

By Representative Martinez

1 A bill to be entitled
2 An act relating to contracting; creating ss.
3 489.112 and 489.5185, F.S.; providing local
4 reciprocity authority, requirements, and
5 restrictions for journeyman plumbers and
6 journeyman electricians; providing for fees;
7 amending ss. 489.113 and 489.516, F.S.;
8 revising local practice requirements, to
9 conform; providing for disciplinary action
10 relating to violation of journeyman onsite
11 requirements and for appeal of that action;
12 providing penalties; providing an effective
13 date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 489.112, Florida Statutes, is
18 created to read:

19 489.112 Journeyman plumbers; local reciprocity;
20 authority and restrictions.--

21 (1)(a) No county or municipal government may require
22 professional licensing or any other training, education,
23 testing, or professional qualification of a contractor
24 certified pursuant to this part, except as expressly provided
25 by this part.

26 (b) No county or municipal government may require
27 professional licensing or any other training, education,
28 testing, or professional qualification of an employee of a
29 contractor certified pursuant to this part, except as
30 expressly provided by this part.

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1 (c) A county or municipal government may enact and
2 enforce, upon registered and certified contractors, ordinances
3 relating to journeyman plumbers, including journeyman plumber
4 qualifications and requirements for journeyman plumbers being
5 present on each job site. However, on or after October 1,
6 1997, if a local government enacts a requirement for a
7 journeyman plumber to be present on a job site, or if the
8 local government increases its existing requirement to require
9 the presence of journeyman plumbers in a different number or
10 proportion than that required prior to October 1, 1997, then
11 the enacting body must make a finding that it has been shown
12 that, to meet the requirements the ordinance imposes, an
13 adequate licensed manpower exists and is available in the
14 region comprised of that jurisdiction plus any directly
15 adjacent jurisdiction, and the enacting body must also make a
16 finding that such an ordinance is necessary to protect the
17 safety, health, and welfare of the public.

18 (d) On residential construction, the term "job site,"
19 as used in this section, may be construed as all the
20 one-family or two-family dwellings constructed in one planned
21 unit project by one contractor.

22 (e) Any certified or registered contractor shall be
23 considered fully qualified as a journeyman plumber for
24 purposes of any ordinance requiring a journeyman plumber to be
25 present on a job site.

26 (2) A journeyman license issued by any county or
27 municipal government in the state is valid in any other county
28 or municipality of the state, as applicable, if the licensee:

29 (a)1. Has obtained the initial issuance of the license
30 prior to October 1, 1997, pursuant to having passed with a
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1 score of at least 70 percent on a written and proctored
2 examination; or
3 2. Has obtained the initial issuance of the license on
4 or after October 1, 1997, pursuant to having passed with a
5 score of at least 75 percent on a written and proctored
6 examination offered by Block and Associates, the National
7 Assessment Institute, or a comparable examination provided by
8 the board;
9 (b) Has not had the license suspended or revoked
10 within the last 5 years; and
11 (c) Has a total of either at least 4 years' verifiable
12 work experience in a construction trade and completion of an
13 apprenticeship program registered with the Florida Department
14 of Labor and Employment Security, or at least 6 years'
15 verifiable work experience in a construction trade.
16 (3) No additional license, license fee, or examination
17 may be required by a county or municipal government when a
18 person seeks to have a journeyman license designated as valid
19 within another county or municipality, as applicable, provided
20 the person seeking such a designation is in compliance with
21 subsection (2). A county or municipal government may charge a
22 registration fee for conducting such investigation as is
23 necessary to determine compliance to make such designation,
24 not to exceed \$25. In addition, the county or municipal
25 government may charge an additional \$15 annual fee for
26 subsequent investigations and tracking.
27 (4) This section may not be construed as requiring a
28 county or municipal government to pass any ordinance
29 initiating or expanding provisions relating to journeymen. In
30 any instance in which a journeyman licensee or journeyman
31 applicant wishes to have the board, pursuant to subparagraph

1 (2)(a)2., approve an examination the licensee or applicant has
2 taken, the board shall review such examination within 120 days
3 after having received the request. The board shall approve any
4 examination that is substantially similar to other
5 examinations allowable under subparagraph (2)(a)2.

