

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1400

SPONSOR: Senator Posey

SUBJECT: Swimming Pool/Spa Service Contractor

DATE: April 12, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Caldwell	Caldwell	RI	Fav/1 amendment
2.	Rhea	Wilson	GO	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill provides that an applicant is eligible to take the swimming pool/spa servicing contractor’s examination if the applicant has completed 60 hours of specified instruction.

This bill amends section 489.111 of the Florida Statutes.

II. Present Situation:

Chapter 489, F.S., provides for regulation of the construction industry and states that such regulation is “. . . necessary in the interest of the public health, safety, and welfare.”¹ To carry out the provisions of the chapter, the Construction Industry Licensing Board (the “board”) is created within the Department of Business and Professional Regulation (DBPR). The eighteen members of the board are appointed by the Governor, subject to Senate confirmation.² The board is divided into two divisions based upon the types of contracting performed. Numerous exemptions to the act are provided in s. 489.103, F.S.

Section 489.111, F.S., establishes requirements that an individual must meet in order to sit for a licensure examination. A person who wants to be certified must make an application in writing to the DBPR. A person is eligible to sit for the examination for certification as a swimming pool/spa servicing contractor if that person:

- < Is 18 years of age;

¹ Section 489.101, F.S.

² Section 489.107(1), F.S.

- < Is of good moral character;³ and
- < Meets eligibility requirements according to one of the following criteria under 489.111(2)(c)6.:
 - has a four year baccalaureate degree from an accredited college in the appropriate field of engineering, architecture or building construction and one year proven experience in the swimming pool/spa servicing field;⁴
 - has a total of at least four years active experience as a worker or foreman in the swimming pool/spa servicing field; or
 - has a combination of the aforementioned work experience and education.

An active certified swimming pool servicing contractor is eligible to take the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified under s. 489.111(2)(c)6.a., F.S.

An active certified swimming pool servicing contractor is eligible to take the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified under s. 489.111(2)(c)6.b., F.S.

An active certified residential swimming pool contractor is eligible to take the commercial swimming pool contractors' examination if he or she possess a minimum of 1 year of proven experience in the classification in which he or she is certified under s. 489.111(2)(c)6.c., F.S.

III. Effect of Proposed Changes:

The proposed change to s. 489.111, F.S., provides an alternative to the existing educational work or experience requirements currently needed to sit for the examination for certification for the swimming pool/spa servicing contractor license. An applicant would be eligible to take the examination after having completed 60-hours of instruction in courses approved by the Construction Industry Licensing Board. Thus, an applicant may meet the alternative qualification or the current requirements to sit for the examination.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³ Under s. 489.111(3)(a), F.S., the board may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if: (1) there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and (2) the finding is supported by clear and convincing evidence.

⁴ For the purpose of 1 year proven experience, a minimum of 2,000 person-hours is used in determining full-time equivalency.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill should increase the number of licensees since eligibility requirements are lessened and individuals would be eligible to sit for the examination without having to establish more stringent educational or work experience requirements.

C. Government Sector Impact:

Rulemaking would be required by the Construction Industry Licensing Board to approve the 60-hour courses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

Amendment #1 by Regulated Industries:

Requires the Construction industry Licensing Board to set by rule the instruction to be taught in courses relating to swimming pool/spa construction and also adds the requirement that the applicant have at least one year of proven experience in that field.