

By the Committees on Community Affairs, Regulated Industries
and Senator Clary

316-2184A-98

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

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

1 to contractors; amending s. 489.107, F.S.;

2 eliminating reference to board jurisdiction

3 over examinations; requiring the Construction

4 Industry Licensing Board and the Electrical

5 Contractors' Licensing Board to each appoint a

6 committee to meet jointly at least twice a

7 year; amending s. 489.113, F.S.; providing that

8 expansion of the scope of practice of any type

9 of contractor does not limit the scope of

10 practice of any existing type of contractor

11 unless the Legislature expressly provides such

12 limitation; repealing s. 489.1135, F.S., which

13 provides for certification of underground

14 utility and excavation contractors; creating s.

15 489.1136, F.S.; providing for medical gas

16 certification for plumbing contractors who

17 install, improve, repair, or maintain conduits

18 used to transport gaseous or partly gaseous

19 substances for medical purposes; requiring

20 certain coursework; requiring an examination

21 for certain persons; providing for discipline

22 and penalties; providing a definition; amending

23 s. 553.06, F.S.; providing that plumbing

24 contractors who install, improve, repair, or

25 maintain such conduits shall be governed by the

26 National Fire Prevention Association Standard

27 99C; amending s. 489.115, F.S.; authorizing

28 certificateholders and registrants to apply

29 continuing education courses earned under other

30 regulatory provisions under certain

31 circumstances; amending s. 489.119, F.S.;

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

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

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

1 applicable, to certain provisions relating to
2 local occupational license taxes; amending ss.
3 489.539, 553.19, F.S.; updating electrical and
4 alarm standards; adding a national code
5 relating to fire alarms to the minimum
6 electrical and alarm standards required in this
7 state; amending s. 489.505, F.S.; defining the
8 term "fire alarm system agent"; creating s.
9 489.5185, F.S.; providing requirements for fire
10 alarm system agents, including specified
11 training and fingerprint and criminal
12 background checks; providing for fees for
13 approval of training providers and courses;
14 providing applicability to applicants, current
15 employees, and various licensees; requiring an
16 identification card and providing requirements
17 therefor; providing continuing education
18 requirements; providing disciplinary penalties;
19 creating s. 501.937, F.S.; providing
20 requirements for use of professional titles by
21 industrial hygienists and safety professionals;
22 providing definitions; providing that violation
23 of such requirements is a deceptive and unfair
24 trade practice; amending s. 633.021, F.S.;
25 defining the term "fire extinguisher"; amending
26 s. 633.061, F.S.; requiring an individual or
27 organization that hydrotests fire extinguishers
28 and preengineered systems to obtain a permit or
29 license from the State Fire Marshal; revising
30 the services that may be performed under
31 certain licenses and permits issued by the

1 State Fire Marshal; providing additional
2 application requirements; providing
3 requirements for obtaining an upgraded license;
4 amending ss. 633.065, 633.071, F.S.; providing
5 requirements for installing and inspecting fire
6 suppression equipment; amending s. 633.162,
7 F.S.; prohibiting an owner, officer, or partner
8 of a company from applying for licensure if the
9 license held by the company is suspended or
10 revoked; revising the grounds upon which the
11 State Fire Marshal may deny, revoke, or suspend
12 a license or permit; providing restrictions on
13 activities of former licenseholders and
14 permittees; amending s. 633.171, F.S.; revising
15 the prohibition against rendering a fire
16 extinguisher or preengineered system
17 inoperative to conform to changes made by the
18 act; amending s. 633.547, F.S.; providing the
19 State Fire Marshal authority to suspend and
20 revoke certificates; providing restrictions on
21 the activities of former certificateholders
22 whose certificates are suspended or revoked;
23 amending s. 489.105, F.S., relating to
24 contracting; conforming a cross-reference to
25 changes made by the act; providing an effective
26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (c) of subsection (6) of section
2 468.603, Florida Statutes, is amended and paragraph (h) is
3 added to that subsection to read:

4 468.603 Definitions.--As used in this part:

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

7 (c) "Commercial electrical inspector" means a person
8 who is qualified to inspect and determine the electrical
9 safety of commercial buildings and structures by inspecting
10 for compliance with the provisions of the governing National
11 electrical code.

12 (h) "Electrical inspector" means a person who is
13 qualified to inspect and determine the electrical safety of
14 commercial and residential buildings and accessory structures
15 by inspecting for compliance with the provisions of the
16 governing electrical code.

17 Section 2. Section 468.604, Florida Statutes, is
18 created to read:

19 468.604 Responsibilities of building code
20 administrators, plans examiners and inspectors.--

21 (1) It is the responsibility of the building code
22 administrator or building official to administrate, supervise,
23 direct, enforce, or perform the permitting and inspection of
24 construction, alteration, repair, remodeling, or demolition of
25 structures and the installation of building systems within the
26 boundaries of their governmental jurisdiction, when permitting
27 is required, to ensure compliance with building, plumbing,
28 mechanical, electrical, gas fuel, energy conservation,
29 accessibility, and other construction codes which are required
30 or adopted by municipal code, county ordinance, or state law.
31 The building code administrator or building official shall

1 faithfully perform these responsibilities without interference
2 from any person. These responsibilities include:

3 (a) The review of construction plans to ensure
4 compliance with all applicable codes. The construction plans
5 must be reviewed before the issuance of any building, system
6 installation, or other construction permit. The review of
7 construction plans must be done by the building code
8 administrator or building official or by a person having the
9 appropriate plans examiner license issued under this chapter.

10 (b) The inspection of each phase of construction where
11 a building or other construction permit has been issued. The
12 building code administrator or building official, or a person
13 having the appropriate building code inspector license issued
14 under this chapter, shall inspect the construction or
15 installation to ensure that the work is performed in
16 accordance with applicable codes.

17 (2) It is the responsibility of the building code
18 inspector to conduct inspections of construction, alteration,
19 repair, remodeling, or demolition of structures and the
20 installation of building systems, when permitting is required,
21 to ensure compliance with building, plumbing, mechanical,
22 electrical, gas fuel, energy conservation, accessibility, and
23 other construction codes required by municipal code, county
24 ordinance, or state law. Each building code inspector must be
25 licensed in the appropriate category as defined in s. 468.603.
26 The building code inspector's responsibilities must be
27 performed under the direction of the building code
28 administrator or building official without interference from
29 any unlicensed person.

30 (3) It is the responsibility of the plans examiner to
31 conduct review of construction plans submitted in the permit

1 application to assure compliance with all applicable codes
2 required by municipal code, county ordinance, or state law.
3 The review of construction plans must be done by the building
4 code administrator or building official or by a person
5 licensed in the appropriate plans examiner category as defined
6 in s. 468.603. The plans examiner's responsibilities must be
7 performed under the supervision and authority of the building
8 code administrator or building official without interference
9 from any unlicensed person.

