25 National Fire Prevention Association Standard
26 99C; amending s. 489.115, F.S.; authorizing
27 certificateholders and registrants to apply
28 continuing education courses earned under other
29 regulatory provisions under certain
30 circumstances; amending s. 489.119, F.S.;
31 detailing what constitutes an incomplete

1 contract for purposes of work allowed a
2 business organization under temporary
3 certification or registration; amending s.
4 489.140, F.S.; eliminating a provision that
5 requires the transfer of surplus moneys from
6 fines into the Construction Industries Recovery
7 Fund; amending s. 489.141, F.S.; clarifying
8 provisions relating to conditions for recovery
9 from the fund; eliminating a notice
10 requirement; revising a limitation on the
11 making of a claim; amending s. 489.142, F.S.;
12 revising a provision relating to powers of the
13 Construction Industry Licensing Board with
14 respect to actions for recovery from the fund,
15 to conform; amending s. 489.143, F.S.; revising
16 provisions relating to payment from the fund;
17 amending s. 489.503, F.S., relating to
18 exemptions from part II of chapter 489, F.S.,
19 relating to electrical and alarm system
20 contracting; revising an exemption that applies
21 to telecommunications, community antenna
22 television, and radio distribution systems, to
23 include cable television systems; providing
24 exemptions relating to the monitoring of alarm
25 systems by law enforcement employees or
26 officers or fire department employees or
27 officials, by employees of state or federally
28 chartered financial institutions, or by
29 employees of a business; amending s. 489.505,
30 F.S., and repealing subsection (24), relating
31 to the definition of "limited burglar alarm

1 system contractor"; redefining terms applicable
2 to electrical and alarm system contracting;
3 defining the term "monitoring"; amending s.
4 489.507, F.S.; requiring the Electrical
5 Contractors' Licensing Board and the
6 Construction Industry Licensing Board to each
7 appoint a committee to meet jointly at least
8 twice a year; amending s. 489.509, F.S.;
9 eliminating reference to the payment date of
10 the biennial renewal fee for certificateholders
11 and registrants; eliminating an inconsistent
12 provision relating to failure to renew an
13 active or inactive certificate or registration;
14 providing for transfer of a portion of certain
15 fees applicable to regulation of electrical and
16 alarm system contracting to fund certain
17 projects relating to the building construction
18 industry and continuing education programs
19 related thereto; amending s. 489.511, F.S.;
20 revising eligibility requirements for
21 certification as an electrical or alarm system
22 contractor; authorizing the taking of the
23 certification examination more than three times
24 and providing requirements with respect
25 thereto; eliminating an obsolete provision;
26 amending s. 489.513, F.S.; revising
27 registration requirements for electrical
28 contractors; amending s. 489.517, F.S.;
29 authorizing certificateholders and registrants
30 to apply continuing education courses earned
31 under other regulatory provisions under certain

1 circumstances; providing for verification of
2 public liability and property damage insurance;
3 amending s. 489.519, F.S.; authorizing
4 certificateholders and registrants to apply for
5 voluntary inactive status at any time during
6 the period of certification or registration;
7 authorizing a person passing the certification
8 examination and applying for licensure to place
9 his or her license on inactive status without
10 having to qualify a business; amending s.
11 489.521, F.S.; providing conditions on
12 qualifying agents qualifying more than one
13 business organization; providing for revocation
14 or suspension of such qualification for
15 improper supervision; providing technical
16 changes; amending s. 489.525, F.S.; revising
17 reporting requirements of the Department of
18 Business and Professional Regulation to local
19 boards and building officials; providing
20 applicability with respect to information
21 provided on the Internet; amending s. 489.533,
22 F.S.; revising and providing grounds for
23 discipline; providing penalties; reenacting s.
24 489.518(5), F.S., relating to alarm system
25 agents, to incorporate the amendment to s.
26 489.533, F.S., in a reference thereto; amending
27 s. 489.537, F.S.; authorizing registered
28 electrical contractors to install raceways for
29 alarm systems; providing that licensees under
30 part II, ch. 489, F.S., are subject, as
31 applicable, to certain provisions relating to

1 local occupational license taxes; amending ss.
2 489.539, 553.19, F.S.; updating electrical and
3 alarm standards; adding a national code
4 relating to fire alarms to the minimum
5 electrical and alarm standards required in this
6 state; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (c) of subsection (6) of section
11 468.603, Florida Statutes, is amended and paragraph (h) is
12 added to that subsection to read:

13 468.603 Definitions.--As used in this part:

14 (6) "Categories of building inspectors" include the
15 following:

16 (c) "Commercial electrical inspector" means a person
17 who is qualified to inspect and determine the electrical
18 safety of commercial buildings and structures by inspecting
19 for compliance with the provisions of the governing National
20 electrical code.

21 (h) "Electrical inspector" means a person who is
22 qualified to inspect and determine the electrical safety of
23 commercial and residential buildings and accessory structures
24 by inspecting for compliance with the provisions of the
25 governing electrical code.

26 Section 2. Section 468.604, Florida Statutes, is
27 created to read:

28 468.604 Responsibilities of building code
29 administrators, plans examiners and inspectors.--

30 (1) It is the responsibility of the building code
31 administrator or building official to administrate, supervise,

1 direct, enforce or perform the permitting and inspection of
2 construction, alteration, repair, remodeling, or demolition of
3 structures and the installation of building systems within the
4 boundaries of their governmental jurisdiction, when permitting
5 is required, to ensure compliance with building, plumbing,
6 mechanical, electrical, gas fuel, energy conservation,
7 accessibility and other construction codes which are required
8 or adopted by municipal code, county ordinance, or state law.
9 The building code administrator or building official shall
10 faithfully perform these responsibilities without interference
11 from any person. These responsibilities include:

12 (a) The review of construction plans to ensure
13 compliance with all applicable codes. The construction plans
14 must be reviewed before the issuance of any building, system
15 installation, or other construction permit. The review of
16 construction plans must be done by the building code
17 administrator or building official or by a person having the
18 appropriate plans examiner license issued under this chapter.

19 (b) The inspection of each phase of construction where
20 a building or other construction permit has been issued. The
21 building code administrator or building official, or a person
22 having the appropriate building code inspector license issued
23 under this chapter, shall inspect the construction or
24 installation to ensure that the work is performed in
25 accordance with applicable codes.

26 (2) It is the responsibility of the building code
27 inspector to conduct inspections of construction, alteration,
28 repair, remodeling, or demolition of structures and the
29 installation of building systems, when permitting is required,
30 to ensure compliance with building, plumbing, mechanical,
31 electrical, gas fuel, energy conservation, accessibility, and

1 other construction codes required by municipal code, county
2 ordinance, or state law. Each building code inspector must be
3 licensed in the appropriate category as defined in s. 468.603.
4 The building code inspector's responsibilities must be
5 performed under the direction of the building code
6 administrator or building official without interference from
7 any unlicensed person.

8 (3) It is the responsibility of the plans examiner to
9 conduct review of construction plans submitted in the permit
10 application to assure compliance with all applicable codes
11 required by municipal code, county ordinance, or state law.
12 The review of construction plans must be done by the building
13 code administrator or building official or by a person
14 licensed in the appropriate plans examiner category as defined
15 in s. 468.603. The plans examiner's responsibilities must be
16 performed under the supervision and authority of the building
17 code administrator or building official without interference
18 from any unlicensed person.

19 Section 3. Subsection (2) of section 468.605, Florida
20 Statutes, is amended to read:

21 468.605 Florida Building Code Administrators and
22 Inspectors Board.--

23 (2) The board shall consist of nine members, as
24 follows:

25 (a) One member who is an architect licensed pursuant
26 to chapter 481, an engineer licensed pursuant to chapter 471,
27 or a contractor licensed pursuant to chapter 489.

28 (b) Two members serving as building code
29 administrators.

30
31

1 (c) Two members ~~One member~~ serving as an ~~a~~ building
2 inspector ~~who is without managerial authority in the employing~~
3 ~~agency.~~

4 (d) One member serving as a plans examiner.

5 (e) One member who is a representative of a city or a
6 charter county.

7 ~~(f) One member serving as a city manager.~~

8 (f)(g) Two consumer members who are not, and have
9 never been, members of a profession regulated under this part,
10 chapter 481, chapter 471, or chapter 489. One of the consumer
11 members must be a person with a disability or a representative
12 of an organization which represents persons with disabilities.

13

14 None of the board members described in paragraph (a) or
15 paragraph ~~(f)(g)~~ may be an employee of a municipal, county,
16 or state governmental agency.

17 Section 4. Section 468.609, Florida Statutes, is
18 amended to read:

19 468.609 Administration of this part; standards for
20 certification; additional categories of certification.--

21 (1) Except as provided in this part, any person who
22 desires to be certified shall apply to the board, in writing
23 upon forms approved and furnished by the board, to take the
24 certification examination.

25 (2) A person shall be entitled to take the examination
26 for certification as an inspector or plans examiner pursuant
27 to this part if the person:

28 (a) Is at least 18 years of age;

29 (b) Is of good moral character; and

30 (c) Meets eligibility requirements according to one of
31 the following criteria:

1 1. Demonstrates 5 years' combined experience in the
2 field of construction or related field ~~or inspection~~, or plans
3 review corresponding to the certification category sought;

4 2. Demonstrates a combination of postsecondary
5 education in the field of construction or related field and
6 experience which totals 4 years, with at least 1 year of such
7 total being experience in construction, ~~or~~ building
8 inspection, or plans review; or

9 3. Currently holds a standard certificate as issued by
10 the board and satisfactorily completes an inspector or plans
11 examiner training program of not less than 200 hours in the
12 certification category sought. The board shall establish by
13 rule criteria for the development and implementation of the
14 training programs.

15 ~~(3)~~3. A person shall be entitled to take the
16 examination for certification as a building code administrator
17 pursuant to this part if the person:

18 (a) Is at least 18 years of age;

19 (b) Is of good moral character; and

20 (c) Meets eligibility requirements according to one of
21 the following criteria:

22 ~~1. For certification as a building code administrator~~
23 ~~or building official,~~ Demonstrates 10 years' combined
24 experience as an architect, engineer, plan examiner, building
25 code inspector, registered or certified contractor, or
26 construction superintendent, with at least 5 years of such
27 experience in supervisory positions; ~~or~~

28 2. Demonstrates a combination of postsecondary
29 education in the field of construction or related field, no
30 more than 5 years of which may be applied, and experience as
31 an architect, engineer, plan examiner, building code

1 inspector, registered or certified contractor, or construction
2 superintendent which totals 10 years, with at least 5 years of
3 such total being experience in supervisory positions.

4 (4)~~(3)~~ No person may engage in the duties of a
5 building code administrator, plans examiner, or inspector
6 pursuant to this part after October 1, 1993, unless such
7 person possesses one of the following types of certificates,
8 currently valid, issued by the board attesting to the person's
9 qualifications to hold such position:

10 (a) A standard certificate.

11 (b) A limited certificate.

12 (c) A provisional certificate.

13 (5)~~(4)~~(a) To obtain a standard certificate, an
14 individual must pass an examination approved by the board
15 which demonstrates that the applicant has fundamental
16 knowledge of the state laws and codes relating to the
17 construction of buildings for which the applicant has code
18 administration, plan examining, or inspection
19 responsibilities. It is the intent of the Legislature that
20 the examination approved for certification pursuant to this
21 part be substantially equivalent to the examinations
22 administered by the Southern Building Code Congress
23 International, the Building Officials Association of Florida,
24 the South Florida Building Code (Dade and Broward), and the
25 Council of American Building Officials.

26 (b) A standard certificate shall be issued to each
27 applicant who successfully completes the examination, which
28 certificate authorizes the individual named thereon to
29 practice throughout the state as a building code
30 administrator, plans examiner, or inspector within such class
31 and level as is specified by the board.

1 (c) The board may accept proof that the applicant has
2 passed an examination which is substantially equivalent to the
3 board-approved examination set forth in this section.

4 (6)~~(5)~~(a) A building code administrator, plans
5 examiner, or inspector holding office on July 1, 1993, shall
6 not be required to possess a standard certificate as a
7 condition of tenure or continued employment, but shall be
8 required to obtain a limited certificate as described in this
9 subsection.

10 (b) By October 1, 1993, individuals who were employed
11 on July 1, 1993, as building code administrators, plans
12 examiners, or inspectors, who are not eligible for a standard
13 certificate, but who wish to continue in such employment,
14 shall submit to the board the appropriate application and
15 certification fees and shall receive a limited certificate
16 qualifying them to engage in building code administration,
17 plans examination, or inspection in the class, at the
18 performance level, and within the governmental jurisdiction in
19 which such person is employed.

20 (c) The limited certificate shall be valid only as an
21 authorization for the building code administrator, plans
22 examiner, or inspector to continue in the position held, and
23 to continue performing all functions assigned to that
24 position, on July 1, 1993.

25 (d) A building code administrator, plans examiner, or
26 inspector holding a limited certificate can be promoted to a
27 position requiring a higher level certificate only upon
28 issuance of a standard certificate or provisional certificate
29 appropriate for such new position.

30 (7)~~(6)~~(a) The board may provide for the issuance of
31 provisional ~~or temporary~~ certificates valid for such period,

1 not less than 1 year nor more than 3 years, as specified by
2 board rule, to any newly employed or promoted building code
3 administrator, plans examiner, or inspector ~~newly employed or~~
4 ~~newly promoted who lacks the qualifications prescribed by the~~
5 ~~board or by statute as prerequisite to issuance of a standard~~
6 ~~certificate.~~

7 (b) No building code administrator, plans examiner, or
8 inspector may have a provisional ~~or temporary~~ certificate
9 extended beyond the specified period by renewal or otherwise.

10 (c) The board may provide for appropriate levels of
11 provisional ~~or temporary~~ certificates and may issue these
12 certificates with such special conditions or requirements
13 relating to the place of employment of the person holding the
14 certificate, the supervision of such person on a consulting or
15 advisory basis, or other matters as the board may deem
16 necessary to protect the public safety and health.

17 (d) A newly employed or hired person may perform the
18 duties of a plans examiner or inspector for 90 days if a
19 provisional certificate application has been submitted,
20 provided such person is under the direct supervision of a
21 certified building code administrator who holds a standard
22 certification and who has found such person qualified for a
23 provisional certificate.