6 Section 2. Subsection (4) of section 489.113, Florida
7 Statutes, is amended to read:

8 489.113 Qualifications for practice; restrictions.--

9 (4)(a) When a certificateholder desires to engage in
10 contracting in any area of the state, as a prerequisite
11 therefor, he shall be required only to exhibit to the local
12 building official, tax collector, or other person in charge of
13 the issuance of licenses and building permits in the area
14 evidence of holding a current certificate and to pay the fee
15 for the occupational license and building permit required of
16 other persons.

17 (b) Notwithstanding the provisions of paragraph (a), a
18 local construction regulation board may deny the issuance of a
19 building permit to a certified contractor, or issue a permit
20 with specific conditions, if the local construction regulation
21 board has found such contractor, through the public hearing
22 process, to be guilty of fraud, of violating the local
23 jurisdiction's requirements for journeyman plumbers being
24 present on the job site, or of a willful building code
25 violation within the county or municipality that the local
26 construction regulation board represents or if the local
27 construction regulation board has proof that such contractor,
28 through the public hearing process, has been found guilty in
29 another county or municipality within the past 12 months, of
30 fraud, of violating the local jurisdiction's requirements for
31 journeyman plumbers being present on the job site, or of a

1 willful building code violation and finds, after providing
2 notice of an opportunity to be heard to the contractor, that
3 such fraud or violation would have been fraud or a violation
4 if committed in the county or municipality that the local
5 construction board represents. Notification of and information
6 concerning such permit denial shall be submitted to the
7 department within 15 days after the local construction
8 regulation board decides to deny the permit.

9 (c) When a local jurisdiction takes disciplinary
10 action against a certified contractor for violation of its
11 ordinance requiring journeyman plumbers to be on the job site,
12 the contractor may appeal that decision to the board. If the
13 contractor appeals, the appeal must be filed within 14 days
14 after the issuance of the penalty by the local jurisdiction.
15 If the contractor appeals, there shall be a presumptive
16 finding of probable cause by the board and the case may
17 proceed without the need for a probable cause hearing. The
18 contractor appealing the local jurisdiction action must
19 provide notice to the local jurisdiction upon filing the
20 appeal. Upon the provision of this notice to the local
21 jurisdiction, the local jurisdiction's action is stayed. The
22 board may uphold, reverse, or modify the penalty imposed by
23 the local jurisdiction. In its consideration of an appeal, in
24 addition to any penalty imposed by the local jurisdiction, the
25 board shall consider failure to comply with the local
26 jurisdiction's journeyman plumber onsite requirements an
27 offense subject to discipline under s. 489.129 and may, in
28 addition, impose penalties pursuant to that section. Upon
29 conclusion of the appeal process, the penalty imposed by the
30 local jurisdiction shall take effect, unless reversed or

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1 modified by the board. The board shall notify the appropriate
2 local jurisdiction of its action.

3 (d) Failure of the disciplined contractor to challenge
4 the local jurisdiction's penalty for violating its journeyman
5 plumber onsite requirement within the time period set forth in
6 this subsection shall constitute a waiver of the right to
7 appeal before the board. This waiver shall be deemed an
8 admission of the violation, and the penalty by the local
9 jurisdiction may be imposed. The disciplined contractor may
10 appeal this local jurisdiction action to the district court.

11 (e) It is legislative intent that any ordinance which
12 imposes requirements for a licensed journeyman plumber to be
13 on the job site shall in its content and enforcement be
14 reasonable in requiring the presence of the journeyman plumber
15 on the site on a daily basis, but not necessarily on an
16 uninterrupted basis, and should provide for and allow
17 reasonable interruptions to that presence so long as the
18 supervisory goal of the ordinance is not endangered.