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

12 468.605 Florida Building Code Administrators and
13 Inspectors Board.--

14 (2) The board shall consist of nine members, as
15 follows:

16 (a) One member who is an architect licensed pursuant
17 to chapter 481, an engineer licensed pursuant to chapter 471,
18 or a contractor licensed pursuant to chapter 489.

19 (b) Two members serving as building code
20 administrators.

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

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

25 (e) One member who is a representative of a city or a
26 charter county.

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

28 (f)(g) Two consumer members who are not, and have
29 never been, members of a profession regulated under this part,
30 chapter 481, chapter 471, or chapter 489. One of the consumer
31

1 members must be a person with a disability or a representative
2 of an organization which represents persons with disabilities.

3
4 None of the board members described in paragraph (a) or
5 paragraph (f) ~~(g)~~ may be an employee of a municipal, county,
6 or state governmental agency.

7 Section 4. Section 468.609, Florida Statutes, is
8 amended to read:

9 468.609 Administration of this part; standards for
10 certification; additional categories of certification.--

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

15 (2) A person shall be entitled to take the examination
16 for certification as an inspector or plans examiner pursuant
17 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. Demonstrates 5 years' combined experience in the
23 field of construction or related field ~~or~~ inspection, or plans
24 review corresponding to the certification category sought;

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

30 3. Currently holds a standard certificate as issued by
31 the board and satisfactorily completes an inspector or plans

1 examiner training program of not less than 200 hours in the
2 certification category sought. The board shall establish by
3 rule criteria for the development and implementation of the
4 training programs.

5 (3)3. A person shall be entitled to take the
6 examination for certification as a building code administrator
7 pursuant to this part if the person:

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

9 (b) Is of good moral character; and

10 (c) Meets eligibility requirements according to one of
11 the following criteria:

12 1. For certification as a building code administrator
13 or building official, Demonstrates 10 years' combined
14 experience as an architect, engineer, plan examiner, building
15 code inspector, registered or certified contractor, or
16 construction superintendent, with at least 5 years of such
17 experience in supervisory positions; or-

18 2. Demonstrates a combination of postsecondary
19 education in the field of construction or related field, no
20 more than 5 years of which may be applied, and experience as
21 an architect, engineer, plan examiner, building code
22 inspector, registered or certified contractor, or construction
23 superintendent which totals 10 years, with at least 5 years of
24 such total being experience in supervisory positions.

25 (4)3. No person may engage in the duties of a
26 building code administrator, plans examiner, or inspector
27 pursuant to this part after October 1, 1993, unless such
28 person possesses one of the following types of certificates,
29 currently valid, issued by the board attesting to the person's
30 qualifications to hold such position:

31 (a) A standard certificate.

1 (b) A limited certificate.

2 (c) A provisional certificate.

3 (5)~~(4)~~(a) To obtain a standard certificate, an
4 individual must pass an examination approved by the board
5 which demonstrates that the applicant has fundamental
6 knowledge of the state laws and codes relating to the
7 construction of buildings for which the applicant has code
8 administration, plan examining, or inspection
9 responsibilities. It is the intent of the Legislature that
10 the examination approved for certification pursuant to this
11 part be substantially equivalent to the examinations
12 administered by the Southern Building Code Congress
13 International, the Building Officials Association of Florida,
14 the South Florida Building Code (Dade and Broward), and the
15 Council of American Building Officials.

16 (b) A standard certificate shall be issued to each
17 applicant who successfully completes the examination, which
18 certificate authorizes the individual named thereon to
19 practice throughout the state as a building code
20 administrator, plans examiner, or inspector within such class
21 and level as is specified by the board.

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

25 (6)~~(5)~~(a) A building code administrator, plans
26 examiner, or inspector holding office on July 1, 1993, shall
27 not be required to possess a standard certificate as a
28 condition of tenure or continued employment, but shall be
29 required to obtain a limited certificate as described in this
30 subsection.

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1 (b) By October 1, 1993, individuals who were employed
2 on July 1, 1993, as building code administrators, plans
3 examiners, or inspectors, who are not eligible for a standard
4 certificate, but who wish to continue in such employment,
5 shall submit to the board the appropriate application and
6 certification fees and shall receive a limited certificate
7 qualifying them to engage in building code administration,
8 plans examination, or inspection in the class, at the
9 performance level, and within the governmental jurisdiction in
10 which such person is employed.

11 (c) The limited certificate shall be valid only as an
12 authorization for the building code administrator, plans
13 examiner, or inspector to continue in the position held, and
14 to continue performing all functions assigned to that
15 position, on July 1, 1993.

16 (d) A building code administrator, plans examiner, or
17 inspector holding a limited certificate can be promoted to a
18 position requiring a higher level certificate only upon
19 issuance of a standard certificate or provisional certificate
20 appropriate for such new position.

21 (7)~~(6)~~(a) The board may provide for the issuance of
22 provisional ~~or temporary~~ certificates valid for such period,
23 not less than 1 year nor more than 3 years, as specified by
24 board rule, to any newly employed or promoted building code
25 administrator, plans examiner, or inspector ~~newly employed or~~
26 ~~newly promoted who lacks the qualifications prescribed by the~~
27 ~~board or by statute as prerequisite to issuance of a standard~~
28 ~~certificate.~~

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

1 (c) The board may provide for appropriate levels of
2 provisional ~~or temporary~~ certificates and may issue these
3 certificates with such special conditions or requirements
4 relating to the place of employment of the person holding the
5 certificate, the supervision of such person on a consulting or
6 advisory basis, or other matters as the board may deem
7 necessary to protect the public safety and health.

8 (d) A newly employed or hired person may perform the
9 duties of a plans examiner or inspector for 90 days if a
10 provisional certificate application has been submitted,
11 provided such person is under the direct supervision of a
12 certified building code administrator who holds a standard
13 certification and who has found such person qualified for a
14 provisional certificate.

15 (8)(7)(a) Any individual who holds a valid certificate
16 under the provisions of s. 553.795, or who has successfully
17 completed all requirements for certification pursuant to such
18 section, shall be deemed to have satisfied the requirements
19 for receiving a standard certificate prescribed by this part.