24 (8)(7)(a) Any individual who holds a valid certificate
25 under the provisions of s. 553.795, or who has successfully
26 completed all requirements for certification pursuant to such
27 section, shall be deemed to have satisfied the requirements
28 for receiving a standard certificate prescribed by this part.

29 (b) Any individual who holds a valid certificate
30 issued by the Southern Building Code Congress International,
31 the Building Officials Association of Florida, the South

1 Florida Building Code (Dade and Broward), or the Council of
2 American Building Officials certification programs, or who has
3 been approved for certification under one of those programs
4 not later than October 1, 1995, shall be deemed to have
5 satisfied the requirements for receiving a standard
6 certificate in the corresponding category prescribed by this
7 part. Employees of counties with a population of less than
8 50,000, or employees of municipalities with a population of
9 less than 3,500, shall be deemed to have satisfied the
10 requirements for standard certification where such employee is
11 approved for certification under one of the programs set forth
12 in this paragraph not later than October 1, 1998.

13 (9)~~(8)~~ Any individual applying to the board may be
14 issued a certificate valid for multiple inspection classes, as
15 deemed appropriate by the board.

16 (10)~~(9)~~ Certification and training classes may be
17 developed in coordination with degree career education
18 centers, community colleges, the State University System, or
19 other entities offering certification and training classes.

20 (11)~~(10)~~ The board may by rule create categories of
21 certification in addition to those defined in s. 468.603(6)
22 and (7). Such certification categories shall not be mandatory
23 and shall not act to diminish the scope of any certificate
24 created by statute.

25 Section 5. Subsections (2) and (3) of section 468.617,
26 Florida Statutes, are amended to read:

27 468.617 Joint inspection department; other
28 arrangements.--

29 (2) Nothing in this part shall prohibit local
30 governments from contracting with ~~employing~~ persons certified
31 pursuant to this part to perform inspections or plan reviews

1 ~~on a contract basis.~~ An individual or entity may not inspect
2 or examine plans on projects in which the individual or entity
3 designed or permitted the projects.

4 (3) Nothing in this part shall prohibit any county or
5 municipal government from entering into any contract with any
6 person or entity for the provision of services regulated under
7 this part, and notwithstanding any other statutory provision,
8 such county or municipal governments may enter into contracts
9 ~~which provide for payment of inspection or review fees~~
10 ~~directly to the contract provider.~~

11 Section 6. Section 468.627, Florida Statutes, is
12 amended to read:

13 468.627 Application; examination; renewal; fees.--

14 (1) The board shall establish by rule fees to be paid
15 for application, examination, reexamination, certification and
16 certification renewal, inactive status application, and
17 reactivation of inactive certificates. The board may
18 establish by rule a late renewal penalty. The board shall
19 establish fees which are adequate, when combined with revenue
20 generated by the provisions of s. 468.631, to ensure the
21 continued operation of this part. Fees shall be based on
22 department estimates of the revenue required to implement this
23 part.

24 (2) The initial application fee may not exceed \$25 for
25 building code administrators, plans examiners, or inspectors.

26 (3) The initial examination fee may not exceed \$150
27 ~~\$50~~ for building code administrators, plans examiners, or
28 inspectors.

29 ~~(4) The initial certification fee may not exceed \$25~~
30 ~~for building code administrators, plans examiners, or~~
31 ~~inspectors.~~

1 ~~(5) The biennial certification renewal fee may not~~
2 ~~exceed \$25 for building code administrators, plans examiners,~~
3 ~~or inspectors.~~

4 (4)~~(6)~~ Employees of local government agencies having
5 responsibility for inspection, regulation, and enforcement of
6 building, plumbing, mechanical, electrical, gas, fire
7 prevention, energy, accessibility, and other construction
8 codes shall pay no application fees or examination fees, ~~and~~
9 ~~shall pay not more than \$5 each for initial certification and~~
10 ~~biennial certification renewal fees.~~

11 (5)~~(7)~~ The certificateholder shall provide proof, in a
12 form established by board rule, that the certificateholder has
13 completed at least 14 classroom hours of at least 50 minutes
14 each of continuing education courses during each biennium
15 since the issuance or renewal of the certificate. The board
16 shall by rule establish criteria for approval of continuing
17 education courses and providers, and may by rule establish
18 criteria for accepting alternative nonclassroom continuing
19 education on an hour-for-hour basis.

20 Section 7. Section 471.045, Florida Statutes, is
21 created to read:

22 471.045 Professional engineers performing building
23 code inspector duties.--Notwithstanding any other provision of
24 law, a person who is currently licensed under this chapter to
25 practice as a professional engineer may provide building
26 inspection services described in s. 468.603(6) and (7) to a
27 local government or state agency upon its request, without
28 being certified by the Board of Building Code Administrators
29 and Inspectors under part XIII of chapter 468. When performing
30 these building inspection services, the professional engineer
31 is subject to the disciplinary guidelines of this chapter and

1 s. 468.621(1)(c)-(g). Any complaint processing, investigation,
2 and discipline that arise out of a professional engineer's
3 performing building inspection services shall be conducted by
4 the Board of Professional Engineers rather than the Board of
5 Building Code Administrators and Inspectors. A professional
6 engineer may not perform plans review as an employee of a
7 local government upon any job that the professional engineer
8 or the professional engineer's company designed.

9 Section 8. Section 481.222, Florida Statutes, is
10 created to read:

11 481.222 Architects performing building code inspector
12 duties.--Notwithstanding any other provision of law, a person
13 who is currently licensed to practice as an architect under
14 this part may provide building inspection services described
15 in s. 468.603(6) and (7) to a local government or state agency
16 upon its request, without being certified by the Board of
17 Building Code Administrators and Inspectors under part XIII of
18 chapter 468. With respect to the performance of such building
19 inspection services, the architect is subject to the
20 disciplinary guidelines of this part and s. 468.621(1)(c)-(g).
21 Any complaint processing, investigation, and discipline that
22 arise out of an architect's performance of building inspection
23 services shall be conducted by the Board of Architecture and
24 Interior Design rather than the Board of Building Code
25 Administrators and Inspectors. An architect may not perform
26 plans review as an employee of a local government upon any job
27 that the architect or the architect's company designed.

28 Section 9. Paragraph (d) of subsection (1) of section
29 489.129, Florida Statutes, is amended and subsection (12) is
30 added to that section to read:

31 489.129 Disciplinary proceedings.--

1 (1) The board may take any of the following actions
2 against any certificateholder or registrant: place on
3 probation or reprimand the licensee, revoke, suspend, or deny
4 the issuance or renewal of the certificate, registration, or
5 certificate of authority, require financial restitution to a
6 consumer for financial harm directly related to a violation of
7 a provision of this part, impose an administrative fine not to
8 exceed \$5,000 per violation, require continuing education, or
9 assess costs associated with investigation and prosecution, if
10 the contractor, financially responsible officer, or business
11 organization for which the contractor is a primary qualifying
12 agent, a financially responsible officer, or a secondary
13 qualifying agent responsible under s. 489.1195 is found guilty
14 of any of the following acts:

15 (d) Knowingly violating the applicable building codes
16 or laws of the state or of any municipalities or counties
17 thereof. A contractor does not commit a knowing violation
18 where the contractor acts in reliance on an evaluation,
19 opinion, or judgment by the local building official regarding
20 the meaning or application of the state minimum building codes
21 or where the contractor has not been given a reasonable
22 opportunity to correct the alleged violations.

23 (12) When an investigation of a contractor is
24 undertaken, the department shall promptly furnish to the
25 contractor or the contractor's attorney a copy of the
26 complaint or document that resulted in the initiation of the
27 investigation. The department shall make the complaint and
28 supporting documents available to the contractor. The
29 complaint or supporting documents shall contain information
30 regarding the specific facts that serve as the basis for the
31 complaint. The contractor may submit a written response to the

1 information contained in such complaint or document within 20
2 days after service to the contractor of the complaint or
3 document. The contractor's written response shall be
4 considered by the probable cause panel. The right to respond
5 does not prohibit the issuance of a summary emergency order if
6 necessary to protect the public. However, if the secretary, or
7 the secretary's designee, and the chair of the board or the
8 chair of the probable cause panel agree in writing that such
9 notification would be detrimental to the investigation, the
10 department may withhold notification. The department may
11 conduct an investigation without notification to a contractor
12 if the act under investigation is a criminal offense.

13 Section 10. Paragraph (f) of subsection (7) and
14 subsection (10) of section 489.131, Florida Statutes, are
15 amended to read:

16 489.131 Applicability.--

17 (7)

18 (f) The department may investigate any complaint which
19 is made with the department. However, if the department may
20 not initiate or pursue any ~~determines that the~~ complaint
21 against a registered contractor where is for an action which a
22 local jurisdiction enforcement body has commenced an
23 investigation or prosecution until the local jurisdiction
24 enforcement body has investigated and reached adjudication or
25 accepted a plea of nolo contendere, including a recommended
26 penalty to the board, and the department shall not initiate
27 prosecution for that action, unless the secretary has
28 initiated summary procedures pursuant to s. 455.225(8).

29 (10) No municipal or county government may issue any
30 certificate of competency or license for any contractor
31 defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless

1 such local government exercises disciplinary control and
2 oversight over such locally licensed contractors, including
3 forwarding a recommended order in each action to the board as
4 provided in subsection (7). Each local board that licenses and
5 disciplines contractors must have at least two consumer
6 representatives on that board. If the board has seven or more
7 members, at least three of those members must be consumer
8 representatives. The consumer representative may be any
9 resident of the local jurisdiction that is not, and has never
10 been, a member or practitioner of a profession regulated by
11 the board or a member of any closely related profession.

12 Section 11. Subsection (1) of section 469.001, Florida
13 Statutes, is amended, present subsections (20) and (22) are
14 renumbered as subsections (21) and (23), respectively, present
15 subsection (21) is renumbered as subsection (22) and amended,
16 and a new subsection (20) is added to that section, to read:

17 469.001 Definitions.--As used in this chapter:

18 (1) "Abatement" means the removal, encapsulation,
19 enclosure, or disposal of asbestos.

20 (20) "Project designer" means a person who works under
21 the direction of a licensed asbestos consultant and engages in
22 the design of project specifications for asbestos abatement
23 projects.

24 ~~(22)~~~~(21)~~ "Survey" means the process of inspecting a
25 facility for the presence of asbestos-containing materials to
26 determine the location and condition of asbestos-containing
27 materials prior to transfer of property, renovation,
28 demolition, or maintenance projects which may disturb
29 asbestos-containing materials.

30 Section 12. Section 469.002, Florida Statutes, is
31 amended to read:

1 469.002 Exemptions.--

2 (1) This chapter does not apply to:

3 (a) An authorized employee of the United States, this
4 state, or any municipality, county, or other political
5 subdivision, public or private school, or private entity who
6 has completed all training required by NESHAP and OSHA or by
7 AHERA for the activities described in this paragraph and who
8 is conducting abatement work solely for maintenance purposes
9 within the scope of the person's employment involving less
10 than 160 square feet of asbestos-containing materials or less
11 than 260 linear feet of asbestos-containing material on pipe,
12 so long as the employee is not available for hire or does not
13 otherwise engage in asbestos abatement, contracting, or
14 consulting.

15 (b) Asbestos-related activities which disturb
16 asbestos-containing materials within manufacturing, utility,
17 or military facilities and which are undertaken by regular
18 full-time employees of the owner or operator who have
19 completed all training required by this chapter or NESHAP and
20 OSHA for conducting such activities in areas where access is
21 restricted to authorized personnel who are carrying out
22 specific assignments.

23 (c) Reinspections at public or private schools,
24 whether K-12 or any other configuration, when conducted by an
25 employee who has completed the AHERA-required training for
26 such reinspections pursuant to this chapter and who is
27 conducting work within the scope of the person's employment.

28 (d) Moving, removal, or disposal of
29 asbestos-containing materials on a residential building where
30 the owner occupies the building, the building is not for sale
31 or lease, and the work is performed according to the

1 and OSHA or by AHERA for the activities described in this
2 paragraph, while engaged in asbestos-related activities set
3 forth in s. 255.5535 and asbestos-related activities involving
4 the demolition of a ~~residential~~ building owned by that
5 governmental unit, where such activities are within the scope
6 of that employment and the employee does not hold out for hire
7 or otherwise engage in asbestos abatement, contracting, or
8 consulting.

9 (2) Licensure as an asbestos contractor is not
10 required for the moving, removal, or disposal of
11 asbestos-containing roofing material by a roofing contractor
12 certified or registered under part I of chapter 489, if all
13 such activities are performed under the direction of an onsite
14 roofing supervisor trained as provided in s. 469.012.

15 (3) Licensure as an asbestos contractor or asbestos
16 consultant is not required for the moving, removal, repair,
17 maintenance, or disposal, or related inspections, of
18 asbestos-containing resilient floor covering or its adhesive,
19 if:

20 (a) The resilient floor covering is a Category I
21 nonfriable material as defined in NESHAP and remains a
22 Category I nonfriable material during removal activity.

23 (b) All such activities are performed in accordance
24 with all applicable asbestos standards of the United States
25 Occupational Safety and Health Administration under 29 C.F.R.
26 part 1926.

27 (c) The removal is not subject to asbestos licensing
28 or accreditation requirements under federal asbestos NESHAP
29 regulations of the United States Environmental Protection
30 Agency.

31

1 (d) Written notice of the time, place, and company
2 performing the removal and certification that all conditions
3 required under this subsection are met are provided to the
4 Department of Business and Professional Regulation at least 3
5 days prior to such removal. The contractor removing such
6 flooring materials is responsible for maintaining proof that
7 all the conditions required under this subsection are met.

8
9 The department may inspect removal sites to determine
10 compliance with this subsection and shall adopt rules
11 governing inspections.

12 (4) Licensure as an asbestos consultant or contractor
13 is not required for the repair, maintenance, removal, or
14 disposal of asbestos-containing pipe or conduit, if:

15 (a) The pipe or conduit is used for electrical,
16 electronic, communications, sewer, or water service;

17 (b) The pipe or conduit is not located in a building;

18 (c) The pipe or conduit is made of Category I or
19 Category II nonfriable material as defined in NESHAP; and

20 (d) All such activities are performed according to all
21 applicable regulations, including work practices and training,
22 of the United States Occupational Safety and Health
23 Administration under 29 C.F.R. part 1926.

