

By Senator Gutman

34-1150-99

1 A bill to be entitled
2 An act relating to construction industry
3 licensing; amending s. 468.609, F.S.; allowing
4 technical education to count toward education
5 and experience requirements for applicants to
6 be licensed as building code inspectors or
7 plans examiners; amending s. 469.001, F.S.;
8 defining the terms "ASHARA" and "onsite
9 supervisor"; amending s. 469.002, F.S.;
10 specifying exemptions; amending s. 469.004,
11 F.S.; providing license renewal and continuing
12 education requirements; amending s. 469.005,
13 F.S.; deleting an asbestos
14 contractor/supervisor course requirement;
15 amending s. 469.006, F.S.; providing criteria
16 for asbestos contractors or consultants to
17 qualify additional business organizations;
18 amending s. 469.011, F.S.; conforming
19 rulemaking authority; amending s. 469.012,
20 F.S.; providing education requirements for
21 asbestos contractors' onsite supervisors and
22 workers; amending s. 469.013, F.S.; providing
23 continuing education requirements for asbestos
24 project designers; amending s. 489.511, F.S.;
25 providing experience requirements for alarm
26 system contractors; deleting obsolete
27 provisions; providing that previously issued
28 registered licenses are void upon the issuance
29 of a certificate; amending s. 489.513, F.S.;
30 requiring a certificate of competency to be
31 licensed as an electrical or alarm system

1 contractor; repealing provisions relating to
2 tracking registration; amending s. 489.531,
3 F.S.; deleting provisions relating to local
4 licenses; providing an effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Subsection (2) of section 468.609, Florida
9 Statutes, 1998 Supplement, is amended to read:

10 468.609 Administration of this part; standards for
11 certification; additional categories of certification.--

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

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

16 (b) Is of good moral character; and

17 (c) Meets eligibility requirements according to one of
18 the following criteria:

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

22 2. Demonstrates a combination of postsecondary
23 education in the field of construction or related field and
24 experience which totals 4 years, with at least 1 year of such
25 total being experience in construction, building inspection,
26 or plans review; ~~or~~

27 3. Currently holds a standard certificate as issued by
28 the board and satisfactorily completes an inspector or plans
29 examiner training program of not less than 200 hours in the
30 certification category sought. The board shall establish by
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1 rule criteria for the development and implementation of the
2 training programs; or.

3 4. Demonstrates a combination of technical education
4 in the field of construction or a related field and experience
5 that totals 4 years, with at least 1 year of such total being
6 experience in construction, building inspection, or reviewing
7 plans.

8 (d) Demonstrates successful completion of the core
9 curriculum and specialized or advanced module coursework
10 approved by the Florida Building Commission, as part of the
11 Building Code Training Program established pursuant to s.
12 553.841, appropriate to the licensing category sought or,
13 pursuant to authorization by the certifying authority,
14 provides proof of completion of such curriculum or coursework
15 within 6 months after such certification.

16 Section 2. Subsection (17) of section 469.001, Florida
17 Statutes, 1998 Supplement, is amended, present subsections (9)
18 through (23) of that section are renumbered as subsections
19 (10) through (24), respectively, and a new subsection (9) is
20 added to that section, to read:

21 469.001 Definitions.--As used in this chapter:

22 (9) "ASHARA" means the Asbestos School Hazard
23 Reauthorization Act.

24 (18)~~(17)~~ "Onsite supervisor" means a person who works
25 under the direction of a licensed asbestos contractor and
26 provides supervision of abatement activities at the abatement
27 project site at all times when such activities are being
28 performed. This term is synonymous with "onsite
29 representative" in the NESHAP asbestos standard rules.

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1 Section 3. Paragraphs (a) and (e) of subsection (1) of
2 section 469.002, Florida Statutes, 1998 Supplement, are
3 amended to read:

4 469.002 Exemptions.--

5 (1) This chapter does not apply to:

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

19 (e) An authorized employee of the United States, this
20 state, or any municipality, county, or other political
21 subdivision who has completed all training required by NESHAP
22 and OSHA or by ASHARA ~~AHERA~~ for the activities described in
23 this paragraph, while engaged in asbestos-related activities
24 set forth in s. 255.5535 and asbestos-related activities
25 involving the demolition of a building owned by that
26 governmental unit, where such activities are within the scope
27 of that employment and the employee does not hold out for hire
28 or otherwise engage in asbestos abatement, contracting, or
29 consulting.

30 Section 4. Subsection (3) is added to section 469.004,
31 Florida Statutes, 1998 Supplement, to read:

1 469.004 License; asbestos consultant; asbestos
2 contractor.--

3 (3) A license issued under this chapter must be
4 renewed every 2 years. Before renewing a contractor's license,
5 the licensee must complete a 1-day course of continuing
6 education during each of the preceding 2 years. Before
7 renewing a consultant's license, the licensee must complete a
8 2-day course of continuing education during each of the
9 preceding 2 years.