20 (b) Any individual who holds a valid certificate
21 issued by the Southern Building Code Congress International,
22 the Building Officials Association of Florida, the South
23 Florida Building Code (Dade and Broward), or the Council of
24 American Building Officials certification programs, or who has
25 been approved for certification under one of those programs
26 not later than October 1, 1995, shall be deemed to have
27 satisfied the requirements for receiving a standard
28 certificate in the corresponding category prescribed by this
29 part. Employees of counties with a population of less than
30 50,000, or employees of municipalities with a population of
31 less than 3,500, shall be deemed to have satisfied the

1 requirements for standard certification where such employee is
2 approved for certification under one of the programs set forth
3 in this paragraph not later than October 1, 1998.

4 (9)~~(8)~~ Any individual applying to the board may be
5 issued a certificate valid for multiple inspection classes, as
6 deemed appropriate by the board.

7 (10)~~(9)~~ Certification and training classes may be
8 developed in coordination with degree career education
9 centers, community colleges, the State University System, or
10 other entities offering certification and training classes.

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

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

18 468.617 Joint inspection department; other
19 arrangements.--

20 (2) Nothing in this part shall prohibit local
21 governments from contracting with ~~employing~~ persons certified
22 pursuant to this part to perform inspections or plan reviews
23 ~~on a contract basis~~. An individual or entity may not inspect
24 or examine plans on projects in which the individual or entity
25 designed or permitted the projects.

26 (3) Nothing in this part shall prohibit any county or
27 municipal government from entering into any contract with any
28 person or entity for the provision of services regulated under
29 this part, and notwithstanding any other statutory provision,
30 such county or municipal governments may enter into contracts
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1 ~~which provide for payment of inspection or review fees~~
2 ~~directly to the contract provider.~~

3 Section 6. Section 468.627, Florida Statutes, is
4 amended to read:

5 468.627 Application; examination; renewal; fees.--

6 (1) The board shall establish by rule fees to be paid
7 for application, examination, reexamination, certification and
8 certification renewal, inactive status application, and
9 reactivation of inactive certificates. The board may
10 establish by rule a late renewal penalty. The board shall
11 establish fees which are adequate, when combined with revenue
12 generated by the provisions of s. 468.631, to ensure the
13 continued operation of this part. Fees shall be based on
14 department estimates of the revenue required to implement this
15 part.

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

18 (3) The initial examination fee may not exceed \$150
19 ~~\$50~~ for building code administrators, plans examiners, or
20 inspectors.

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

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

27 (4)~~(6)~~ Employees of local government agencies having
28 responsibility for inspection, regulation, and enforcement of
29 building, plumbing, mechanical, electrical, gas, fire
30 prevention, energy, accessibility, and other construction
31 codes shall pay no application fees or examination fees, ~~and~~

1 ~~shall pay not more than \$5 each for initial certification and~~
2 ~~biennial certification renewal fees.~~

3 ~~(5)(7)~~ The certificateholder shall provide proof, in a
4 form established by board rule, that the certificateholder has
5 completed at least 14 classroom hours of at least 50 minutes
6 each of continuing education courses during each biennium
7 since the issuance or renewal of the certificate. The board
8 shall by rule establish criteria for approval of continuing
9 education courses and providers, and may by rule establish
10 criteria for accepting alternative nonclassroom continuing
11 education on an hour-for-hour basis.

12 Section 7. Section 471.045, Florida Statutes, is
13 created to read:

14 471.045 Professional engineers performing building
15 code inspector duties.--Notwithstanding any other provision of
16 law, a person who is currently licensed under this chapter to
17 practice as a professional engineer may provide building
18 inspection services described in s. 468.603(6) and (7) to a
19 local government or state agency upon its request, without
20 being certified by the Board of Building Code Administrators
21 and Inspectors under part XIII of chapter 468. When performing
22 these building inspection services, the professional engineer
23 is subject to the disciplinary guidelines of this chapter and
24 s. 468.621(1)(c)-(g). Any complaint processing, investigation,
25 and discipline that arise out of a professional engineer's
26 performing building inspection services shall be conducted by
27 the Board of Professional Engineers rather than the Board of
28 Building Code Administrators and Inspectors. A professional
29 engineer may not perform plans review as an employee of a
30 local government upon any job that the professional engineer
31 or the professional engineer's company designed.

1 Section 8. Section 481.222, Florida Statutes, is
2 created to read:

3 481.222 Architects performing building code inspector
4 duties.--Notwithstanding any other provision of law, a person
5 who is currently licensed to practice as an architect under
6 this part may provide building inspection services described
7 in s. 468.603(6) and (7) to a local government or state agency
8 upon its request, without being certified by the Board of
9 Building Code Administrators and Inspectors under part XIII of
10 chapter 468. With respect to the performance of such building
11 inspection services, the architect is subject to the
12 disciplinary guidelines of this part and s. 468.621(1)(c)-(g).
13 Any complaint processing, investigation, and discipline that
14 arise out of an architect's performance of building inspection
15 services shall be conducted by the Board of Architecture and
16 Interior Design rather than the Board of Building Code
17 Administrators and Inspectors. An architect may not perform
18 plans review as an employee of a local government upon any job
19 that the architect or the architect's company designed.

20 Section 9. Paragraph (d) of subsection (1) of section
21 489.129, Florida Statutes, is amended and subsection (12) is
22 added to that section to read:

23 489.129 Disciplinary proceedings.--

24 (1) The board may take any of the following actions
25 against any certificateholder or registrant: place on
26 probation or reprimand the licensee, revoke, suspend, or deny
27 the issuance or renewal of the certificate, registration, or
28 certificate of authority, require financial restitution to a
29 consumer for financial harm directly related to a violation of
30 a provision of this part, impose an administrative fine not to
31 exceed \$5,000 per violation, require continuing education, or

1 assess costs associated with investigation and prosecution, if
2 the contractor, financially responsible officer, or business
3 organization for which the contractor is a primary qualifying
4 agent, a financially responsible officer, or a secondary
5 qualifying agent responsible under s. 489.1195 is found guilty
6 of any of the following acts:

7 ~~(d) Knowingly violating the applicable building codes~~
8 ~~or laws of the state or of any municipalities or counties~~
9 ~~thereof.~~

10 (12) When an investigation of a contractor is
11 undertaken, the department shall promptly furnish to the
12 contractor or the contractor's attorney a copy of the
13 complaint or document that resulted in the initiation of the
14 investigation. The department shall make the complaint and
15 supporting documents available to the contractor. The
16 complaint or supporting documents shall contain information
17 regarding the specific facts that serve as the basis for the
18 complaint. The contractor may submit a written response to the
19 information contained in such complaint or document within 20
20 days after service to the contractor of the complaint or
21 document. The contractor's written response shall be
22 considered by the probable cause panel. The right to respond
23 does not prohibit the issuance of a summary emergency order if
24 necessary to protect the public. However, if the secretary, or
25 the secretary's designee, and the chair of the board or the
26 chair of the probable cause panel agree in writing that such
27 notification would be detrimental to the investigation, the
28 department may withhold notification. The department may
29 conduct an investigation without notification to a contractor
30 if the act under investigation is a criminal offense.