24 (5)(2) Nothing in this section shall be construed to
25 alter or affect otherwise applicable Florida Statutes and
26 rules promulgated thereunder, or Environmental Protection
27 Agency or OSHA regulations regarding asbestos activities.

28 Section 13. Section 469.004, Florida Statutes, is
29 amended to read:

30 469.004 License; asbestos consultant; asbestos
31 contractor; ~~exceptions.~~--

1 (1) All asbestos consultants must be licensed by the
2 department. An asbestos consultant's license may be issued
3 only to an applicant who holds a current, valid, active
4 license as an architect issued under chapter 481; holds a
5 current, valid, active license as a professional engineer
6 issued under chapter 471; holds a current, valid, active
7 license as a professional geologist issued under chapter 492;
8 is a diplomat of the American Board of Industrial Hygiene; or
9 has been awarded designation as a Certified Safety
10 Professional by the Board of Certified Safety Professionals.

11 (2) All asbestos contractors must be licensed by the
12 department. An asbestos contractor may not perform abatement
13 activities involving work that affects building structures or
14 systems. Work on building structures or systems may be
15 performed only by a contractor licensed under chapter 489.

16 ~~(3) Licensure as an asbestos contractor is not~~
17 ~~required for the moving, removal, or disposal of~~
18 ~~asbestos-containing roofing material by a roofing contractor~~
19 ~~certified or registered under part I of chapter 489, if all~~
20 ~~such activities are performed under the direction of an onsite~~
21 ~~roofing supervisor trained as provided in s. 469.012.~~

22 ~~(4) Licensure as an asbestos contractor or asbestos~~
23 ~~consultant is not required for the moving, removal, or~~
24 ~~disposal, or related inspections, of asbestos-containing~~
25 ~~resilient floor covering or its adhesive, if:~~

26 ~~(a) The resilient floor covering is a Category I~~
27 ~~nonfriable material as defined in NESHAP and remains a~~
28 ~~Category I nonfriable material during removal activity.~~

29 ~~(b) All such activities are performed in accordance~~
30 ~~with all applicable asbestos standards of the United States~~

31

1 ~~Occupational Safety and Health Administration under 29 C.F.R.~~
2 ~~part 1926.~~

3 ~~(c) The removal is not subject to asbestos licensing~~
4 ~~or accreditation requirements under federal asbestos NESHAP~~
5 ~~regulations of the United States Environmental Protection~~
6 ~~Agency.~~

7 ~~(d) Written notice of the time, place, and company~~
8 ~~performing the removal and certification that all conditions~~
9 ~~required under this subsection are met are provided to the~~
10 ~~Department of Business and Professional Regulation at least 3~~
11 ~~days prior to such removal. The contractor removing such~~
12 ~~flooring materials is responsible for maintaining proof that~~
13 ~~all the conditions required under this subsection are met.~~

14
15 ~~The department may inspect removal sites to determine~~
16 ~~compliance with this subsection and shall adopt rules~~
17 ~~governing inspections.~~

18 ~~(5) Prior to the department's issuance of an asbestos~~
19 ~~consultant's license or an asbestos contractor's license, the~~
20 ~~applicant must provide evidence, as provided by the department~~
21 ~~by rule, that the applicant has met the requirements of s.~~
22 ~~469.005.~~

23 ~~(6) A license issued under this section must be~~
24 ~~renewed every 2 years. Before renewing a contractor's license,~~
25 ~~the department shall require proof that the licensee has~~
26 ~~completed a 1-day course of continuing education during each~~
27 ~~of the preceding 2 years. Before renewing a consultant's~~
28 ~~license, the department shall require proof that the licensee~~
29 ~~has completed a 2-day course of continuing education during~~
30 ~~each of the preceding 2 years.~~

31

1 ~~(7) Licensure as an asbestos consultant or contractor~~
2 ~~is not required for the repair, removal, or disposal of~~
3 ~~asbestos-containing pipe or conduit, if:~~

4 ~~(a) The pipe or conduit is used for electrical,~~
5 ~~electronic, communications, sewer, or water service;~~

6 ~~(b) The pipe or conduit is not located in a building;~~

7 ~~(c) The pipe or conduit is made of Category I or~~
8 ~~Category II nonfriable material as defined in NESHAP; and~~

9 ~~(d) All such activities are performed according to all~~
10 ~~applicable regulations, including work practices and training,~~
11 ~~of the United States Occupational Safety and Health~~
12 ~~Administration under 29 C.F.R. part 1926.~~

13 Section 14. Section 469.005, Florida Statutes, is
14 amended to read:

15 469.005 License requirements.--All applicants for
16 licensure as either asbestos consultants or asbestos
17 contractors shall:

18 (1) Pay the initial licensing fee.

19 (2) When applying for licensure as an asbestos
20 consultant, successfully complete the following
21 department-approved courses, ~~as approved by the department:~~

22 (a) An asbestos contractor/supervisor abatement
23 ~~project management and supervision~~ course. Such course shall
24 consist of not less than 5 ~~4~~ days of instruction ~~and shall~~
25 ~~cover the nature of the health risks, the medical effects of~~
26 ~~exposure, federal and state asbestos laws and regulations,~~
27 ~~legal and insurance considerations, contract specifications,~~
28 ~~sampling and analytical methodology, worker protection, and~~
29 ~~work area protection.~~

30
31

1 (b) A ~~course in~~ building asbestos surveys and
2 mechanical systems course. Such course shall consist of not
3 less than 3 days of instruction.

4 (c) An ~~A course in~~ asbestos management planning
5 course. Such course shall consist of not less than 2 days of
6 instruction.

7 (d) A ~~course in~~ respiratory protection course. Such
8 course shall consist of not less than 3 days of instruction.

9 (e) A project designer course. Such course shall
10 consist of not less than 3 days of instruction.

11 (3) When applying for licensure as as asbestos
12 contractor, successfully complete the following
13 department-approved courses:

14 (a) An asbestos contractor/supervisor course. Such
15 course shall consist of not less than 5 days of instruction.

16 (b) A respiratory protection course. Such course shall
17 consist of not less than 3 days of instruction.

18 ~~(4)~~(3) Provide evidence of satisfactory work on 10
19 asbestos projects within the last 5 years.

20 ~~(5)~~(4) Provide evidence of financial stability.

21 ~~(6)~~(5) Pass a department-approved examination of
22 qualifications and knowledge relating to asbestos.

23 Section 15. Subsection (2) and paragraph (a) of
24 subsection (5) of section 469.006, Florida Statutes, are
25 amended to read:

26 469.006 Licensure of business organizations;
27 qualifying agents.--

28 (2)(a) If the applicant proposes to engage in
29 consulting or contracting as a partnership, corporation,
30 business trust, or other legal entity, or in any name other
31 than the applicant's legal name, the legal entity must apply

1 for licensure through a qualifying agent or the individual
2 applicant must apply for licensure under the fictitious name.

3 (b)~~(a)~~ The application must state the name of the
4 partnership and of each of its partners, the name of the
5 corporation and of each of its officers and directors and the
6 name of each of its stockholders who is also an officer or
7 director, the name of the business trust and of each of its
8 trustees, or the name of such other legal entity and of each
9 of its members.

10 1. The application for primary qualifying agent must
11 include an affidavit on a form provided by the department
12 attesting that the applicant's signature is required on all
13 checks, drafts, or payments, regardless of the form of
14 payment, made by the entity, and that the applicant has final
15 approval authority for all construction work performed by the
16 entity.

17 2. The application for financially responsible officer
18 must include an affidavit on a form provided by the department
19 attesting that the applicant's signature is required on all
20 checks, drafts, or payments, regardless of the form of
21 payment, made by the entity, and that the applicant has
22 authority to act for the business organization in all
23 financial matters.

24 3. The application for secondary qualifying agent must
25 include an affidavit on a form provided by the department
26 attesting that the applicant has authority to supervise all
27 construction work performed by the entity as provided in s.
28 489.1195(2).

29 (c) As a prerequisite to the issuance of a license
30 under this section, the applicant shall submit the following:
31

1 1. An affidavit on a form provided by the department
2 attesting that the applicant has obtained workers'
3 compensation insurance as required by chapter 440, public
4 liability insurance, and property damage insurance, in amounts
5 determined by department rule. The department shall establish
6 by rule a procedure to verify the accuracy of such affidavits
7 based upon a random sample method.

8 2. Evidence of financial responsibility. The
9 department shall adopts rules to determine financial
10 responsibility which shall specify grounds on which the
11 department may deny licensure. Such criteria shall include,
12 but not be limited to, credit history and limits of
13 bondability and credit.

14 (d)(b) A joint venture, including a joint venture
15 composed of qualified business organizations, is itself a
16 separate and distinct organization that must be qualified in
17 accordance with department rules.

18 (e)(c) The license, when issued upon application of a
19 business organization, must be in the name of the business
20 organization, and the name of the qualifying agent must be
21 noted thereon. If there is a change in any information that is
22 required to be stated on the application, the business
23 organization shall, within 45 days after such change occurs,
24 mail the correct information to the department.

25 (f)(d) The applicant must furnish evidence of
26 statutory compliance if a fictitious name is used, the
27 provisions of s. 865.09(7) notwithstanding.

28 (5)(a) Each asbestos consultant or contractor shall
29 affix the consultant's or contractor's signature ~~seal, if any,~~
30 and license number to each construction document, plan, or any
31 other document prepared or approved for use by the licensee

1 which is related to any asbestos abatement project and filed
2 for public record with any governmental agency, and to any
3 offer, bid, or contract submitted to a client.

4 Section 16. Subsection (1) of section 469.013, Florida
5 Statutes, is amended to read:

6 469.013 Course requirements for asbestos surveyors,
7 management planners, and project monitors.--

8 (1) All asbestos surveyors, management planners, and
9 project monitors must comply with the requirements set forth
10 in this section prior to commencing such activities and must
11 also complete the a 1-day course of continuing education
12 necessary to maintain certification each year ~~thereafter~~.

13 (a) Management planners must complete all requirements
14 of s. 469.005(2)(c) and (e).

15 (b) Asbestos surveyors must complete all requirements
16 of s. 469.005(2)(b).

17 (c) Project monitors must complete all requirements of
18 s. 469.005(2)(a) and must also complete an asbestos sampling
19 course which is equivalent to NIOSH Course 582.

20 Section 17. Section 469.014, Florida Statutes, is
21 amended to read:

22 469.014 Approval of asbestos training courses and
23 providers.--

24 (1) The department shall approve training courses and
25 the providers of such courses as are required under this
26 chapter. The department must also approve training courses and
27 the providers of such courses who offer training for persons
28 who are exempt from licensure as an asbestos contractor or
29 asbestos consultant under s. 469.002(3)~~469.004(4)~~.

30
31

1 ~~(2)(1)~~ The department shall, by rule, prescribe
2 criteria for approving training courses and course providers
3 and may by rule modify the training required by this chapter.

4 ~~(3)(2)~~ The department may enter into agreements with
5 other states for the reciprocal approval of training courses
6 or training-course providers.

7 ~~(4)(3)~~ The department shall, by rule, establish
8 reasonable fees in an amount not to exceed the cost of
9 evaluation, approval, and recordmaking and recordkeeping of
10 training courses and training-course providers.

11 ~~(5)(4)~~ The department may impose against a
12 training-course provider any penalty that it may impose
13 against a licensee under this chapter or s. 455.227, may
14 decline to approve courses, and may withdraw approval of
15 courses proposed by a provider who has, or whose agent has,
16 been convicted of, or pled guilty or nolo contendere to, or
17 entered into a stipulation or consent agreement relating to,
18 without regard to adjudication, any crime or administrative
19 violation in any jurisdiction which involves fraud, deceit, or
20 false or fraudulent representations made in the course of
21 seeking approval of or providing training courses.

22 Section 18. Section 469.015, Florida Statutes, is
23 repealed.

24 Section 19. Subsection (1) of section 255.551, Florida
25 Statutes, is amended to read:

26 255.551 Definitions; ss. 255.551-255.565.--As used in
27 ss. 255.551-255.565:

28 (1) "Abatement" means the removal, encapsulation, or
29 enclosure of asbestos, but does not include the removal of
30 bituminous resinous roofing systems or the removal of
31

1 resilient floor covering and its adhesive in accordance with
2 the licensing exemption in s. 469.002(3)~~469.004(4)~~.

3 Section 20. Section 376.60, Florida Statutes, is
4 amended to read:

5 376.60 Asbestos removal program inspection and
6 notification fee.--The Department of Environmental Protection
7 shall charge an inspection and notification fee, not to exceed
8 \$300 for a small business as defined in s. 288.703(1), or
9 \$1,000 for any other project, for any asbestos removal
10 project. Schools, colleges, universities, residential
11 dwellings, and those persons otherwise exempted from licensure
12 under s. 469.002(4)~~469.004(7)~~are exempt from the fees. Any
13 fee collected must be deposited in the asbestos program
14 account in the Air Pollution Control Trust Fund to be used by
15 the department to administer its asbestos removal program.

16 (1) In those counties with approved local air
17 pollution control programs, the department shall return 80
18 percent of the asbestos removal program inspection and
19 notification fees collected in that county to the local
20 government quarterly, if the county requests it.

21 (2) The fees returned to a county under subsection (1)
22 must be used only for asbestos-related program activities.

23 (3) A county may not levy any additional fees for
24 asbestos removal activity while it receives fees under
25 subsection (1).

26 (4) If a county has requested reimbursement under
27 subsection (1), the department shall reimburse the approved
28 local air pollution control program with 80 percent of the
29 fees collected in the county retroactive to July 1, 1994, for
30 asbestos-related program activities.

31

1 (5) If an approved local air pollution control program
2 that is providing asbestos notification and inspection
3 services according to 40 C.F.R. part 61, subpart M, and is
4 collecting fees sufficient to support the requirements of 40
5 C.F.R. part 61, subpart M, opts not to receive the
6 state-generated asbestos notification fees, the state may
7 discontinue collection of the state asbestos notification fees
8 in that county.

9 Section 21. Subsections (17) and (18) are added to
10 section 489.103, Florida Statutes, to read:

11 489.103 Exemptions.--This part does not apply to:

12 (17) The sale, delivery, assembly, or tie-down of
13 prefabricated portable sheds that are not more than 250 square
14 feet in interior size and are not intended for use as a
15 residence or as living quarters. This exemption may not be
16 construed to interfere with local building codes, local
17 licensure requirements, or other local ordinance provisions.