10 Section 5. Subsection (2) of section 469.005, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 469.005 License requirements.--All applicants for
13 licensure as either asbestos consultants or asbestos
14 contractors shall:

15 (2) When applying for licensure as an asbestos
16 consultant, successfully complete the following
17 department-approved courses:

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

20 (a)(b) A building asbestos surveys and mechanical
21 systems course. Such course shall consist of not less than 3
22 days of instruction.

23 (b)(c) An asbestos management planning course. Such
24 course shall consist of not less than 2 days of instruction.

25 (c)(d) A respiratory protection course. Such course
26 shall consist of not less than 3 days of instruction.

27 (d)(e) A project designer course. Such course shall
28 consist of not less than 3 days of instruction.

29 Section 6. Subsection (4) of section 469.006, Florida
30 Statutes, 1998 Supplement, is amended to read:

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1 469.006 Licensure of business organizations;
2 qualifying agents.--

3 (4)(a) The qualifying agent shall inform the
4 department in writing if the agent proposes to engage in
5 consulting or contracting in the agent's own name or in
6 affiliation with another business organization, and the agent
7 or the new business organization shall supply the same
8 information to the department as is required of initial
9 applicants under this chapter.

10 (b) Upon a favorable determination by the department,
11 after investigation of the financial responsibility, credit,
12 and business reputation of the qualifying agent and the new
13 business organization, the department shall issue, without any
14 examination, a new license in the business organization's
15 name, and the name of the qualifying agent shall be noted
16 thereon.

17 (c) Each licensee shall pay the department an amount
18 equal to the original fee to qualify any additional business
19 organizations. If the licensee seeks to qualify additional
20 business organizations, the department shall require the
21 licensee to present evidence of supervisory ability and
22 financial responsibility for each organization. Allowing a
23 licensee to qualify more than one business organization must
24 be conditioned upon the licensee demonstrating the capacity
25 and the intent to adequately supervise each business
26 organization. The department may not limit the number of
27 business organizations which a licensee may qualify, except
28 upon the licensee's failure to provide the information
29 required under this subsection or upon a finding that the
30 information or evidence is incomplete or unpersuasive to show
31 the licensee's capacity and intent to comply with this

1 subsection. A qualification for an additional business
2 organization may be revoked or suspended upon a finding by the
3 board that the licensee has failed to adequately supervise the
4 operations of the business organization. Failure to adequately
5 supervise the operations of a business organization is grounds
6 for denial to qualify additional business organizations.

7 Section 7. Section 469.011, Florida Statutes, is
8 amended to read:

9 469.011 Authority to make rules.--The department shall
10 adopt such rules, not inconsistent with law, as may be
11 necessary to implement the provisions of this chapter. In
12 developing the rules, the department shall consider related
13 Florida Statutes and the rules promulgated thereunder, the
14 criteria established in the Environmental Protection Agency
15 Guidelines, and AHERA, ASHARA, NESHAP, and OSHA regulations.

16 Section 8. Subsections (1), (2), and (4) of section
17 469.012, Florida Statutes, are amended to read:

18 469.012 Course requirements for onsite supervisors and
19 asbestos abatement workers.--

20 (1) Each asbestos contractor's onsite supervisor must
21 complete an asbestos contractor/supervisor ~~project management~~
22 ~~and supervision~~ course of not less than 5 ~~4~~ days prior to
23 engaging in onsite supervision. Such training shall cover the
24 nature of the health risks, the medical effects of exposure,
25 federal and state asbestos laws and regulations, worker
26 protection, and work area protection. Each onsite supervisor
27 must also complete a continuing education course of not less
28 than 1 day in length each year.

29 (2) All asbestos abatement workers, including onsite
30 supervisors, must complete a department-approved course of not
31 less than 4 ~~3~~ days in abatement prior to removing,

1 encapsulating, enclosing, or disposing of asbestos-containing
2 materials.

3 (4) All asbestos abatement workers, including onsite
4 supervisors, must complete, as a condition of renewal of
5 accreditation licensure, such courses of continuing education
6 each year as are approved and required by the department.

7 Section 9. Subsection (1) of section 469.013, Florida
8 Statutes, 1998 Supplement, is amended to read:

9 469.013 Course requirements for asbestos surveyors,
10 management planners, and project monitors.--

11 (1) All asbestos surveyors, management planners, and
12 project monitors must comply with the requirements set forth
13 in this section prior to commencing such activities and must
14 also complete the continuing education necessary to maintain
15 accreditation certification each year.

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

18 (b) Asbestos surveyors must complete all requirements
19 of s. 469.005(2)(b).

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

23 (d) Project designers must complete all the
24 requirements of s. 469.005(2)(d).

25 Section 10. Paragraph (c) is added to subsection (2)
26 of section 489.511, Florida Statutes, 1998 Supplement,
27 subsection (5) of that section is amended, and subsection (7)
28 is added to that section, to read:

29 489.511 Certification; application; examinations;
30 endorsement.--

31 (2)

1 (c) For the purposes of this subsection, at least 40
2 percent of the work experience for an alarm system contractor
3 I must be in the type of fire alarm systems typically used in
4 a commercial setting.