31

1 Section 10. Subsections (7) and (10) of section
2 489.131, Florida Statutes, are amended to read:

3 489.131 Applicability.--

4 (7)(a) It is the policy of the state that the purpose
5 of regulation is to protect the public by attaining compliance
6 with the policies established in law. Fines and other
7 penalties are provided in order to ensure compliance; however,
8 the collection of fines and the imposition of penalties are
9 intended to be secondary to the primary goal of attaining
10 compliance with state laws and local jurisdiction ordinances.
11 It is the intent of the Legislature that a local jurisdiction
12 agency charged with enforcing regulatory laws shall issue a
13 notice of noncompliance as its first response to a minor
14 violation of a regulatory law in any instance in which it is
15 reasonable to assume that the violator was unaware of such a
16 law or unclear as to how to comply with it. A violation of a
17 regulatory law is a "minor violation" if it does not result in
18 economic or physical harm to a person or adversely affect the
19 public health, safety, or welfare or create a significant
20 threat of such harm. A "notice of noncompliance" is a
21 notification by the local jurisdiction agency charged with
22 enforcing the ordinance, which is issued to the licensee that
23 is subject to the ordinance. A notice of noncompliance should
24 not be accompanied with a fine or other disciplinary penalty.
25 It should identify the specific ordinance that is being
26 violated, provide information on how to comply with the
27 ordinance, and specify a reasonable time for the violator to
28 comply with the ordinance. Failure of a licensee to take
29 action correcting the violation within a set period of time
30 would then result in the institution of further disciplinary
31 proceedings.

1 (b) The local governing body of a county or
2 municipality, or its local enforcement body, is authorized to
3 enforce the provisions of this part as well as its local
4 ordinances against locally licensed or registered contractors,
5 as appropriate. The local jurisdiction enforcement body may
6 conduct disciplinary proceedings against a locally licensed or
7 registered contractor and may require restitution, impose a
8 suspension or revocation of his or her local license, or a
9 fine not to exceed \$5,000, or a combination thereof, against
10 the locally licensed or registered contractor, according to
11 ordinances which a local jurisdiction may enact. In addition,
12 the local jurisdiction may assess reasonable investigative and
13 legal costs for the prosecution of the violation against the
14 violator, according to such ordinances as the local
15 jurisdiction may enact.

16 (c) In addition to any action the local jurisdiction
17 enforcement body may take against the individual's local
18 license, and any fine the local jurisdiction may impose, the
19 local jurisdiction enforcement body shall issue a recommended
20 penalty for board action. This recommended penalty may
21 include a recommendation for no further action, or a
22 recommendation for suspension, revocation, or restriction of
23 the registration, or a fine to be levied by the board, or a
24 combination thereof. The local jurisdiction enforcement body
25 shall inform the disciplined contractor and the complainant of
26 the local license penalty imposed, the board penalty
27 recommended, his or her rights to appeal, and the consequences
28 should he or she decide not to appeal. The local jurisdiction
29 enforcement body shall, upon having reached adjudication or
30 having accepted a plea of nolo contendere, immediately inform
31 the board of its action and the recommended board penalty.

1 (d) The department, the disciplined contractor, or the
2 complainant may challenge the local jurisdiction enforcement
3 body's recommended penalty for board action to the
4 Construction Industry Licensing Board. A challenge shall be
5 filed within 60 days after the issuance of the recommended
6 penalty to the board. If challenged, there is a presumptive
7 finding of probable cause and the case may proceed without the
8 need for a probable cause hearing.

9 (e) Failure of the department, the disciplined
10 contractor, or the complainant to challenge the local
11 jurisdiction's recommended penalty within the time period set
12 forth in this subsection shall constitute a waiver of the
13 right to a hearing before the board. A waiver of the right to
14 a hearing before the board shall be deemed an admission of the
15 violation, and the penalty recommended shall become a final
16 order according to procedures developed by board rule without
17 further board action. The disciplined contractor may appeal
18 this board action to the district court.

19 (f)1. The department may investigate any complaint
20 that ~~which~~ is made with the department. However, ~~if~~ the
21 department may not initiate or pursue any ~~determines that the~~
22 complaint against a registered contractor where a local
23 jurisdiction enforcement body has jurisdiction over the
24 complaint. The department shall refer the complaint to the
25 local jurisdiction enforcement body for investigation or
26 prosecution. The department shall not proceed until the ~~is for~~
27 ~~an action which a~~ local jurisdiction enforcement body has
28 investigated and reached adjudication or accepted a plea of
29 nolo contendere, including a recommended penalty to the board,
30 except as provided otherwise in this section.

31

1 2. The department shall not initiate prosecution for
2 that action, unless the secretary has initiated summary
3 procedures pursuant to s. 455.225(8).

4 3. If the department proves that a local government
5 enforcement body has failed or refused to investigate a
6 complaint within 1 year, the board may suspend or rescind its
7 determination of the adequacy of the local government
8 enforcement body's disciplinary procedures granted under s.
9 489.117(2).

10 (g) Nothing in this subsection shall be construed to
11 allow local jurisdictions to exercise disciplinary authority
12 over certified contractors.

13 (10) No municipal or county government may issue any
14 certificate of competency or license for any contractor
15 defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless
16 such local government exercises disciplinary control and
17 oversight over such locally licensed contractors, including
18 forwarding a recommended order in each action to the board as
19 provided in subsection (7). Each local board that licenses and
20 disciplines contractors must have at least two consumer
21 representatives on that board. If the board has seven or more
22 members, at least three of those members must be consumer
23 representatives. The consumer representative may be any
24 resident of the local jurisdiction that is not, and has never
25 been, a member or practitioner of a profession regulated by
26 the board or a member of any closely related profession.

27 Section 11. Subsection (1) of section 469.001, Florida
28 Statutes, is amended, present subsections (20) and (22) are
29 renumbered as subsections (21) and (23), respectively, present
30 subsection (21) is renumbered as subsection (22) and amended,
31 and a new subsection (20) is added to that section, to read:

1 469.001 Definitions.--As used in this chapter:

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

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

8 ~~(22)~~(21) "Survey" means the process of inspecting a
9 facility for the presence of asbestos-containing materials to
10 determine the location and condition of asbestos-containing
11 materials prior to transfer of property, renovation,
12 demolition, or maintenance projects which may disturb
13 asbestos-containing materials.