18 (18) Any one-family, two-family, or three-family
19 residence constructed by Habitat for Humanity International,
20 Inc., or its local affiliates. Habitat for Humanity
21 International, Inc., or its local affiliates, must:

22 (a) Obtain all necessary building permits; and

23 (b) Obtain all required building inspections.

24 Section 22. Paragraphs (a), (d), (f), (g), (h), (i),
25 (l), and (n) of subsection (3) of section 489.105, Florida
26 Statutes, are amended, and subsection (19) is added to that
27 section, to read:

28 489.105 Definitions.--As used in this part:

29 (3) "Contractor" means the person who is qualified
30 for, and shall only be responsible for, the project contracted
31 for and means, except as exempted in this part, the person

1 who, for compensation, undertakes to, submits a bid to, or
2 does himself or herself or by others construct, repair, alter,
3 remodel, add to, demolish, subtract from, or improve any
4 building or structure, including related improvements to real
5 estate, for others or for resale to others; and whose job
6 scope is substantially similar to the job scope described in
7 one of the subsequent paragraphs of this subsection. For the
8 purposes of regulation under this part, "demolish" applies
9 only to demolition of steel tanks over 50 feet in height;
10 towers over 50 feet in height; other structures over 50 feet
11 in height, other than buildings or residences over three
12 stories tall; and buildings or residences over three stories
13 tall. Contractors are subdivided into two divisions, Division
14 I, consisting of those contractors defined in paragraphs
15 (a)-(c), and Division II, consisting of those contractors
16 defined in paragraphs (d)-(q):

17 (a) "General contractor" means a contractor whose
18 services are unlimited as to the type of work which he or she
19 may do, who may contract for any activity requiring licensure
20 under this part, and who may perform any work requiring
21 licensure under this part, except as otherwise expressly
22 provided in s. 489.113 ~~this part.~~

23 (d) "Sheet metal contractor" means a contractor whose
24 services are unlimited in the sheet metal trade and who has
25 the experience, knowledge, and skill necessary for the
26 manufacture, fabrication, assembling, handling, erection,
27 installation, dismantling, conditioning, adjustment,
28 insulation, alteration, repair, servicing, or design, when not
29 prohibited by law, of ferrous or nonferrous metal work of U.S.
30 No. 10 gauge or its equivalent or lighter gauge and of other
31 materials, including, but not limited to, fiberglass, used in

1 lieu thereof and of air-handling systems, including the
2 setting of air-handling equipment and reinforcement of same,
3 ~~and including~~ the balancing of air-handling systems, and any
4 duct cleaning and equipment sanitizing which requires at least
5 a partial disassembling of the system.

6 (f) "Class A air-conditioning contractor" means a
7 contractor whose services are unlimited in the execution of
8 contracts requiring the experience, knowledge, and skill to
9 install, maintain, repair, fabricate, alter, extend, or
10 design, when not prohibited by law, central air-conditioning,
11 refrigeration, heating, and ventilating systems, including
12 duct work in connection with a complete system only to the
13 extent such duct work is performed by the contractor as is
14 necessary to make complete an air-distribution system, boiler
15 and unfired pressure vessel systems, and all appurtenances,
16 apparatus, or equipment used in connection therewith, and any
17 duct cleaning and equipment sanitizing which requires at least
18 a partial disassembling of the system; to install, maintain,
19 repair, fabricate, alter, extend, or design, when not
20 prohibited by law, piping, insulation of pipes, vessels and
21 ducts, pressure and process piping, and pneumatic control
22 piping; to replace, disconnect, or reconnect power wiring on
23 the load side of the dedicated existing electrical disconnect
24 switch; to install, disconnect, and reconnect low voltage
25 heating, ventilating, and air-conditioning control wiring; and
26 to install a condensate drain from an air-conditioning unit to
27 an existing safe waste or other approved disposal other than a
28 direct connection to a sanitary system. The scope of work for
29 such contractor shall also include any excavation work
30 incidental thereto, but shall not include any work such as
31 liquefied petroleum or natural gas fuel lines within

1 buildings, potable water lines or connections thereto,
2 sanitary sewer lines, swimming pool piping and filters, or
3 electrical power wiring.

4 (g) "Class B air-conditioning contractor" means a
5 contractor whose services are limited to 25 tons of cooling
6 and 500,000 Btu of heating in any one system in the execution
7 of contracts requiring the experience, knowledge, and skill to
8 install, maintain, repair, fabricate, alter, extend, or
9 design, when not prohibited by law, central air-conditioning,
10 refrigeration, heating, and ventilating systems, including
11 duct work in connection with a complete system only to the
12 extent such duct work is performed by the contractor as is
13 necessary to make complete an air-distribution system being
14 installed under this classification, and any duct cleaning and
15 equipment sanitizing which requires at least a partial
16 disassembling of the system; to install, maintain, repair,
17 fabricate, alter, extend, or design, when not prohibited by
18 law, piping and insulation of pipes, vessels, and ducts; to
19 replace, disconnect, or reconnect power wiring on the load
20 side of the dedicated existing electrical disconnect switch;
21 to install, disconnect, and reconnect low voltage heating,
22 ventilating, and air-conditioning control wiring; and to
23 install a condensate drain from an air-conditioning unit to an
24 existing safe waste or other approved disposal other than a
25 direct connection to a sanitary system. The scope of work for
26 such contractor shall also include any excavation work
27 incidental thereto, but shall not include any work such as
28 liquefied petroleum or natural gas fuel lines within
29 buildings, potable water lines or connections thereto,
30 sanitary sewer lines, swimming pool piping and filters, or
31 electrical power wiring.

1 (h) "Class C air-conditioning contractor" means a
2 contractor whose business is limited to the servicing of
3 air-conditioning, heating, or refrigeration systems, including
4 any duct cleaning and equipment sanitizing which requires at
5 least a partial disassembling of the system ~~alterations in~~
6 ~~connection with those systems he or she is servicing, and~~
7 whose certification or registration, issued pursuant to this
8 part, was valid on October 1, 1988. No person not previously
9 registered or certified as a Class C air-conditioning
10 contractor as of October 1, 1988, shall be so registered or
11 certified after October 1, 1988. However, the board shall
12 continue to license and regulate those Class C
13 air-conditioning contractors who held Class C licenses prior
14 to October 1, 1988.

15 (i) "Mechanical contractor" means a contractor whose
16 services are unlimited in the execution of contracts requiring
17 the experience, knowledge, and skill to install, maintain,
18 repair, fabricate, alter, extend, or design, when not
19 prohibited by law, central air-conditioning, refrigeration,
20 heating, and ventilating systems, including duct work in
21 connection with a complete system only to the extent such duct
22 work is performed by the contractor as is necessary to make
23 complete an air-distribution system, boiler and unfired
24 pressure vessel systems, lift station equipment and piping,
25 and all appurtenances, apparatus, or equipment used in
26 connection therewith, and any duct cleaning and equipment
27 sanitizing which requires at least a partial disassembling of
28 the system; to install, maintain, repair, fabricate, alter,
29 extend, or design, when not prohibited by law, piping,
30 insulation of pipes, vessels and ducts, pressure and process
31 piping, pneumatic control piping, gasoline tanks and pump

1 installations and piping for same, standpipes, air piping,
2 vacuum line piping, oxygen lines, nitrous oxide piping, ink
3 and chemical lines, fuel transmission lines, and natural gas
4 fuel lines within buildings; to replace, disconnect, or
5 reconnect power wiring on the load side of the dedicated
6 existing electrical disconnect switch; to install, disconnect,
7 and reconnect low voltage heating, ventilating, and
8 air-conditioning control wiring; and to install a condensate
9 drain from an air-conditioning unit to an existing safe waste
10 or other approved disposal other than a direct connection to a
11 sanitary system. The scope of work for such contractor shall
12 also include any excavation work incidental thereto, but shall
13 not include any work such as liquefied petroleum gas fuel
14 lines within buildings, potable water lines or connections
15 thereto, sanitary sewer lines, swimming pool piping and
16 filters, or electrical power wiring.

17 (1) "Swimming pool/spa servicing contractor" means a
18 contractor whose scope of work involves the servicing and
19 repair of any swimming pool or hot tub or spa, whether public
20 or private. The scope of such work may include any necessary
21 piping and repairs, replacement and repair of existing
22 equipment, or installation of new additional equipment as
23 necessary. The scope of such work includes the reinstallation
24 of tile and coping, repair and replacement of all piping,
25 filter equipment, and chemical feeders of any type,
26 replastering, reconstruction of decks, and reinstallation or
27 addition of pool heaters. The installation, construction,
28 modification, substantial or complete disassembly, or
29 replacement of equipment permanently attached to and
30 associated with the pool or spa for the purpose of water
31 treatment or cleaning of the pool or spa requires licensure;

1 however, the usage of such equipment for the purposes of water
2 treatment or cleaning shall not require licensure unless the
3 usage involves construction, modification, substantial or
4 complete disassembly, or replacement of such equipment. Water
5 treatment that does not require such equipment does not
6 require a license. In addition, a license shall not be
7 required for the cleaning of the pool or spa in any way that
8 does not affect the structural integrity of the pool or spa or
9 its associated equipment.

10 (n) "Underground utility and excavation contractor"
11 means a contractor whose services are limited to the
12 construction, installation, and repair, on public or private
13 property, whether accomplished through open excavations or
14 through other means, including, but not limited to,
15 directional drilling, auger boring, jacking and boring,
16 trenchless technologies, wet and dry taps, grouting, and slip
17 lining, of main sanitary sewer collection systems, main water
18 distribution systems, storm sewer collection systems, and the
19 continuation of utility lines from the main systems to a point
20 of termination up to and including the meter location for the
21 individual occupancy, sewer collection systems at property
22 line on residential or single-occupancy commercial properties,
23 or on multioccupancy properties at manhole or wye lateral
24 extended to an invert elevation as engineered to accommodate
25 future building sewers, water distribution systems, or storm
26 sewer collection systems at storm sewer structures. However,
27 an underground utility and excavation contractor may install
28 empty underground conduits in rights-of-way, easements,
29 platted rights-of-way in new site development, and sleeves for
30 parking lot crossings no smaller than 2 inches in diameter,
31 provided that each conduit system installed is designed by a

1 licensed professional engineer or an authorized employee of a
2 municipality, county, or public utility and that the
3 installation of any such conduit does not include installation
4 of any conductor wiring or connection to an energized
5 electrical system. An underground utility and excavation
6 contractor shall not install any piping that is an integral
7 part of a fire protection system as defined in s. 633.021(7)
8 beginning at the point where the piping is used exclusively
9 for such system.

10 (19) "Initial issuance" means the first time a
11 certificate or registration is granted to an individual or
12 business organization, including the first time an individual
13 becomes a qualifying agent for that business organization and
14 the first time a business organization is qualified by that
15 individual.

16 Section 23. Subsections (4) and (6) of section
17 489.107, Florida Statutes, are amended to read:

18 489.107 Construction Industry Licensing Board.--

19 (4) The board shall be divided into two divisions,
20 Division I and Division II.

21 (a) Division I is comprised of the general contractor,
22 building contractor, and residential contractor members of the
23 board; one of the members appointed pursuant to paragraph
24 (2)(j); and one of the members appointed pursuant to paragraph
25 (2)(k). Division I has jurisdiction over the ~~examination and~~
26 regulation of general contractors, building contractors, and
27 residential contractors.

28 (b) Division II is comprised of the roofing
29 contractor, sheet metal contractor, air-conditioning
30 contractor, mechanical contractor, pool contractor, plumbing
31 contractor, and underground utility and excavation contractor

1 members of the board; one of the members appointed pursuant to
2 paragraph (2)(j); and one of the members appointed pursuant to
3 paragraph (2)(k). Division II has jurisdiction over the
4 ~~examination and~~ regulation of contractors defined in s.
5 489.105(3)(d)-(p).

6 (c) Jurisdiction for the ~~examination and~~ regulation of
7 specialty contractors defined in s. 489.105(3)(q) shall lie
8 with the division having jurisdiction over the scope of work
9 of the specialty contractor as defined by board rule.

10 (6) The Construction Industry Licensing Board and the
11 Electrical Contractors' Licensing Board shall each appoint a
12 committee to meet jointly in joint session at least twice a
13 year.

14 Section 24. Subsection (10) of section 489.113,
15 Florida Statutes, is amended to read:

16 489.113 Qualifications for practice; restrictions.--

17 (10) The addition of a new type of contractor or the
18 expansion of the scope of practice of any type of contractor
19 under this part shall not limit the scope of practice of any
20 existing type of contractor under this part unless the
21 Legislature expressly provides such a limitation.

22 Section 25. Section 489.1135, Florida Statutes, is
23 repealed.

24 Section 26. Section 489.1136, Florida Statutes, is
25 created to read:

26 489.1136 Medical gas certification.--

27 (1)(a) In addition to the certification or
28 registration required to engage in business as a plumbing
29 contractor, any plumbing contractor who wishes to engage in
30 the business of installation, improvement, repair, or
31 maintenance of any tubing, pipe, or similar conduit used to

1 transport gaseous or partly gaseous substances for medical
2 purposes shall take, as part of the contractor's continuing
3 education requirement, at least once during the holding of
4 such license, a course of at least of 6 hours. Such course
5 shall be given by an instructional facility or teaching entity
6 that has been approved by the board. In order for a course to
7 be approved, the board must find that the course is designed
8 to teach familiarity with the National Fire Prevention
9 Association Standard 99C (Standard on Gas and Vacuum Systems,
10 latest edition) and also designed to teach familiarity and
11 practical ability in performing and inspecting brazing duties
12 required of medical gas installation, improvement, repair, or
13 maintenance work. Such course shall issue a certificate of
14 completion to the taker of the course, which certificate shall
15 be available for inspection by any entity or person seeking to
16 have such contractor engage in the business of installation,
17 improvement, repair, or maintenance of a medical gas system.