19 (f)~~(e)~~ The local government may also deny issuance of,
20 or may suspend, any outstanding building permit where a
21 contractor fails or refuses to provide proof of public
22 liability and property damage insurance coverage as required
23 by s. 489.115(5) and workers' compensation insurance coverage
24 as required by s. 489.114.

25 Section 3. Section 489.5185, Florida Statutes, is
26 created to read:

27 489.5185 Journeyman electricians; local reciprocity;
28 authority and restrictions.--

29 (1)(a) No county or municipal government may require
30 professional licensing or any other training, education,
31 testing, or professional qualification of a contractor

1 certified pursuant to this part, except as expressly provided
2 by this part.

3 (b) No county or municipal government may require
4 professional licensing or any other training, education,
5 testing, or professional qualification of an employee of a
6 contractor certified pursuant to this part, except as
7 expressly provided by this part.

8 (c) A county or municipal government may enact and
9 enforce, upon registered and certified contractors, ordinances
10 relating to journeyman electricians, including journeyman
11 electrician qualifications and requirements for journeyman
12 electricians being present on each job site. However, on or
13 after October 1, 1997, if a local government enacts a
14 requirement for journeyman electricians to be present on a job
15 site, or if the local government increases its existing
16 requirement to require the presence of journeyman electricians
17 in a different number or proportion than that required prior
18 to October 1, 1997, then the enacting body must make a finding
19 that it has been shown that, to meet the requirement the
20 ordinance imposes, an adequate licensed manpower exists and is
21 available in the region comprised of that jurisdiction plus
22 any directly adjacent jurisdiction, and the enacting body must
23 also make a finding that such an ordinance is necessary to
24 protect the safety, health, and welfare of the public.

25 (d) On residential construction, the term "job site,"
26 as used in this section, may be construed as all the
27 one-family or two-family dwellings constructed in one planned
28 unit project by one contractor.

29 (e) Any certified or registered electrical contractor
30 shall be considered fully qualified as a journeyman

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1 electrician for purposes of any ordinance requiring a
2 journeyman electrician to be present on a job site.

3 (2) A journeyman license issued by any county or
4 municipal government in the state is valid in any other county
5 or municipality of the state, as applicable, if the licensee:

6 (a)1. Has obtained the initial issuance of the license
7 prior to October 1, 1997, pursuant to having passed with a
8 score of at least 70 percent on a written and proctored
9 examination; or

10 2. Has obtained the initial issuance of the license on
11 or after October 1, 1997, pursuant to having passed with a
12 score of at least 75 percent on a written and proctored
13 examination offered by Block and Associates, the National
14 Assessment Institute, or a comparable examination provided by
15 the board;

16 (b) Has not had the license suspended or revoked
17 within the last 5 years; and

18 (c) Has a total of either at least 4 years' verifiable
19 work experience in the electrical construction trade and
20 completion of an apprenticeship program registered with the
21 Florida Department of Labor and Employment Security, or at
22 least 6 years' verifiable work experience in the electrical
23 construction trade.

24 (3) No additional license, license fee, or examination
25 may be required by a county or municipal government when a
26 person seeks to have a journeyman license designated as valid
27 within another county or municipality, as applicable, provided
28 the person seeking such a designation is in compliance with
29 subsection (2). A county or municipal government may charge a
30 registration fee for conducting such investigation as is
31 necessary to determine compliance to make such designation,

1 not to exceed \$25. In addition, the county or municipal
2 government may charge an additional \$15 annual fee for
3 subsequent investigations and tracking.

4 (4) This section may not be construed as requiring a
5 county or municipal government to pass any ordinance
6 initiating or expanding provisions relating to journeymen. In
7 any instance in which a journeyman licensee or journeyman
8 applicant wishes to have the board, pursuant to subparagraph
9 (2)(a)2., approve an examination the licensee or applicant has
10 taken, the board shall review such examination within 120 days
11 after having received the request. The board shall approve any
12 examination that is substantially similar to other
13 examinations allowable under subparagraph (2)(a)2.