14 Section 12. Section 469.002, Florida Statutes, is
15 amended to read:

16 469.002 Exemptions.--

17 (1) This chapter does not apply to:

18 (a) An authorized employee of the United States, this
19 state, or any municipality, county, or other political
20 subdivision, public or private school, or private entity who
21 has completed all training required by NESHAP and OSHA or by
22 AHERA for the activities described in this paragraph and who
23 is conducting abatement work solely for maintenance purposes
24 within the scope of the person's employment involving less
25 than 160 square feet of asbestos-containing materials or less
26 than 260 linear feet of asbestos-containing material on pipe,
27 so long as the employee is not available for hire or does not
28 otherwise engage in asbestos abatement, contracting, or
29 consulting.

30 (b) Asbestos-related activities which disturb
31 asbestos-containing materials within manufacturing, utility,

1 or military facilities and which are undertaken by regular
2 full-time employees of the owner or operator who have
3 completed all training required by this chapter or NESHAP and
4 OSHA for conducting such activities in areas where access is
5 restricted to authorized personnel who are carrying out
6 specific assignments.

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

12 (d) Moving, removal, or disposal of
13 asbestos-containing materials on a residential building where
14 the owner occupies the building, the building is not for sale
15 or lease, and the work is performed according to the
16 owner-builder limitations provided in this paragraph. To
17 qualify for exemption under this paragraph, an owner must
18 personally appear and sign the building permit application.
19 The permitting agency shall provide the person with a
20 disclosure statement in substantially the following form:

21
22 Disclosure Statement
23

24 State law requires asbestos abatement to be done by
25 licensed contractors. You have applied for a permit under an
26 exemption to that law. The exemption allows you, as the owner
27 of your property, to act as your own asbestos abatement
28 contractor even though you do not have a license. You must
29 supervise the construction yourself. You may move, remove, or
30 dispose of asbestos-containing materials on a residential
31 building where you occupy the building and the building is not

1 for sale or lease, or the building is a farm outbuilding on
2 your property. If you sell or lease such building within 1
3 year after the asbestos abatement is complete, the law will
4 presume that you intended to sell or lease the property at the
5 time the work was done, which is a violation of this
6 exemption. You may not hire an unlicensed person as your
7 contractor. Your work must be done according to all local,
8 state, and federal laws and regulations which apply to
9 asbestos abatement projects. It is your responsibility to make
10 sure that people employed by you have licenses required by
11 state law and by county or municipal licensing ordinances.
12

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

24 (2) Licensure as an asbestos contractor is not
25 required for the moving, removal, or disposal of
26 asbestos-containing roofing material by a roofing contractor
27 certified or registered under part I of chapter 489, if all
28 such activities are performed under the direction of an onsite
29 roofing supervisor trained as provided in s. 469.012.

30 (3) Licensure as an asbestos contractor or asbestos
31 consultant is not required for the moving, removal, repair,

1 maintenance, or disposal, or related inspections, of
2 asbestos-containing resilient floor covering or its adhesive,
3 if:

4 (a) The resilient floor covering is a Category I
5 nonfriable material as defined in NESHAP and remains a
6 Category I nonfriable material during removal activity.

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

11 (c) The removal is not subject to asbestos licensing
12 or accreditation requirements under federal asbestos NESHAP
13 regulations of the United States Environmental Protection
14 Agency.

15 (d) Written notice of the time, place, and company
16 performing the removal and certification that all conditions
17 required under this subsection are met are provided to the
18 Department of Business and Professional Regulation at least 3
19 days prior to such removal. The contractor removing such
20 flooring materials is responsible for maintaining proof that
21 all the conditions required under this subsection are met.

22
23 The department may inspect removal sites to determine
24 compliance with this subsection and shall adopt rules
25 governing inspections.

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

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

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

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

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

7 ~~(5)(2)~~ Nothing in this section shall be construed to
8 alter or affect otherwise applicable Florida Statutes and
9 rules promulgated thereunder, or Environmental Protection
10 Agency or OSHA regulations regarding asbestos activities.

11 Section 13. Section 469.004, Florida Statutes, is
12 amended to read:

13 469.004 License; asbestos consultant; asbestos
14 contractor; ~~exceptions.~~--

15 (1) All asbestos consultants must be licensed by the
16 department. An asbestos consultant's license may be issued
17 only to an applicant who holds a current, valid, active
18 license as an architect issued under chapter 481; holds a
19 current, valid, active license as a professional engineer
20 issued under chapter 471; holds a current, valid, active
21 license as a professional geologist issued under chapter 492;
22 is a diplomat of the American Board of Industrial Hygiene; or
23 has been awarded designation as a Certified Safety
24 Professional by the Board of Certified Safety Professionals.

25 (2) All asbestos contractors must be licensed by the
26 department. An asbestos contractor may not perform abatement
27 activities involving work that affects building structures or
28 systems. Work on building structures or systems may be
29 performed only by a contractor licensed under chapter 489.

30 ~~(3) Licensure as an asbestos contractor is not~~
31 ~~required for the moving, removal, or disposal of~~

1 ~~asbestos-containing roofing material by a roofing contractor~~
2 ~~certified or registered under part I of chapter 489, if all~~
3 ~~such activities are performed under the direction of an onsite~~
4 ~~roofing supervisor trained as provided in s. 469.012.~~

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

9 ~~(a) The resilient floor covering is a Category I~~
10 ~~nonfriable material as defined in NESHAP and remains a~~
11 ~~Category I nonfriable material during removal activity.~~

12 ~~(b) All such activities are performed in accordance~~
13 ~~with all applicable asbestos standards of the United States~~
14 ~~Occupational Safety and Health Administration under 29 C.F.R.~~
15 ~~part 1926.~~

16 ~~(c) The removal is not subject to asbestos licensing~~
17 ~~or accreditation requirements under federal asbestos NESHAP~~
18 ~~regulations of the United States Environmental Protection~~
19 ~~Agency.~~

20 ~~(d) Written notice of the time, place, and company~~
21 ~~performing the removal and certification that all conditions~~
22 ~~required under this subsection are met are provided to the~~
23 ~~Department of Business and Professional Regulation at least 3~~
24 ~~days prior to such removal. The contractor removing such~~
25 ~~flooring materials is responsible for maintaining proof that~~
26 ~~all the conditions required under this subsection are met.~~

27
28 ~~The department may inspect removal sites to determine~~
29 ~~compliance with this subsection and shall adopt rules~~
30 ~~governing inspections.~~

31

1 ~~(5) Prior to the department's issuance of an asbestos~~
2 ~~consultant's license or an asbestos contractor's license, the~~
3 ~~applicant must provide evidence, as provided by the department~~
4 ~~by rule, that the applicant has met the requirements of s.~~
5 ~~469.005.~~

6 ~~(6) A license issued under this section must be~~
7 ~~renewed every 2 years. Before renewing a contractor's license,~~
8 ~~the department shall require proof that the licensee has~~
9 ~~completed a 1-day course of continuing education during each~~
10 ~~of the preceding 2 years. Before renewing a consultant's~~
11 ~~license, the department shall require proof that the licensee~~
12 ~~has completed a 2-day course of continuing education during~~
13 ~~each of the preceding 2 years.~~

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

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

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

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

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

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

28 469.005 License requirements.--All applicants for
29 licensure as either asbestos consultants or asbestos
30 contractors shall:

31 (1) Pay the initial licensing fee.