18 (b) Any other natural person who is employed by a
19 licensed plumbing contractor to provide work on the
20 installation, improvement, repair, or maintenance of a medical
21 gas system, except as noted in paragraph (c), shall, as a
22 prerequisite to his or her ability to provide such service,
23 take a course approved by the board. Such course shall be at
24 least 8 hours and consist of both classroom and practical work
25 designed to teach familiarity with the National Fire
26 Prevention Association Standard 99C (Standard on Gas and
27 Vacuum Systems, latest edition) and also designed to teach
28 familiarity and practical ability in performing and inspecting
29 brazing duties required of medical gas installation,
30 improvement, repair, or maintenance work. Such course shall
31 also include the administration of a practical examination in

1 the skills required to perform work as outlined above,
2 including brazing, and each examination shall be reasonably
3 constructed to test for knowledge of the subject matter. The
4 person taking such course and examination must, upon
5 successful completion of both, be issued a certificate of
6 completion by the giver of such course, which certificate
7 shall be made available by the holder for inspection by any
8 person or entity seeking to have such person perform work on
9 the installation, improvement, repair, or maintenance of a
10 medical gas system.

11 (c) Any other natural person who wishes to perform
12 only brazing duties incidental to the installation,
13 improvement, repair, or maintenance of a medical gas system
14 shall pass an examination designed to show that person's
15 familiarity with and practical ability in performing brazing
16 duties required of medical gas installation, improvement,
17 repair, or maintenance. Such examination shall be from a test
18 approved by the board. Such examination must test for
19 knowledge of National Fire Prevention Association Standard 99C
20 (Standard on Gas and Vacuum Systems, latest edition). The
21 person taking such examination must, upon passing such
22 examination, be issued a certificate of completion by the
23 giver of such examination, and such certificate shall be made
24 available by the holder for inspection by any person or entity
25 seeking to have or employ such person to perform brazing
26 duties on a medical gas system.

27 (d) It is the responsibility of the licensed plumbing
28 contractor to ascertain whether members of his or her
29 workforce are in compliance with this subsection, and such
30 contractor is subject to discipline under s. 489.129 for
31 violation of this subsection.

1 (e) Training programs in medical gas piping
2 installation, improvement, repair, or maintenance shall be
3 reviewed annually by the board to ensure that programs have
4 been provided equitably across the state.

5 (f) Periodically, the board shall review training
6 programs in medical gas piping installation for quality in
7 content and instruction in accordance with the National Fire
8 Prevention Association Standard 99C (Standard on Gas and
9 Vacuum Systems, latest edition). The board shall also respond
10 to complaints regarding approved programs.

11 (g) Training required under this section for current
12 licensees must be met by October 1, 2000.

13 (2)(a) On any job site where a medical gas system is
14 being installed, improved, repaired, or maintained, it is
15 required that a person qualified under paragraph (1)(a) or
16 paragraph (1)(b) must be present. When any brazing work is
17 performed by a person qualified under paragraph (1)(c), a
18 person qualified under paragraph (1)(a) or paragraph (1)(b)
19 must be present.

20 (b) It is the responsibility of the licensed
21 contractor to ascertain whether members of his or her
22 workforce are in compliance with paragraph (a), and such
23 contractor is subject to discipline under s. 489.129 for
24 violation of this subsection.

25 (3) The term "medical" as used in this section means
26 any medicinal, life-supporting, or health-related purpose. Any
27 and all gaseous or partly gaseous substance used in medical
28 patient care and treatment shall be presumed for the purpose
29 of this section to be used for medical purposes.

30 Section 27. Subsection (4) is added to section 553.06,
31 Florida Statutes, to read:

1 553.06 State Plumbing Code.--

2 (4) All installations, improvements, maintenance, or
3 repair relating to tubing, pipe, or similar conduit used to
4 transport gaseous or partly gaseous substances for medical
5 purposes shall be governed and regulated under National Fire
6 Prevention Association Standard 99C (Standard on Gas and
7 Vacuum Systems, latest edition). Notwithstanding the
8 prohibition of s. 553.11, no county or municipality is exempt
9 or excepted from the requirements of this subsection.

10 Section 28. Paragraph (b) of subsection (4) of section
11 489.115, Florida Statutes, is amended, and subsection (7) is
12 added to that section, to read:

13 489.115 Certification and registration; endorsement;
14 reciprocity; renewals; continuing education.--

15 (4)

16 (b)1. Each certificateholder or registrant shall
17 provide proof, in a form established by rule of the board,
18 that the certificateholder or registrant has completed at
19 least 14 classroom hours of at least 50 minutes each of
20 continuing education courses during each biennium since the
21 issuance or renewal of the certificate or registration. The
22 board shall establish by rule that a portion of the required
23 14 hours must deal with the subject of workers' compensation,
24 business practices, and workplace safety. The board shall by
25 rule establish criteria for the approval of continuing
26 education courses and providers, including requirements
27 relating to the content of courses and standards for approval
28 of providers, and may by rule establish criteria for accepting
29 alternative nonclassroom continuing education on an
30 hour-for-hour basis.

31

1 2. In addition, the board may approve specialized
2 continuing education courses on compliance with the wind
3 resistance provisions for one and two family dwellings
4 contained in the State Minimum Building Codes and any
5 alternate methodologies for providing such wind resistance
6 which have been approved for use by the Board of Building
7 Codes and Standards. Division I certificateholders or
8 registrants who demonstrate proficiency upon completion of
9 such specialized courses may certify plans and specifications
10 for one and two family dwellings to be in compliance with the
11 code or alternate methodologies, as appropriate, except for
12 dwellings located in floodways or coastal hazard areas as
13 defined in ss. 60.3D and E of the National Flood Insurance
14 Program.

15 (7) If a certificateholder or registrant holds a
16 license under both this part and part II and is required to
17 have continuing education courses under s. 489.517(3), the
18 certificateholder or registrant may apply those course hours
19 for workers' compensation, workplace safety, and business
20 practices obtained under part II to the requirements under
21 this part.

22 Section 29. Paragraph (a) of subsection (3) of section
23 489.119, Florida Statutes, is amended to read:

24 489.119 Business organizations; qualifying agents.--

25 (3)(a) The qualifying agent shall be certified or
26 registered under this part in order for the business
27 organization to be issued a certificate of authority in the
28 category of the business conducted for which the qualifying
29 agent is certified or registered. If any qualifying agent
30 ceases to be affiliated with such business organization, he or
31 she shall so inform the department. In addition, if such

1 qualifying agent is the only certified or registered
2 contractor affiliated with the business organization, the
3 business organization shall notify the department of the
4 termination of the qualifying agent and shall have 60 days
5 from the termination of the qualifying agent's affiliation
6 with the business organization in which to employ another
7 qualifying agent. The business organization may not engage in
8 contracting until a qualifying agent is employed, unless the
9 executive director or chair of the board has granted a
10 temporary nonrenewable certificate or registration to the
11 financially responsible officer, the president, a partner, or,
12 in the case of a limited partnership, the general partner, who
13 assumes all responsibilities of a primary qualifying agent for
14 the entity. This temporary certificate or registration shall
15 only allow the entity to proceed with incomplete contracts ~~as~~
16 ~~defined in s. 489.121.~~ For the purposes of this paragraph, an
17 incomplete contract is one which has been awarded to, or
18 entered into by, the business organization prior to the
19 cessation of affiliation of the qualifying agent with the
20 business organization or one on which the business
21 organization was the low bidder and the contract is
22 subsequently awarded, regardless of whether any actual work
23 has commenced under the contract prior to the qualifying agent
24 ceasing to be affiliated with the business organization.

25 Section 30. Section 489.140, Florida Statutes, is
26 amended to read:

27 489.140 Construction Industries Recovery Fund.--There
28 is created the Florida Construction Industries Recovery Fund
29 as a separate account in the Professional Regulation Trust
30 Fund.

31

1 (1) The Florida Construction Industries Recovery Fund
2 shall be disbursed as provided in s. 489.143, on order of the
3 board, as reimbursement to any natural person adjudged by a
4 court of competent jurisdiction to have suffered monetary
5 damages, or to whom the licensee has been ordered to pay
6 restitution by the board, where the judgment or restitution
7 order is based on a violation of s. 489.129(1)(d), (h), (k),
8 or (l), committed by any contractor, financially responsible
9 officer, or business organization licensed under the
10 provisions of this part at the time the violation was
11 committed, and providing that the violation occurs after July
12 1, 1993.

13 (2) The Construction Industries Recovery Fund shall be
14 funded out of the receipts deposited in the Professional
15 Regulation Trust Fund from the one-half cent per square foot
16 surcharge on building permits collected and disbursed pursuant
17 to s. 468.631.

18 ~~(3) In addition, any surplus of moneys collected from~~
19 ~~the fines imposed by the board and collected by the department~~
20 ~~shall be transferred into the Construction Industries Recovery~~
21 ~~Fund.~~

22 Section 31. Section 489.141, Florida Statutes, is
23 amended to read:

24 489.141 Conditions for recovery; eligibility.--

25 (1) Any person is eligible to seek recovery from the
26 Construction Industries Recovery Fund after having made a
27 claim and exhausting the limits of any available bond, cash
28 bond, surety, guarantee, warranty, letter of credit, or policy
29 of insurance, if:

30 (a) Such person has received final judgment in a court
31 of competent jurisdiction in this state in any action wherein

1 the cause of action was based on a construction contract or
2 the Construction Industry Licensing Board has issued a final
3 order directing the licensee to pay restitution to the
4 claimant based upon a violation of s. 489.129(1)(d), (h), (k),
5 or (l), where the contract was executed and the violation
6 occurred on or after July 1, 1993, and provided that:

7 ~~i. At the time the action was commenced, such person~~
8 ~~gave notice thereof to the board by certified mail; except~~
9 ~~that, if no notice has been given to the board, the claim may~~
10 ~~still be honored if the board finds good cause to waive the~~
11 ~~notice requirement;~~

12 1.a.2. Such person has caused to be issued a writ of
13 execution upon such judgment, and the officer executing the
14 writ has made a return showing that no personal or real
15 property of the judgment debtor or licensee liable to be
16 levied upon in satisfaction of the judgment can be found or
17 that the amount realized on the sale of the judgment debtor's
18 or licensee's property pursuant to such execution was
19 insufficient to satisfy the judgment; or

20 b.3. If such person is unable to comply with
21 sub-subparagraph a.~~subparagraph 2.~~ for a valid reason to be
22 determined by the board, such person has made all reasonable
23 searches and inquiries to ascertain whether the judgment
24 debtor or licensee is possessed of real or personal property
25 or other assets subject to being sold or applied in
26 satisfaction of the judgment and by his or her search has
27 discovered no property or assets or has discovered property
28 and assets and has taken all necessary action and proceedings
29 for the application thereof to the judgment but the amount
30 thereby realized was insufficient to satisfy the judgment; or
31

1 2.~~(b)~~ The claimant has made a diligent attempt, as
2 defined by board rule, to collect the restitution awarded by
3 the board; ~~and~~

4 **(b)**~~(c)~~ A claim for recovery is made within 2 years
5 from the time of the act giving rise to the claim or within 2
6 years from the time the act is discovered or should have been
7 discovered with the exercise of due diligence; however, in no
8 event may a claim for recovery be made more than 4 years after
9 the date of the act giving rise to the claim or more than 1
10 year after the conclusion of any civil or administrative
11 action based on the act, whichever is later; ~~and~~

12 **(c)**~~(d)~~ Any amounts recovered by such person from the
13 judgment debtor or licensee, or from any other source, have
14 been applied to the damages awarded by the court or the amount
15 of restitution ordered by the board; and

16 **(d)**~~(e)~~ Such person is not a person who is precluded by
17 this act from making a claim for recovery.

18 (2) A person is not qualified to make a claim for
19 recovery from the Construction Industries Recovery Fund, if:

20 (a) The claimant is the spouse of the judgment debtor
21 or licensee or a personal representative of such spouse;

22 (b) The claimant is a licensee ~~certificateholder or~~
23 ~~registrant~~ who acted as the contractor in the transaction
24 which is the subject of the claim;

25 (c) Such person's claim is based upon a construction
26 contract in which the licensee ~~certificateholder or registrant~~
27 was acting with respect to the property owned or controlled by
28 the licensee ~~certificateholder or registrant~~;

29 (d) Such person's claim is based upon a construction
30 contract in which the contractor did not hold a valid and
31 current license at the time of the construction contract; or

1 (e) Such person was associated in a business
2 relationship with the licensee ~~certificateholder or registrant~~
3 other than the contract at issue.

4 (f) Such person has suffered damages as the result of
5 making improper payments to a contractor as defined in chapter
6 713, part I.

7 Section 32. Section 489.142, Florida Statutes, is
8 amended to read:

9 489.142 Board powers relating to recovery upon
10 ~~notification of commencement of action.--With respect to~~
11 actions for recovery from the Construction Industries Recovery
12 Fund ~~When the board receives certified notice of any action,~~
13 ~~as required by s. 489.141(1)(a),~~ the board may intervene,
14 enter an appearance, file an answer, defend the action, or
15 take any action it deems appropriate and may take recourse
16 through any appropriate method of review on behalf of the
17 State of Florida.

18 Section 33. Section 489.143, Florida Statutes, is
19 amended to read:

20 489.143 Payment from the fund.--

21 (1) Any person who meets all of the conditions
22 prescribed in s. 489.141(1) may apply to the board to cause
23 payment to be made to such person from the Construction
24 Industries Recovery Fund in an amount equal to the judgment or
25 restitution order, exclusive of postjudgment interest, against
26 the licensee ~~certificateholder~~ or \$25,000, whichever is less,
27 or an amount equal to the unsatisfied portion of such person's
28 judgment or restitution order, exclusive of postjudgment
29 interest, or \$25,000, whichever is less, but only to the
30 extent and amount reflected in the judgment or restitution
31 order as being actual or compensatory damages. The fund is not

1 obligated to pay ~~any portion of any judgment, or~~ any judgment
2 or restitution order, or any portion thereof, which is not
3 expressly based on one of the grounds for recovery set forth
4 in s. 489.140(1).

5 (2) Upon receipt by a claimant under subsection (1) of
6 payment from the Construction Industries Recovery Fund, the
7 claimant shall assign his or her additional right, title, and
8 interest in the judgment or restitution order, to the extent
9 of such payment, to the board, and thereupon the board shall
10 be subrogated to the right, title, and interest of the
11 claimant; and any amount subsequently recovered on the
12 judgment or restitution order by the board, to the extent of
13 the right, title, and interest of the board therein, shall be
14 for the purpose of reimbursing the Construction Industries
15 Recovery Fund.