5 ~~(5)(a) The board shall, by rule, designate those types~~
6 ~~of specialty electrical or alarm system contractors who may be~~
7 ~~certified under this part. The limit of the scope of work and~~
8 ~~responsibility of a certified specialty contractor shall be~~
9 ~~established by the board by rule. However, A certified~~
10 ~~specialty contractor category exists as a voluntary statewide~~
11 ~~licensing category, and does not create a mandatory licensing~~
12 ~~requirement. Any mandatory statewide electrical or alarm~~
13 ~~system contracting licensure requirement may only be~~
14 ~~established through specific statutory provision.~~

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

29 (7) Upon the issuance of a certificate, any previously
30 issued registered licenses for the classification in which the
31 certification is issued are void.

1 Section 11. Subsection (3) and (7) of section 489.513,
2 Florida Statutes, 1998 Supplement, are amended to read:

3 489.513 Registration; application; requirements.--

4 (3) To be registered as an electrical contractor, an
5 alarm system contractor I, an alarm system contractor II, or a
6 residential alarm system contractor, the applicant shall file
7 evidence of holding a current certificate of competency
8 ~~occupational license or a current license~~ issued by any
9 municipality or county of the state for the type of work for
10 which registration is desired, on a form provided by the
11 department, ~~if such a license is required by that municipality~~
12 ~~or county,~~ together with evidence of having passed an
13 appropriate local examination, written or oral, designed to
14 test skills and knowledge relevant to the technical
15 performance of the profession, accompanied by the registration
16 fee fixed pursuant to this part. For any person working or
17 wishing to work in any local jurisdiction that ~~which does not~~
18 ~~issue a local license as an electrical or alarm system~~
19 ~~contractor or~~ does not require an examination for its license,
20 the applicant may apply and shall be considered qualified to
21 be issued a registration in the appropriate electrical or
22 alarm system category, provided that he or she shows that he
23 or she has scored at least 75 percent on an examination which
24 is substantially equivalent to the examination approved by the
25 board for certification in the category and that he or she has
26 had at least 3 years' technical experience in the trade. The
27 requirement to take and pass an examination in order to obtain
28 a registration shall not apply to persons making application
29 prior to the effective date of this act.

30 ~~(7) Neither the board nor the department assumes any~~
31 ~~responsibility for providing discipline pursuant to having~~

1 ~~provided the tracking registration. Providing discipline to~~
2 ~~such locally licensed individuals shall be the responsibility~~
3 ~~of the local jurisdiction. Failure to obtain a tracking~~
4 ~~registration shall not be considered a violation of this~~
5 ~~chapter. However, a local jurisdiction requiring such~~
6 ~~tracking registration may levy such penalties for failure to~~
7 ~~obtain the tracking registration as the local jurisdiction~~
8 ~~chooses to provide through local ordinance.~~

9 Section 12. Paragraphs (a) and (b) of subsection (5)
10 of section 489.531, Florida Statutes, 1998 Supplement, are
11 amended to read:

12 489.531 Prohibitions; penalties.--

13 (5)(a) The local governing body of a county or
14 municipality, or its local enforcement body, is authorized to
15 enforce the provisions of this part as well as its local
16 ordinances against ~~locally licensed or~~ registered contractors,
17 as appropriate. The local jurisdiction enforcement body may
18 conduct disciplinary proceedings against a ~~locally licensed or~~
19 registered contractor and may require restitution or impose a
20 suspension or revocation of the registered local license or a
21 fine not to exceed \$5,000, or a combination thereof, against
22 the ~~locally licensed or~~ registered contractor, according to
23 ordinances which a local jurisdiction may enact. In addition,
24 the local jurisdiction may assess reasonable investigative and
25 legal costs for the prosecution of the violation against the
26 registered contractor ~~violation~~, according to such ordinances
27 as the local jurisdiction may enact.

28 (b) In addition to any action the local jurisdiction
29 enforcement body may take against the individual's registered
30 ~~local~~ license, and any fine the local jurisdiction may impose,
31 the local jurisdiction enforcement body shall issue a

1 recommended penalty for board action. This recommended
2 penalty may include a recommendation for no further action or
3 a recommendation for suspension, revocation, or restriction of
4 the registration or imposition of a fine to be levied by the
5 board, or a combination thereof. The local jurisdiction
6 enforcement body shall inform the disciplined contractor and
7 the complainant of the local license penalty imposed, the
8 board penalty recommended, the rights to appeal, and the
9 consequences should the contractor decide not to appeal. The
10 local jurisdiction enforcement body shall, upon having reached
11 adjudication or having accepted a plea of nolo contendere,
12 immediately inform the board of its action and the recommended
13 board penalty.

14 Section 13. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Allows applicants for licensure as building code inspectors or plans examiners to count technical education toward education and experience requirements. Provides definitions. Revises asbestos abatement provisions to conform to federal law. Provides for terms of licensure and continuing education requirements for asbestos contractors and consultants. Deletes an asbestos contractor/supervisor course requirement. Provides criteria for asbestos contractors or consultants to qualify additional business organizations. Provides educational requirements for asbestos contractors' onsite supervisors and abatement workers. Provides continuing education requirements for asbestos project designers. Deletes provisions relating to local licensure of contractors.