1 (2) When applying for licensure as an asbestos
2 consultant, successfully complete the following
3 department-approved courses, as approved by the department:

4 (a) An asbestos contractor/supervisor abatement
5 project management and supervision course. Such course shall
6 consist of not less than 5 ~~4~~ days of instruction and shall
7 cover the nature of the health risks, the medical effects of
8 exposure, federal and state asbestos laws and regulations,
9 legal and insurance considerations, contract specifications,
10 sampling and analytical methodology, worker protection, and
11 work area protection.

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

15 (c) An ~~A course in~~ asbestos management planning
16 course. Such course shall consist of not less than 2 days of
17 instruction.

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

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

22 (3) When applying for licensure as as asbestos
23 contractor, successfully complete the following
24 department-approved courses:

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

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

29 ~~(4)~~(3) Provide evidence of satisfactory work on 10
30 asbestos projects within the last 5 years.

31 ~~(5)~~(4) Provide evidence of financial stability.

1 ~~(6)(5)~~ Pass a department-approved examination of
2 qualifications and knowledge relating to asbestos.

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

6 469.006 Licensure of business organizations;
7 qualifying agents.--

8 (2)(a) If the applicant proposes to engage in
9 consulting or contracting as a partnership, corporation,
10 business trust, or other legal entity, or in any name other
11 than the applicant's legal name, the legal entity must apply
12 for licensure through a qualifying agent or the individual
13 applicant must apply for licensure under the fictitious name.

14 ~~(b)(a)~~ The application must state the name of the
15 partnership and of each of its partners, the name of the
16 corporation and of each of its officers and directors and the
17 name of each of its stockholders who is also an officer or
18 director, the name of the business trust and of each of its
19 trustees, or the name of such other legal entity and of each
20 of its members.

21 1. The application for primary qualifying agent must
22 include an affidavit on a form provided by the department
23 attesting that the applicant's signature is required on all
24 checks, drafts, or payments, regardless of the form of
25 payment, made by the entity, and that the applicant has final
26 approval authority for all construction work performed by the
27 entity.

28 2. The application for financially responsible officer
29 must include an affidavit on a form provided by the department
30 attesting that the applicant's signature is required on all
31 checks, drafts, or payments, regardless of the form of

1 payment, made by the entity, and that the applicant has
2 authority to act for the business organization in all
3 financial matters.

4 3. The application for secondary qualifying agent must
5 include an affidavit on a form provided by the department
6 attesting that the applicant has authority to supervise all
7 construction work performed by the entity as provided in s.
8 489.1195(2).

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

11 1. An affidavit on a form provided by the department
12 attesting that the applicant has obtained workers'
13 compensation insurance as required by chapter 440, public
14 liability insurance, and property damage insurance, in amounts
15 determined by department rule. The department shall establish
16 by rule a procedure to verify the accuracy of such affidavits
17 based upon a random sample method.

18 2. Evidence of financial responsibility. The
19 department shall adopts rules to determine financial
20 responsibility which shall specify grounds on which the
21 department may deny licensure. Such criteria shall include,
22 but not be limited to, credit history and limits of
23 bondability and credit.

24 (d)(b) A joint venture, including a joint venture
25 composed of qualified business organizations, is itself a
26 separate and distinct organization that must be qualified in
27 accordance with department rules.

28 (e)(c) The license, when issued upon application of a
29 business organization, must be in the name of the business
30 organization, and the name of the qualifying agent must be
31 noted thereon. If there is a change in any information that is

1 required to be stated on the application, the business
2 organization shall, within 45 days after such change occurs,
3 mail the correct information to the department.

4 (f)~~(d)~~ The applicant must furnish evidence of
5 statutory compliance if a fictitious name is used, the
6 provisions of s. 865.09(7) notwithstanding.

7 (5)(a) Each asbestos consultant or contractor shall
8 affix the consultant's or contractor's signature ~~seal, if any,~~
9 and license number to each construction document, plan, or any
10 other document prepared or approved for use by the licensee
11 which is related to any asbestos abatement project and filed
12 for public record with any governmental agency, and to any
13 offer, bid, or contract submitted to a client.

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

16 469.013 Course requirements for asbestos surveyors,
17 management planners, and project monitors.--

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

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

25 (b) Asbestos surveyors must complete all requirements
26 of s. 469.005(2)(b).

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

30 Section 17. Section 469.014, Florida Statutes, is
31 amended to read:

1 469.014 Approval of asbestos training courses and
2 providers.--

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

9 (2)~~(1)~~ The department shall, by rule, prescribe
10 criteria for approving training courses and course providers
11 and may by rule modify the training required by this chapter.

12 (3)~~(2)~~ The department may enter into agreements with
13 other states for the reciprocal approval of training courses
14 or training-course providers.

15 (4)~~(3)~~ The department shall, by rule, establish
16 reasonable fees in an amount not to exceed the cost of
17 evaluation, approval, and recordmaking and recordkeeping of
18 training courses and training-course providers.

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

30 Section 18. Section 469.015, Florida Statutes, is
31 repealed.

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

3 255.551 Definitions; ss. 255.551-255.565.--As used in
4 ss. 255.551-255.565:

5 (1) "Abatement" means the removal, encapsulation, or
6 enclosure of asbestos, but does not include the removal of
7 bituminous resinous roofing systems or the removal of
8 resilient floor covering and its adhesive in accordance with
9 the licensing exemption in s. 469.002(3)~~469.004(4)~~.

10 Section 20. Section 376.60, Florida Statutes, is
11 amended to read:

12 376.60 Asbestos removal program inspection and
13 notification fee.--The Department of Environmental Protection
14 shall charge an inspection and notification fee, not to exceed
15 \$300 for a small business as defined in s. 288.703(1), or
16 \$1,000 for any other project, for any asbestos removal
17 project. Schools, colleges, universities, residential
18 dwellings, and those persons otherwise exempted from licensure
19 under s. 469.002(4)~~469.004(7)~~are exempt from the fees. Any
20 fee collected must be deposited in the asbestos program
21 account in the Air Pollution Control Trust Fund to be used by
22 the department to administer its asbestos removal program.