16 (3) Payments for claims arising out of the same
17 transaction shall be limited, in the aggregate, to \$25,000,
18 regardless of the number of claimants involved in the
19 transaction.

20 (4) Payments for claims against any one licensee
21 ~~certificateholder or registrant~~ shall not exceed, in the
22 aggregate, \$100,000.

23 (5) Claims shall be paid in the order filed, up to the
24 aggregate limits for each transaction and licensee and to the
25 limits of the amount appropriated to pay claims against the
26 fund for the fiscal year in which the claims were filed.

27 (6) If the annual appropriation is exhausted with
28 claims pending, such claims shall be carried forward to the
29 next fiscal year. Any moneys in excess of pending claims
30 remaining in the Construction Industries Recovery Fund at the
31

1 end of the fiscal year shall be paid as provided in s.
2 468.631.

3 ~~(5) If at any time the claims pending against the fund~~
4 ~~exceed 80 percent of the fund balance plus anticipated revenue~~
5 ~~for the next two quarters, the board shall accept no further~~
6 ~~claims until such time as the board is given express~~
7 ~~authorization and funding from the Legislature.~~

8 (7)~~(6)~~ Upon the payment of any amount from the
9 Construction Industries Recovery Fund in settlement of a claim
10 in satisfaction of a judgment or restitution order against a
11 licensee certificateholder as described in s. 489.141(1), the
12 license of such licensee certificateholder shall be
13 automatically suspended, without further administrative
14 action, upon the date of payment from the fund. The license of
15 such licensee certificateholder shall not be reinstated until
16 he or she has repaid in full, plus interest, the amount paid
17 from the fund. A discharge of bankruptcy does not relieve a
18 person from the penalties and disabilities provided in this
19 section.

20 Section 34. Subsection (14) of section 489.503,
21 Florida Statutes, is amended, and subsections (17), (18), and
22 (19) are added to that section, to read:

23 489.503 Exemptions.--This part does not apply to:

24 (14) The installation of, repair of, alteration of,
25 addition to, or design of electrical wiring, fixtures,
26 appliances, thermostats, apparatus, raceways, and conduit, or
27 any part thereof, when those items are for the purpose of
28 transmitting data, voice communications, or commands as part
29 of:

30
31

1 (a) A system of telecommunications, including
2 computers, telephone customer premises equipment, or premises
3 wiring; or

4 (b) A cable television, community antenna television,
5 or radio distribution system.

6
7 The scope of this exemption is limited to electrical circuits
8 and equipment governed by the applicable provisions of
9 Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810,
10 and 820 of the National Electrical Code, current edition, or
11 47 C.F.R. part 68. Additionally, a company certified under
12 chapter 364 is not subject to any local ordinance that
13 requires a permit for work performed by its employees related
14 to low voltage electrical work, including related technical
15 codes and regulations. This exemption shall apply only if such
16 work is requested by the company's customer, is required in
17 order to complete phone service, is incidental to provision of
18 telecommunication service as required by chapter 364, and is
19 not actively competitive in nature or the subject of a
20 competitive bid. The definition of "employee" established in
21 subsection (1) applies to this exemption and does not include
22 subcontractors.

23 (17) The monitoring of an alarm system without fee by
24 a direct employee of a law enforcement agency or of a county,
25 municipal, or special-district fire department or by a law
26 enforcement officer or fire official acting in an official
27 capacity.

28 (18) The monitoring of an alarm system by a direct
29 employee of any state or federally chartered financial
30 institution, as defined in s. 655.005(1)(h), or any parent,
31 affiliate, or subsidiary thereof, so long as:

1 (a) The institution is subject to, and in compliance
2 with, s. 3 of the Federal Bank Protection Act of 1968, 12
3 U.S.C. s. 1882;

4 (b) The alarm system is in compliance with all
5 applicable firesafety standards as set forth in chapter 633;
6 and

7 (c) The monitoring is limited to an alarm system
8 associated with:

9 1. The commercial property where banking operations
10 are housed or where other operations are conducted by a state
11 or federally chartered financial institution, as defined in s.
12 655.005(1)(h), or any parent, affiliate, or subsidiary
13 thereof; or

14 2. The private property occupied by the institution's
15 executive officers, as defined in s. 655.005(1)(f),
16
17 and does not otherwise extend to the monitoring of residential
18 systems.

19 (19) The monitoring of an alarm system of a business
20 by the direct employees of that business, so long as:

21 (a) The alarm system is the exclusive property of, or
22 is leased by, the business;

23 (b) The alarm system complies with all applicable
24 firesafety standards as set forth in chapter 633; and

25 (c) The alarm system is designed to protect only the
26 commercial premises leased by the business endeavor or
27 commercial premises owned by the business endeavor and not
28 leased to another.

29
30 This exemption is intended to allow businesses to monitor
31 their own alarm systems and is not limited to monitoring a

1 single location of that business. However, it is not intended
2 to enable the owner of any apartment complex, aggregate
3 housing, or commercial property to monitor alarm systems on
4 property leased or rented to the residents, clients, or
5 customers thereof.

6 Section 35. Subsection (24) of section 489.505,
7 Florida Statutes, is repealed, subsections (1), (7), (19), and
8 (23) are amended, present subsections (25), (26), and (27) are
9 redesignated as subsections (24), (25), and (26),
10 respectively, and a new subsection (27) is added to that
11 section, to read:

12 489.505 Definitions.--As used in this part:

13 (1) "Alarm system" means any electrical device,
14 signaling device, or combination of electrical devices used to
15 signal or detect ~~a situation which causes an alarm in the~~
16 ~~event of a burglary, fire, robbery, or~~ medical emergency, ~~or~~
17 ~~equipment failure.~~

18 (7) "Certified alarm system contractor" means an alarm
19 system contractor who possesses a certificate of competency
20 issued by the department. The scope of certification is
21 limited to alarm circuits originating in the alarm control
22 panel and equipment governed by the applicable provisions of
23 Articles 725, 760, 770, 800, and 810 of the National
24 Electrical Code, Current Edition, and National Fire Protection
25 Association Standard 72, Current Edition. The scope of
26 certification for alarm system contractors also includes the
27 installation, repair, fabrication, erection, alteration,
28 addition, or design of electrical wiring, fixtures,
29 appliances, thermostats, apparatus, raceways, and conduit, or
30 any part thereof not to exceed 77 volts, when those items are
31 for the purpose of transmitting data or proprietary video

1 (satellite systems that are not part of a community antenna
2 television or radio distribution system) or providing central
3 vacuum capability or electric locks; however, this provision
4 governing the scope of certification does not create any
5 mandatory licensure requirement.

6 (19) "Specialty contractor" means a contractor whose
7 scope of practice is limited to a specific segment of
8 electrical or alarm system contracting, including, but not
9 limited to, residential electrical contracting, maintenance of
10 electrical fixtures, ~~installation and maintenance of~~
11 ~~elevators~~, and fabrication, erection, installation, and
12 maintenance of electrical ~~outdoor~~ advertising signs together
13 with the interrelated parts and supports thereof. Categories
14 of specialty contractor shall be established by board rule.

15 (23) "Registered residential alarm system contractor"
16 means an alarm system contractor whose business is limited to
17 burglar alarm systems in single-family residential, quadruplex
18 housing, and mobile homes ~~and to fire alarm systems~~ of a
19 residential occupancy class and who is registered with the
20 department pursuant to s. 489.513 or s. 489.537(8). The board
21 shall define "residential occupancy class" by rule. A
22 registered residential alarm system contractor may contract
23 only in the jurisdiction for which his or her registration is
24 issued.

25 ~~(24) "Limited burglar alarm system contractor" means~~
26 ~~an alarm system contractor whose business is limited to the~~
27 ~~installation of burglar alarms in single-family homes and~~
28 ~~two-family homes, mobile homes, and small commercial buildings~~
29 ~~having a square footage of not more than 5,000 square feet and~~
30 ~~who is registered with the department pursuant to s. 489.513~~
31 ~~or s. 489.537(8).~~

1 ~~(24)(25)~~ "Licensure" means any type of certification
2 or registration provided for in this part.

3 ~~(25)(26)~~ "Burglar alarm system agent" means a person:

4 (a) Who is employed by a licensed alarm system
5 contractor or licensed electrical contractor;

6 (b) Who is performing duties which are an element of
7 an activity which constitutes alarm system contracting
8 requiring licensure under this part; and

9 (c) Whose specific duties include any of the
10 following: altering, installing, maintaining, moving,
11 repairing, replacing, servicing, selling onsite, or monitoring
12 an intrusion or burglar alarm system for compensation.

13 ~~(26)(27)~~ "Personal emergency response system" means
14 any device which is simply plugged into a telephone jack or
15 electrical receptacle and which is designed to initiate a
16 telephone call to a person who responds to, or has a
17 responsibility to determine the proper response to, personal
18 emergencies.

19 ~~(27)~~ "Monitoring" means to receive electrical or
20 electronic signals, originating from any building within the
21 state, produced by any security, medical, fire, or burglar
22 alarm, closed circuit television camera, or related or similar
23 protective system and to initiate a response thereto. A
24 person shall not have committed the act of monitoring if:

25 ~~(a)~~ The person is an occupant of, or an employee
26 working within, protected premises;

27 ~~(b)~~ The person initiates emergency action in response
28 to hearing or observing an alarm signal;

29 ~~(c)~~ The person's action is incidental to his or her
30 primary responsibilities; and

31

1 (d) The person is not employed in a proprietary
2 monitoring facility, as defined by the National Fire
3 Protection Association pursuant to rule adopted under chapter
4 633.

5 Section 36. Subsection (5) of section 489.507, Florida
6 Statutes, is amended to read:

7 489.507 Electrical Contractors' Licensing Board.--

8 (5) The Electrical Contractors' Licensing Board and
9 the Construction Industry Licensing Board shall each appoint a
10 committee to meet jointly ~~in joint session~~ at least twice a
11 year.

12 Section 37. Section 489.509, Florida Statutes, is
13 amended to read:

14 489.509 Fees.--

15 (1) The board, by rule, shall establish fees to be
16 paid for applications, examination, reexamination, transfers,
17 licensing and renewal, reinstatement, and recordmaking and
18 recordkeeping. The examination fee shall be in an amount that
19 covers the cost of obtaining and administering the examination
20 and shall be refunded if the applicant is found ineligible to
21 sit for the examination. The application fee is nonrefundable.
22 The fee for initial application and examination for
23 certification of electrical contractors may not exceed \$400.
24 The initial application fee for registration may not exceed
25 \$150. The biennial renewal fee may not exceed \$400 for
26 certificateholders and \$200 for registrants, ~~and shall be paid~~
27 ~~by June 30 of each biennial period.~~ The fee for initial
28 application and examination for certification of alarm system
29 contractors may not exceed \$400. The biennial renewal fee for
30 certified alarm system contractors may not exceed \$450. The
31 board may establish a fee for a temporary certificate as an

1 alarm system contractor not to exceed \$75. The board may also
2 establish by rule a delinquency fee not to exceed \$50. ~~Failure~~
3 ~~to renew an active or inactive certificate or registration~~
4 ~~within 90 days after the date of renewal will result in the~~
5 ~~certificate or registration becoming delinquent.~~The fee to
6 transfer a certificate or registration from one business
7 organization to another may not exceed \$200. The fee for
8 reactivation of an inactive license may not exceed \$50. The
9 board shall establish fees that are adequate to ensure the
10 continued operation of the board. Fees shall be based on
11 department estimates of the revenue required to implement this
12 part and the provisions of law with respect to the regulation
13 of electrical contractors and alarm system contractors.

14 (2) A person who is registered or holds a valid
15 certificate ~~from the board~~ may go on inactive status during
16 which time he or she shall not engage in contracting, but may
17 retain the certificate or registration on an inactive basis,
18 on payment of a renewal fee during the inactive period, not to
19 exceed \$50 per renewal period.

20 (3) Four dollars of each fee under subsection (1) paid
21 to the department at the time of application or renewal shall
22 be transferred at the end of each licensing period to the
23 Department of Education to fund projects relating to the
24 building construction industry or continuing education
25 programs offered to persons engaged in the building
26 construction industry in Florida. The board shall, at the time
27 the funds are transferred, advise the Department of Education
28 on the most needed areas of research or continuing education
29 based on significant changes in the industry's practices or on
30 the most common types of consumer complaints or on problems
31 costing the state or local governmental entities substantial

1 waste. The board's advice is not binding on the Department of
2 Education. The Department of Education must allocate 50
3 percent of the funds to a graduate program in building
4 construction in a Florida university and 50 percent of the
5 funds to all accredited private and state universities and
6 community colleges within the state offering approved courses
7 in building construction, with each university or college
8 receiving a pro rata share of such funds based upon the number
9 of full-time building construction students enrolled at the
10 institution. The Department of Education shall ensure the
11 distribution of research reports and the availability of
12 continuing education programs to all segments of the building
13 construction industry to which they relate. The Department of
14 Education shall report to the board in October of each year,
15 summarizing the allocation of the funds by institution and
16 summarizing the new projects funded and the status of
17 previously funded projects. The Commissioner of Education is
18 directed to appoint one electrical contractor and one
19 certified alarm system contractor to the Building Construction
20 Industry Advisory Committee.

21 Section 38. Paragraph (a) of subsection (2),
22 subsection (3), and paragraph (b) of subsection (5) of section
23 489.511, Florida Statutes, are amended to read:

24 489.511 Certification; application; examinations;
25 endorsement.--

26 (2)(a) A person shall be entitled to take the
27 certification examination for the purpose of determining
28 whether he or she is qualified to engage in contracting
29 throughout the state as a contractor if the person:

- 30 1. Is at least 18 years of age;
- 31 2. Is of good moral character; and

1 3. Meets eligibility requirements according to one of
2 the following criteria:

3 a. Has, within the 6 years immediately preceding the
4 filing of the application, at least 3 years' proven management
5 experience in the trade or education equivalent thereto, or a
6 combination thereof, but not more than one-half of such
7 experience may be educational equivalent;

8 b. Has, within the 8 years immediately preceding the
9 filing of the application, at least 4 years' experience as a
10 ~~foreman, supervisor, or contractor~~ in the trade for which he
11 or she is making application;

12 c. Has, within the 12 years immediately preceding the
13 filing of the application, at least 6 years of comprehensive
14 training, technical education, or supervisory ~~broad~~ experience
15 associated with an electrical or alarm system contracting
16 business, or at least 6 years of technical experience in
17 electrical or alarm system work with the Armed Forces or a
18 governmental entity installation or servicing endeavor; or

19 d. Has, within the 12 years immediately preceding the
20 filing of the application, been licensed for 3 years as a
21 professional an engineer who is qualified by education,
22 training, or experience to practice electrical engineering; or

23 e. Has any combination of qualifications under
24 sub-subparagraphs a.-c. totaling 6 years of experience.