14 Section 4. Subsection (3) of section 489.516, Florida
15 Statutes, is amended to read:

16 489.516 Qualifications to practice; restrictions;
17 prerequisites.--

18 (3)(a) When a certificateholder desires to engage in
19 contracting in any area of the state, as a prerequisite
20 therefor, he shall only be required to exhibit to the local
21 building official, tax collector, or other authorized person
22 in charge of the issuance of licenses and building or
23 electrical permits in the area evidence of holding a current
24 certificate, and to pay the fee for the occupational license
25 and permit required of other persons. However, a local
26 construction regulation board may deny the issuance of an
27 electrical permit to a certified contractor, or issue a permit
28 with specific conditions, if the local construction regulation
29 board has found such contractor, through the public hearing
30 process, to be guilty of fraud, of violating the local
31 jurisdiction's requirements for journeyman electricians being

1 present on the job site,or of a willful building code
2 violation within the county or municipality that the local
3 construction regulation board represents, or if the local
4 construction regulation board has proof that such contractor,
5 through the public hearing process, has been found guilty, in
6 another county or municipality within the past 12 months, of
7 fraud, of violating the local jurisdiction's requirement for
8 journeyman electricians being present on the job site,or of a
9 willful building code violation and finds, after providing
10 notice to the contractor, that such fraud or violation would
11 have been fraud or a violation if committed in the county or
12 municipality that the local construction board represents.
13 Notification of and information concerning such permit denial
14 shall be submitted to the Department of Business and
15 Professional Regulation within 15 days after the local
16 construction regulation board decides to deny the permit.

17 (b) When a local jurisdiction takes disciplinary
18 action against a certified contractor for violation of its
19 ordinance requiring journeyman electricians to be on the job
20 site, the contractor may appeal that decision to the board. If
21 the contractor appeals, the appeal must be filed within 14
22 days after the issuance of the penalty by the local
23 jurisdiction. If the contractor appeals, there is a
24 presumptive finding of probable cause by the board and the
25 case may proceed without the need for a probable cause
26 hearing. The contractor appealing the local jurisdiction
27 action must provide notice to the local jurisdiction upon
28 filing the appeal. Upon the provision of this notice to the
29 local jurisdiction, the local jurisdiction's action is stayed.
30 The board may uphold, reverse, or modify the penalty imposed
31 by the local jurisdiction. In its consideration of an appeal,

1 in addition to any penalty imposed by the local jurisdiction,
2 the board shall consider failure to comply with the local
3 jurisdiction's journeyman electrician onsite requirements an
4 offense subject to discipline under s. 489.533 and may, in
5 addition, impose penalties pursuant to that section. Upon
6 conclusion of the appeal process, the penalty imposed by the
7 local jurisdiction shall take effect, unless reversed or
8 modified by the board. The board shall notify the appropriate
9 local jurisdiction of its action.

10 (c) Failure of the disciplined contractor to challenge
11 the local jurisdiction's penalty for violating its journeyman
12 electrician onsite requirement within the time period set
13 forth in this subsection shall constitute a waiver of the
14 right to appeal before the board. This waiver shall be deemed
15 an admission of the violation, and the penalty by the local
16 jurisdiction may be imposed. The disciplined contractor may
17 appeal this local jurisdiction action to the district court.

18 (d) It is legislative intent that any ordinance which
19 imposes requirements for a licensed journeyman electrician to
20 be on the job site shall in its content and enforcement be
21 reasonable in requiring the presence of the journeyman on the
22 site on a daily basis, but not necessarily on an uninterrupted
23 basis, and should provide for and allow reasonable
24 interruptions to that presence so long as the supervisory goal
25 of the ordinance is not endangered.

26 Section 5. This act shall take effect October 1, 1997.
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HOUSE SUMMARY

Provides local reciprocity authority and restrictions for journeyman plumbers and journeyman electricians. Provides for fees. Revises local practice requirements, to conform. Provides for disciplinary action and penalties relating to violation of journeyman onsite requirements and for appeal of that action. See bill for details.