23 (1) In those counties with approved local air
24 pollution control programs, the department shall return 80
25 percent of the asbestos removal program inspection and
26 notification fees collected in that county to the local
27 government quarterly, if the county requests it.

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

30
31

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

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

9 (5) If an approved local air pollution control program
10 that is providing asbestos notification and inspection
11 services according to 40 C.F.R. part 61, subpart M, and is
12 collecting fees sufficient to support the requirements of 40
13 C.F.R. part 61, subpart M, opts not to receive the
14 state-generated asbestos notification fees, the state may
15 discontinue collection of the state asbestos notification fees
16 in that county.

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

19 489.103 Exemptions.--This part does not apply to:

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

26 (18) Any one-family, two-family, or three-family
27 residence constructed by Habitat for Humanity International,
28 Inc., or its local affiliates. Habitat for Humanity
29 International, Inc., or its local affiliates, must:

30 (a) Obtain all necessary building permits; and

31 (b) Obtain all required building inspections.

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

5 489.105 Definitions.--As used in this part:

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

25 (a) "General contractor" means a contractor whose
26 services are unlimited as to the type of work which he or she
27 may do, who may contract for any activity requiring licensure
28 under this part, and who may perform any work requiring
29 licensure under this part, except as otherwise expressly
30 provided in s. 489.113 this part.

31

1 (d) "Sheet metal contractor" means a contractor whose
2 services are unlimited in the sheet metal trade and who has
3 the experience, knowledge, and skill necessary for the
4 manufacture, fabrication, assembling, handling, erection,
5 installation, dismantling, conditioning, adjustment,
6 insulation, alteration, repair, servicing, or design, when not
7 prohibited by law, of ferrous or nonferrous metal work of U.S.
8 No. 10 gauge or its equivalent or lighter gauge and of other
9 materials, including, but not limited to, fiberglass, used in
10 lieu thereof and of air-handling systems, including the
11 setting of air-handling equipment and reinforcement of same,
12 ~~and including~~ the balancing of air-handling systems, and any
13 duct cleaning and equipment sanitizing which requires at least
14 a partial disassembling of the system.

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

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

13 (g) "Class B air-conditioning contractor" means a
14 contractor whose services are limited to 25 tons of cooling
15 and 500,000 Btu of heating in any one system in the execution
16 of contracts requiring the experience, knowledge, and skill to
17 install, maintain, repair, fabricate, alter, extend, or
18 design, when not prohibited by law, central air-conditioning,
19 refrigeration, heating, and ventilating systems, including
20 duct work in connection with a complete system only to the
21 extent such duct work is performed by the contractor as is
22 necessary to make complete an air-distribution system being
23 installed under this classification, and any duct cleaning and
24 equipment sanitizing which requires at least a partial
25 disassembling of the system; to install, maintain, repair,
26 fabricate, alter, extend, or design, when not prohibited by
27 law, piping and insulation of pipes, vessels, and ducts; to
28 replace, disconnect, or reconnect power wiring on the load
29 side of the dedicated existing electrical disconnect switch;
30 to install, disconnect, and reconnect low voltage heating,
31 ventilating, and air-conditioning control wiring; and to

1 install a condensate drain from an air-conditioning unit to an
2 existing safe waste or other approved disposal other than a
3 direct connection to a sanitary system. The scope of work for
4 such contractor shall also include any excavation work
5 incidental thereto, but shall not include any work such as
6 liquefied petroleum or natural gas fuel lines within
7 buildings, potable water lines or connections thereto,
8 sanitary sewer lines, swimming pool piping and filters, or
9 electrical power wiring.

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

24 (i) "Mechanical contractor" means a contractor whose
25 services are unlimited in the execution of contracts requiring
26 the experience, knowledge, and skill to install, maintain,
27 repair, fabricate, alter, extend, or design, when not
28 prohibited by law, central air-conditioning, refrigeration,
29 heating, and ventilating systems, including duct work in
30 connection with a complete system only to the extent such duct
31 work is performed by the contractor as is necessary to make

1 complete an air-distribution system, boiler and unfired
2 pressure vessel systems, lift station equipment and piping,
3 and all appurtenances, apparatus, or equipment used in
4 connection therewith, and any duct cleaning and equipment
5 sanitizing which requires at least a partial disassembling of
6 the system; to install, maintain, repair, fabricate, alter,
7 extend, or design, when not prohibited by law, piping,
8 insulation of pipes, vessels and ducts, pressure and process
9 piping, pneumatic control piping, gasoline tanks and pump
10 installations and piping for same, standpipes, air piping,
11 vacuum line piping, oxygen lines, nitrous oxide piping, ink
12 and chemical lines, fuel transmission lines, and natural gas
13 fuel lines within buildings; to replace, disconnect, or
14 reconnect power wiring on the load side of the dedicated
15 existing electrical disconnect switch; to install, disconnect,
16 and reconnect low voltage heating, ventilating, and
17 air-conditioning control wiring; and to install a condensate
18 drain from an air-conditioning unit to an existing safe waste
19 or other approved disposal other than a direct connection to a
20 sanitary system. The scope of work for such contractor shall
21 also include any excavation work incidental thereto, but shall
22 not include any work such as liquefied petroleum gas fuel
23 lines within buildings, potable water lines or connections
24 thereto, sanitary sewer lines, swimming pool piping and
25 filters, or electrical power wiring.

26 (1) "Swimming pool/spa servicing contractor" means a
27 contractor whose scope of work involves the servicing and
28 repair of any swimming pool or hot tub or spa, whether public
29 or private. The scope of such work may include any necessary
30 piping and repairs, replacement and repair of existing
31 equipment, or installation of new additional equipment as

1 necessary. The scope of such work includes the reinstallation
2 of tile and coping, repair and replacement of all piping,
3 filter equipment, and chemical feeders of any type,
4 replastering, reconstruction of decks, and reinstallation or
5 addition of pool heaters. The installation, construction,
6 modification, substantial or complete disassembly, or
7 replacement of equipment permanently attached to and
8 associated with the pool or spa for the purpose of water
9 treatment or cleaning of the pool or spa requires licensure;
10 however, the usage of such equipment for the purposes of water
11 treatment or cleaning shall not require licensure unless the
12 usage involves construction, modification, substantial or
13 complete disassembly, or replacement of such equipment. Water
14 treatment that does not require such equipment does not
15 require a license. In addition, a license shall not be
16 required for the cleaning of the pool or spa in any way that
17 does not affect the structural integrity of the pool or spa or
18 its associated equipment.