25 (3) On or after October 1, 1998, every applicant who
26 is qualified shall be allowed to take the examination three
27 times, notwithstanding the number of times the applicant has
28 previously failed the examination. If an applicant fails the
29 examination three times after October 1, 1998, the board shall
30 require the applicant to complete additional college-level or
31 technical education courses in the areas of deficiency, as

1 determined by the board, as a condition of future eligibility
2 to take the examination. The applicant must also submit a new
3 application that meets all certification requirements at the
4 time of its submission and must pay all appropriate fees.~~Any~~
5 ~~registered unlimited electrical contractor or certified or~~
6 ~~registered specialty contractor who, prior to October 1, 1987,~~
7 ~~passed an examination determined by the board to be~~
8 ~~substantially equivalent to the examination required for~~
9 ~~certification as either an unlimited electrical contractor or~~
10 ~~an alarm system contractor and who has satisfied the other~~
11 ~~requirements of this section shall be certified as an alarm~~
12 ~~system contractor I without further examination.~~

13 (5)

14 (b) For those specialty electrical or alarm system
15 contractors applying for certification under this part who
16 work in jurisdictions that do not require local licensure for
17 those activities for which the applicant desires to be
18 certified, the experience requirement may be met by
19 demonstrating at least 6 years of comprehensive training,
20 technical education, or supervisory broad experience, within
21 the 12 years immediately preceding the filing of the
22 application, in the type of specialty electrical or alarm
23 system work for which certification is desired. An affidavit
24 signed by the applicant's employer stating that the applicant
25 performed the work required under this paragraph shall be
26 sufficient to demonstrate to the board that the applicant has
27 met the experience requirement.

28 Section 39. Subsection (3) of section 489.513, Florida
29 Statutes, is amended to read:

30 489.513 Registration; application; requirements.--

31

1 ~~(3)(a) To be registered as an electrical contractor,~~
2 ~~the applicant shall file evidence of holding a current~~
3 ~~occupational license or a current license issued by any~~
4 ~~municipality or county of the state for the type of work for~~
5 ~~which registration is desired, on a form provided by the~~
6 ~~department, together with evidence of successful compliance~~
7 ~~with the local examination and licensing requirements, if any,~~
8 ~~in the area for which registration is desired, accompanied by~~
9 ~~the registration fee fixed pursuant to this part. No~~
10 ~~examination may be required for registration as an electrical~~
11 ~~contractor except for any examination required by a local~~
12 ~~government to obtain the local licensure.~~

13 (b) To be registered as an electrical contractor, an
14 alarm system contractor I, an alarm system contractor II, or a
15 residential alarm system contractor, the applicant shall file
16 evidence of holding a current occupational license or a
17 current license issued by any municipality or county of the
18 state for the type of work for which registration is desired,
19 on a form provided by the department, if such a license is
20 required by that municipality or county, together with
21 evidence of having passed an appropriate local examination,
22 written or oral, designed to test skills and knowledge
23 relevant to the technical performance of the profession,
24 accompanied by the registration fee fixed pursuant to this
25 part. For any person working or wishing to work in any local
26 jurisdiction which does not issue a local license as an
27 electrical or alarm system contractor or does not require an
28 examination for its license, the applicant may apply and shall
29 be considered qualified to be issued a registration in the
30 appropriate electrical or alarm system category, provided that
31 he or she shows that he or she has scored at least 75 percent

1 on an examination which is substantially equivalent to the
2 examination approved by the board for certification in the
3 category and that he or she has had at least 3 years'
4 technical experience in the trade. The requirement to take and
5 pass an examination in order to obtain a registration shall
6 not apply to persons making application prior to the effective
7 date of this act.

8 Section 40. Subsections (4) and (5) are added to
9 section 489.517, Florida Statutes, to read:

10 489.517 Renewal of certificate or registration;
11 continuing education.--

12 (4)(a) If a certificateholder or registrant holds a
13 license under both this part and part I and is required to
14 have continuing education courses under s. 489.115(4)(b)1.,
15 the certificateholder or registrant may apply those course
16 hours for workers' compensation, workplace safety, and
17 business practices obtained under part I to the requirements
18 under this part.

19 (b) Of the 14 classroom hours of continuing education
20 required, at least 7 hours must be on technical subjects, 1
21 hour on workers' compensation, 1 hour on workplace safety, and
22 1 hour on business practices.

23 (5) By applying for renewal, each certificateholder or
24 registrant certifies that he or she has continually maintained
25 the required amounts of public liability and property damage
26 insurance as specified by board rule. The board shall
27 establish by rule a procedure to verify the public liability
28 and property damage insurance for a specified period, based
29 upon a random sampling method.

30 Section 41. Section 489.519, Florida Statutes, is
31 amended to read:

1 489.519 Inactive status.--

2 (1) A certificate or registration that has become
3 inactive may be reactivated under s. 489.517 upon application
4 to the department. The board may prescribe, by rule,
5 continuing education requirements as a condition of
6 reactivating a certificate or registration. The continuing
7 education requirements for reactivating a certificate or
8 registration may not exceed 12 classroom hours for each year
9 the certificate or registration was inactive.

10 (2) Notwithstanding any provision of s. 455.271 to the
11 contrary, a certificateholder or registrant may apply to the
12 department for voluntary inactive status at any time during
13 the period of certification or registration.

14 ~~(3)~~~~(2)~~ The board shall impose, by rule, continuing
15 education requirements for ~~voluntary~~ inactive
16 certificateholders, when ~~voluntary~~ inactive status is sought
17 by certificateholders who are also building code
18 administrators, plans examiners, or inspectors certified
19 pursuant to part XIII of chapter 468.

20 (4) After January 1, 1999, any person who passes the
21 certification examination must submit an application either to
22 qualify a business or to place the person's license on
23 inactive status.

24 Section 42. Section 489.521, Florida Statutes, is
25 amended to read:

26 489.521 Business organizations; qualifying agents.--

27 (1) If an individual proposes to engage in contracting
28 as a sole proprietorship, certification, ~~when granted,~~ shall
29 be issued ~~only~~ in the name of that individual. If a fictitious
30 name is used, the applicant shall furnish evidence of
31 statutory compliance.

1 (2)(a)1. If the applicant proposing to engage in
2 contracting is a partnership, corporation, business trust, or
3 other legal entity, other than a sole proprietorship, the
4 application shall state the name of the partnership and its
5 partners; the name of the corporation and its officers and
6 directors and the name of each of its stockholders who is also
7 an officer or director; the name of the business trust and its
8 trustees; or the name of such other legal entity and its
9 members. In addition, the applicant shall furnish evidence of
10 statutory compliance if a fictitious name is used. ~~Such~~
11 ~~application shall also show that the qualifying agent is~~
12 ~~legally qualified to act for the business organization in all~~
13 ~~matters connected with its electrical or alarm system~~
14 ~~contracting business and that he or she has authority to~~
15 ~~supervise electrical or alarm system contracting undertaken by~~
16 ~~such business organization.~~A joint venture, including a joint
17 venture composed of qualified business organizations, is
18 itself a separate and distinct organization that shall be
19 qualified in accordance with board rules. The registration or
20 certification, when issued upon application of a business
21 organization, shall be in the name of the qualifying agent,
22 and the name of the business organization shall be noted
23 thereon. If there is a change in any information that is
24 required to be stated on the application, the business
25 organization shall, within 45 days after such change occurs,
26 mail the correct information to the department.

27 2. Any person certified or registered pursuant to this
28 part who has had his or her license revoked shall not be
29 eligible for a 5-year period to be a partner, officer,
30 director, or trustee of a business organization as defined by
31 this section. Such person shall also be ineligible to reapply

1 for certification or registration under this part for a period
2 of 5 years.

3 (b) The applicant ~~application~~ shall also show that the
4 proposed qualifying agent is legally qualified to act for the
5 business organization in all matters connected with its
6 electrical or alarm system contracting business and concerning
7 regulations by the board and that he or she has authority to
8 supervise electrical or alarm system contracting work
9 undertaken by the business organization.

10 (c) The proposed qualifying agent shall demonstrate
11 that he or she possesses the required skill, knowledge, and
12 experience to qualify the business organization in the
13 following manner:

14 1. Having met the qualifications provided in s.
15 489.511 and been issued a certificate of competency pursuant
16 to the provisions of s. 489.511; or

17 2. Having demonstrated that he or she possesses the
18 required experience and education requirements provided in s.
19 489.511 which would qualify him or her as eligible to take the
20 certification examination.

21 (3)(a) The applicant ~~business organization~~ shall
22 furnish evidence of financial responsibility, credit, and
23 business reputation of the business organization, as well as
24 the name of the qualifying agent. The board shall adopt rules
25 defining financial responsibility based upon the business
26 organization's credit history, ability to be bonded, and any
27 history of bankruptcy or assignment of receivers. Such rules
28 shall specify the financial responsibility grounds on which
29 the board may determine that a business organization is not
30 qualified to engage in contracting.

31

1 (b) In the event a qualifying agent must take the
2 certification examination, the board shall, within 60 days
3 from the date of the examination, inform the business
4 organization in writing whether or not its qualifying agent
5 has qualified.

6 (c) If the qualifying agent of a business organization
7 applying to engage in contracting, after having been notified
8 to do so, does not appear for examination within 1 year from
9 the date of filing of the application, the examination fee
10 paid by it shall be credited as an earned fee to the
11 department. A new application to engage in contracting shall
12 be accompanied by another application fee fixed pursuant to
13 this act. Forfeiture of a fee may be waived by the board for
14 good cause.

15 (d) Once the board has determined that the business
16 organization's proposed qualifying agent has qualified, the
17 business organization shall be authorized to engage in the
18 contracting business. The certificate, when issued, shall be
19 in the name of the qualifying agent, and the name of the
20 business organization shall be noted thereon.

21 (4) As a prerequisite to the initial issuance ~~or the~~
22 ~~renewal~~ of a certificate, the applicant certificateholder or
23 the business organization he or she qualifies shall submit
24 evidence ~~an affidavit on a form provided by the board~~
25 ~~attesting to the fact~~ that he or she or the business
26 organization has obtained public liability and property damage
27 insurance for the safety and welfare of the public in an
28 amount to be determined by board rule ~~by the board~~. ~~The board~~
29 ~~shall by rule establish a procedure to verify the accuracy of~~
30 ~~such affidavits based upon a random sample method~~. In addition
31 ~~to the affidavit of insurance, as a prerequisite to the~~

1 ~~initial issuance of a certificate, the applicant shall furnish~~
2 ~~evidence of financial responsibility, credit, and business~~
3 ~~reputation of either himself or herself or the business~~
4 ~~organization he or she desires to qualify. The board shall~~
5 ~~adopt rules defining financial responsibility based upon the~~
6 ~~credit history, ability to be bonded, and any history of~~
7 ~~bankruptcy or assignment of receivers. Such rules shall~~
8 ~~specify the financial responsibility grounds on which the~~
9 ~~board may refuse to qualify an applicant to engage in the~~
10 ~~contracting business. If, within 60 days from the date the~~
11 ~~certificateholder or business organization is notified that he~~
12 ~~or she has qualified, he or she does not provide the evidence~~
13 ~~required, he or she shall apply to the department for an~~
14 ~~extension of time which shall be granted upon a showing of~~
15 ~~just cause. Thereupon, the board shall certify to the~~
16 ~~department that the certificateholder or the business~~
17 ~~organization is competent and qualified to engage in~~
18 ~~contracting. However, the provisions of this subsection do not~~
19 ~~apply to inactive certificates.~~

20 (5) At least one officer member or supervising
21 employee of the business organization must be qualified under
22 this act in order for the business organization to be
23 qualified to engage in contracting in the category of the
24 business conducted ~~for which the member or supervising~~
25 ~~employee is qualified~~. If any individual so qualified on
26 behalf of the business organization ceases to qualify be
27 ~~affiliated with~~ the business organization, he or she shall
28 notify the board and the department thereof within 30 days
29 after such occurrence. In addition, if the individual is the
30 only ~~qualified individual~~ who qualifies ~~affiliated with~~ the
31 business organization, the business organization shall notify

1 the board and the department of the individual's termination,
2 and it shall have a period of 60 days from the termination of
3 the individual ~~individual's affiliation with the business~~
4 ~~organization in which~~ to qualify another person under the
5 provision of this act, failing which, the board shall
6 determine that the business organization is no longer
7 qualified to engage in contracting. The individual shall also
8 inform the board in writing when he or she proposes to engage
9 in contracting in his or her own name or in affiliation with
10 another business organization, and the individual, or such new
11 business organization, shall supply the same information to
12 the board as required for applicants under this act. After an
13 investigation of the financial responsibility, credit, and
14 business reputation of the individual or the new business
15 organization and upon a favorable determination, the board
16 shall certify the business organization as qualified, and the
17 department shall issue, without examination, a new certificate
18 in the individual's name, which shall include the name of the
19 new business organization, as provided in this section.

20 (6) When a business organization qualified to engage
21 in contracting makes application for an occupational license
22 in any municipality or county of this state, the application
23 shall be made with the tax collector in the name of the
24 business organization, and the license, when issued, shall be
25 issued to the business organization upon payment of the
26 appropriate licensing fee and exhibition to the tax collector
27 of a valid certificate issued by the department.

28 (7)(a) Each registered or certified contractor shall
29 affix the number of his or her registration or certification
30 to each application for a building permit and to each building
31 permit issued and recorded. Each city or county building

1 department shall require, as a precondition for the issuance
2 of a building permit, that the contractor applying for the
3 permit provide verification giving the number of his or her
4 registration or certification under this part.

5 (b) The registration or certification number of a
6 contractor shall be stated in each offer of services, business
7 proposal, or advertisement, regardless of medium, used by that
8 contractor. For the purposes of this part, the term
9 "advertisement" does not include business stationery or any
10 promotional novelties such as balloons, pencils, trinkets, or
11 articles of clothing. The board shall assess a fine of not
12 less than \$100 or issue a citation to any contractor who fails
13 to include that contractor's certification or registration
14 number when submitting an advertisement for publication,
15 broadcast, or printing. In addition, any person who claims in
16 any advertisement to be a certified or registered contractor,
17 but who does not hold a valid state certification or
18 registration, commits a misdemeanor of the second degree,
19 punishable as provided in s. 775.082 or s. 775.083.

20 (8) Each qualifying agent shall pay the department an
21 amount equal to the original fee for certification or
22 registration to qualify any additional business organizations.
23 If the qualifying agent for a business organization desires to
24 qualify additional business organizations, the board shall
25 require him or her to present evidence of supervisory ability
26 and financial responsibility of each such organization.
27 Allowing a licensee to qualify more than one business
28 organization shall be conditioned upon the licensee showing
29 that the licensee has both the capacity and intent to
30 adequately supervise each business organization in accordance
31 with s. 489.522(1). The board shall not limit the number of

1 business organizations which the licensee may qualify except
2 upon the licensee's failing to provide such information as is
3 required under this subsection or upon a finding that such
4 information or evidence as is supplied is incomplete or
5 unpersuasive in showing the licensee's capacity and intent to
6 comply with the requirements of this subsection. A
7 qualification for an additional business organization may be
8 revoked or suspended upon a finding by the board that the
9 licensee has failed in the licensee's responsibility to
10 adequately supervise the operations of that business
11 organization in accordance with s. 489.522(1). Failure of the
12 responsibility to adequately supervise the operations of a
13 business organization in accordance with s. 489.522(1) shall
14 be grounds for denial to qualify additional business
15 organizations.~~The issuance of such certification or~~
16 ~~registration is discretionary with the board.~~

17 (9) If a business organization or any of its partners,
18 officers, directors, trustees, or members is disciplined for
19 violating s. 489.533(1), the board may, on that basis alone,
20 deny issuance of a certificate or registration to a qualifying
21 agent on behalf of that business organization.

22 Section 43. Section 489.525, Florida Statutes, is
23 amended to read:

24 489.525 Reports of certified contractors to local
25 building officials.--

26 ~~(1) The department shall inform all local boards or~~
27 ~~building officials prior to October of each year of the names~~
28 ~~of all certificateholders and the status of the certificates.~~

29 (2) The department may ~~shall~~ include in the report of
30 certified contractors provided in subsection (1) a report to

31

1 all ~~county tax collectors, local boards, and building~~
2 ~~officials, containing:~~
3 (a) the contents of this part~~and~~
4 (b) the contents of the rules of the board ~~and the~~
5 ~~contents of the rules of the department which affect local~~
6 ~~government as determined by the department. Any information~~
7 ~~that is available through the Internet or other electronic~~
8 ~~means may be excluded from the report.~~

9 Section 44. Subsections (1) and (2) of section
10 489.533, Florida Statutes, are amended to read:

11 489.533 Disciplinary proceedings.--

12 (1) The following acts shall constitute grounds for
13 disciplinary actions as provided in subsection (2):

14 (a) Failure to comply with ~~Violating~~ any provision of
15 ~~s. 489.531 or~~ chapter 455.

16 (b) Attempting to procure a certificate or
17 registration to practice electrical or alarm system
18 contracting by bribery or fraudulent or willful
19 misrepresentations.

20 (c) Having a certificate or registration to practice
21 contracting revoked, suspended, or otherwise acted against,
22 including the denial of licensure, by the licensing authority
23 of another state, territory, or country.

24 (d) Being convicted or found guilty of, or entering a
25 plea of nolo contendere to, regardless of adjudication, ~~of~~ a
26 crime in any jurisdiction which directly relates to the
27 practice of electrical or alarm system contracting or the
28 ability to practice electrical or alarm system contracting.

29 (e) Making or filing a report or record which the
30 certificateholder or registrant knows to be false, willfully
31 failing to file a report or record required by state or

1 federal law, willfully impeding or obstructing such filing, or
2 inducing another person to impede or obstruct such filing.
3 Such reports or records shall include only those which are
4 signed in the capacity of a certified electrical or alarm
5 system contractor.

6 (f) Committing fraud or deceit, or negligence,
7 incompetency, or misconduct in the practice of electrical or
8 alarm system contracting.

9 (g) Violating chapter 633 or the rules of the State
10 Fire Marshal.

11 (h) Practicing on a revoked, suspended, inactive, or
12 delinquent certificate or registration.

13 (i) Willfully or deliberately disregarding and
14 violating the applicable building codes or laws of the state
15 or any municipality or county thereof.

16 (j) Performing any act which assists a person or
17 entity in engaging in the prohibited uncertified and
18 unregistered practice of contracting, if the certificateholder
19 or registrant knows or has reasonable grounds to know that the
20 person or entity was uncertified and unregistered.

21 (k) Knowingly combining or conspiring with any person
22 by allowing one's certificate to be used by any uncertified
23 person with intent to evade the provisions of this part. When
24 a certificateholder allows his or her certificate to be used
25 by one or more companies without having any active
26 participation in the operations or management of said
27 companies, such act constitutes prima facie evidence of an
28 intent to evade the provisions of this part.

29 (l) Acting in the capacity of a contractor under any
30 certificate or registration issued hereunder except in the
31 name of the certificateholder or registrant as set forth on

1 the issued certificate or registration or in accordance with
2 the personnel of the certificateholder or registrant as set
3 forth in the application for the certificate or registration
4 or as later changed as provided in this part.

5 (m) Committing financial mismanagement or misconduct
6 in the practice of contracting that causes financial harm to a
7 customer. Financial mismanagement or misconduct occurs if:

8 1. A valid lien has been recorded against the property
9 of a contractor's customer for supplies or services ordered by
10 the contractor for the customer's job, the contractor has
11 received funds from the customer to pay for the supplies or
12 services, and the contractor has not had the lien removed from
13 the property, by payment or by bond, within 75 days after the
14 date of the lien;

15 2. A contractor has abandoned a customer's job and the
16 percentage of completion is less than the percentage of the
17 total contract price that had been paid to the contractor as
18 of the time of abandonment, unless the contractor is entitled
19 to retain the excess funds under the terms of the contract or
20 refunds the excess funds within 30 days after the date of
21 abandonment; ~~or~~

22 3. The contractor's job has been completed and it is
23 shown that the customer has had to pay more for the contracted
24 job than the original contract price, as adjusted for
25 subsequent change orders, unless such increase in cost was the
26 result of circumstances beyond the control of the contractor,
27 was the result of circumstances caused by the customer, or was
28 otherwise permitted by the terms of the contract between the
29 contractor and the customer; or

30 4. The contractor fails, within 18 months, to pay or
31 comply with a repayment schedule of a judgment obtained

1 against the contractor or a business qualified by the
2 contractor and relating to the practice of contracting.

3 (n) Being disciplined by any municipality or county
4 for an act that is a violation of this section.

5 (o) Failing in any material respect to comply with the
6 provisions of this part and the rules adopted pursuant
7 thereto.

8 (p) Abandoning a project which the contractor is
9 engaged in or is under contractual obligation to perform. A
10 project is to be considered abandoned after 90 days if the
11 contractor terminates the project without just cause or
12 without proper notification to the prospective owner,
13 including the reason for termination, or fails to perform work
14 without just cause for 90 consecutive days.

15 (q) Failing to affix a registration or certification
16 number as required by s. 489.521(7).

17 (r) Proceeding on any job without obtaining applicable
18 local building department permits and inspections.

19 (s) Practicing beyond the scope of a certification or
20 registration.

21
22 For the purposes of this subsection, construction is
23 considered to be commenced when the contract is executed and
24 the contractor has accepted funds from the customer or lender.

25 (2) When the board finds any applicant, contractor, or
26 business organization for which the contractor is a primary
27 qualifying agent or secondary qualifying agent responsible
28 under s. 489.522 guilty of any of the grounds set forth in
29 subsection (1), it may enter an order imposing one or more of
30 the following penalties:

31

1 (a) Denial of an application for certification or
2 registration.

3 (b) Revocation or suspension of a certificate or
4 registration.

5 (c) Imposition of an administrative fine not to exceed
6 \$5,000 for each count or separate offense.

7 (d) Issuance of a reprimand.

8 (e) Placement of the contractor on probation for a
9 period of time and subject to such conditions as the board may
10 specify, including requiring the contractor to attend
11 continuing education courses or to work under the supervision
12 of another contractor.

13 (f) Restriction of the authorized scope of practice by
14 the contractor.

15 (g) Require financial restitution to a consumer.

16 Section 45. For the purpose of incorporating the
17 amendment to section 489.533, Florida Statutes, in a reference
18 thereto, subsection (5) of section 489.518, Florida Statutes,
19 is reenacted to read:

20 489.518 Alarm system agents.--

21 (5) Failure to comply with any of the provisions of
22 this section shall be a disciplinable offense against the
23 contractor pursuant to s. 489.533.

24 Section 46. Paragraph (b) of subsection (2) of section
25 489.537, Florida Statutes, is amended, and subsection (9) is
26 added to that section, to read:

27 489.537 Application of this part.--

28 (2)

29 (b) A registered electrical contractor may bid on
30 electrical contracts which include alarm systems contracting
31 as a part of the contract, provided that the individual shall

1 subcontract such alarm systems contracting, except raceway
2 systems, to a properly certified or registered alarm system
3 contractor. Registered electrical contractors may install
4 raceways for alarm systems. However, if the registered
5 electrical contractor is properly certified or registered as
6 an alarm system contractor, the individual is not required to
7 subcontract out the alarm system contracting.

8 (9) Persons licensed under this part are subject to
9 ss. 205.0535(1) and 205.065, as applicable.

10 Section 47. Section 489.539, Florida Statutes, is
11 amended to read:

12 489.539 Adoption of electrical and alarm
13 standards.--For the purpose of establishing minimum electrical
14 and alarm standards in this state, the current edition of the
15 following standards are adopted:

16 (1) "National Electrical Code ~~1990~~," NFPA No. 70
17 ~~70-1990~~.

18 (2) Underwriters' Laboratories, Inc., "Standards for
19 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
20 57 ~~57-1982~~, and UL 153 ~~153-1983~~.

21 (3) Underwriters' Laboratories, Inc., "Standard for
22 Electric Signs," UL 48 ~~48-1982~~.

23 (4) The provisions of the following which prescribe
24 minimum electrical and alarm standards:

25 (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics
26 ~~1978~~."

27 (b) NFPA No. 56B ~~56B-1982~~, "Respiratory Therapy ~~1982~~."

28 (c) NFPA No. 56C ~~56C-1980~~, "Laboratories in
29 Health-related Institutions ~~1980~~."

30 (d) NFPA No. 56D ~~56D-1982~~, "Hyperbaric Facilities."
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1 (e) NFPA No. 56F ~~56F-1983~~, "Nonflammable Medical Gas
2 Systems ~~1983~~."

3 (f) NFPA No. 72, "National Fire Alarm Code."

4 (g)~~(f)~~ NFPA No. 76A ~~76A-1984~~, "Essential Electrical
5 Systems for Health Care Facilities ~~1984~~."

6 (5) Chapter 10D-29 of the rules of the Department of
7 Health and Rehabilitative Services, entitled "Nursing Homes
8 and Related Facilities Licensure."

9 (6) The minimum standards for grounding of portable
10 electric equipment, chapter 8C-27, as recommended by the
11 Industrial Standards Section of the Division of Workers'
12 Compensation of the Department of Labor and Employment
13 Security.

14 Section 48. Section 553.19, Florida Statutes, is
15 amended to read:

16 553.19 Adoption of electrical and alarm
17 standards.--For the purpose of establishing minimum electrical
18 and alarm standards in this state, the current edition of the
19 following standards are adopted:

20 (1) "National Electrical Code ~~1990~~," NFPA No. 70
21 ~~70-1990~~.

22 (2) Underwriters' Laboratories, Inc., "Standards for
23 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
24 57 ~~57-1982~~ and UL 153 ~~153-1983~~.

25 (3) Underwriters' Laboratories, Inc., "Standard for
26 Electric Signs," UL 48 ~~48-1982~~.

27 (4) The provisions of the following which prescribe
28 minimum electrical and alarm standards:

29 (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics
30 ~~1978~~."

31 (b) NFPA No. 56B ~~56B-1982~~, "Respiratory Therapy ~~1982~~."

1 (c) NFPA No. 56C ~~56C-1980~~, "Laboratories in
2 Health-related Institutions ~~1980~~."
3 (d) NFPA No. 56D ~~56D-1982~~, "Hyperbaric Facilities."
4 (e) NFPA No. 56F ~~56F-1983~~, "Nonflammable Medical Gas
5 Systems ~~1983~~."
6 (f) NFPA No. 72, "National Fire Alarm Code."
7 (g)~~(f)~~ NFPA No. 76A ~~76A-1984~~, "Essential Electrical
8 Systems for Health Care Facilities ~~1984~~."
9 (5) Chapter 10D-29 of the rules and regulations of the
10 Department of Health and Rehabilitative Services, entitled
11 "Nursing Homes and Related Facilities Licensure."
12 (6) The minimum standards for grounding of portable
13 electric equipment, chapter 8C-27 as recommended by the
14 Industrial Standards Section, Division of Workers'
15 Compensation, Department of Labor and Employment Security.
16 Section 49. This act shall take effect July 1, 1998.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2336

Amends provisions relating to the regulation of building code personnel to add categories of licensure, increase the examination fee for non-governmental applicants and eliminate the licensure fees for all licensees, and allow engineers and architects to perform building inspections and plan reviews for local governments and state agencies without becoming certified.

Defines what constitutes a "knowing" building code violation by a construction contractor.

Requires the Department of Business and Professional Regulation to make the complaint and supporting documents available to a contractor who is the subject of an investigation.

Limits the Department of Business and Professional Regulation's jurisdiction to investigate or pursue a complaint against a registered contractor, when a local government enforcement board has initiated action against a contractor.

Requires local contracting boards to have consumer members.

Amends the regulation of asbestos abatement contractors and consultants to conform the licensure requirements with federal standards and to clarify licensure requirements relating to financial stability and insurance.