19 (n) "Underground utility and excavation contractor"
20 means a contractor whose services are limited to the
21 construction, installation, and repair, on public or private
22 property, whether accomplished through open excavations or
23 through other means, including, but not limited to,
24 directional drilling, auger boring, jacking and boring,
25 trenchless technologies, wet and dry taps, grouting, and slip
26 lining, of main sanitary sewer collection systems, main water
27 distribution systems, storm sewer collection systems, and the
28 continuation of utility lines from the main systems to a point
29 of termination up to and including the meter location for the
30 individual occupancy, sewer collection systems at property
31 line on residential or single-occupancy commercial properties,

1 or on multioccupancy properties at manhole or wye lateral
2 extended to an invert elevation as engineered to accommodate
3 future building sewers, water distribution systems, or storm
4 sewer collection systems at storm sewer structures. However,
5 an underground utility and excavation contractor may install
6 empty underground conduits in rights-of-way, easements,
7 platted rights-of-way in new site development, and sleeves for
8 parking lot crossings no smaller than 2 inches in diameter,
9 provided that each conduit system installed is designed by a
10 licensed professional engineer or an authorized employee of a
11 municipality, county, or public utility and that the
12 installation of any such conduit does not include installation
13 of any conductor wiring or connection to an energized
14 electrical system. An underground utility and excavation
15 contractor shall not install any piping that is an integral
16 part of a fire protection system as defined in s. 633.021(7)
17 beginning at the point where the piping is used exclusively
18 for such system.

19 (19) "Initial issuance" means the first time a
20 certificate or registration is granted to an individual or
21 business organization, including the first time an individual
22 becomes a qualifying agent for that business organization and
23 the first time a business organization is qualified by that
24 individual.

25 Section 23. Subsections (4) and (6) of section
26 489.107, Florida Statutes, are amended to read:

27 489.107 Construction Industry Licensing Board.--

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

30 (a) Division I is comprised of the general contractor,
31 building contractor, and residential contractor members of the

1 board; one of the members appointed pursuant to paragraph
2 (2)(j); and one of the members appointed pursuant to paragraph
3 (2)(k). Division I has jurisdiction over the ~~examination and~~
4 regulation of general contractors, building contractors, and
5 residential contractors.

6 (b) Division II is comprised of the roofing
7 contractor, sheet metal contractor, air-conditioning
8 contractor, mechanical contractor, pool contractor, plumbing
9 contractor, and underground utility and excavation contractor
10 members of the board; one of the members appointed pursuant to
11 paragraph (2)(j); and one of the members appointed pursuant to
12 paragraph (2)(k). Division II has jurisdiction over the
13 ~~examination and~~ regulation of contractors defined in s.
14 489.105(3)(d)-(p).

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

19 (6) The Construction Industry Licensing Board and the
20 Electrical Contractors' Licensing Board shall each appoint a
21 committee to meet jointly in joint session at least twice a
22 year.

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

25 489.113 Qualifications for practice; restrictions.--

26 (10) The addition of a new type of contractor or the
27 expansion of the scope of practice of any type of contractor
28 under this part shall not limit the scope of practice of any
29 existing type of contractor under this part unless the
30 Legislature expressly provides such a limitation.

31

1 Section 25. Section 489.1135, Florida Statutes, is
2 repealed.

3 Section 26. Section 489.1136, Florida Statutes, is
4 created to read:

5 489.1136 Medical gas certification.--

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

28 (b) Any other natural person who is employed by a
29 licensed plumbing contractor to provide work on the
30 installation, improvement, repair, or maintenance of a medical
31 gas system, except as noted in paragraph (c), shall, as a

1 prerequisite to his or her ability to provide such service,
2 take a course approved by the board. Such course shall be at
3 least 8 hours and consist of both classroom and practical work
4 designed to teach familiarity with the National Fire
5 Prevention Association Standard 99C (Standard on Gas and
6 Vacuum Systems, latest edition) and also designed to teach
7 familiarity and practical ability in performing and inspecting
8 brazing duties required of medical gas installation,
9 improvement, repair, or maintenance work. Such course shall
10 also include the administration of a practical examination in
11 the skills required to perform work as outlined above,
12 including brazing, and each examination shall be reasonably
13 constructed to test for knowledge of the subject matter. The
14 person taking such course and examination must, upon
15 successful completion of both, be issued a certificate of
16 completion by the giver of such course, which certificate
17 shall be made available by the holder for inspection by any
18 person or entity seeking to have such person perform work on
19 the installation, improvement, repair, or maintenance of a
20 medical gas system.

21 (c) Any other natural person who wishes to perform
22 only brazing duties incidental to the installation,
23 improvement, repair, or maintenance of a medical gas system
24 shall pass an examination designed to show that person's
25 familiarity with and practical ability in performing brazing
26 duties required of medical gas installation, improvement,
27 repair, or maintenance. Such examination shall be from a test
28 approved by the board. Such examination must test for
29 knowledge of National Fire Prevention Association Standard 99C
30 (Standard on Gas and Vacuum Systems, latest edition). The
31 person taking such examination must, upon passing such

1 examination, be issued a certificate of completion by the
2 giver of such examination, and such certificate shall be made
3 available by the holder for inspection by any person or entity
4 seeking to have or employ such person to perform brazing
5 duties on a medical gas system.

6 (d) It is the responsibility of the licensed plumbing
7 contractor to ascertain whether members of his or her
8 workforce are in compliance with this subsection, and such
9 contractor is subject to discipline under s. 489.129 for
10 violation of this subsection.

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

15 (f) Periodically, the board shall review training
16 programs in medical gas piping installation for quality in
17 content and instruction in accordance with the National Fire
18 Prevention Association Standard 99C (Standard on Gas and
19 Vacuum Systems, latest edition). The board shall also respond
20 to complaints regarding approved programs.

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

23 (2)(a) On any job site where a medical gas system is
24 being installed, improved, repaired, or maintained, it is
25 required that a person qualified under paragraph (1)(a) or
26 paragraph (1)(b) must be present. When any brazing work is
27 performed by a person qualified under paragraph (1)(c), a
28 person qualified under paragraph (1)(a) or paragraph (1)(b)
29 must be present.

30 (b) It is the responsibility of the licensed
31 contractor to ascertain whether members of his or her

1 workforce are in compliance with paragraph (a), and such
2 contractor is subject to discipline under s. 489.129 for
3 violation of this subsection.

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

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

11 553.06 State Plumbing Code.--

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

20 Section 28. Paragraph (b) of subsection (4) of section
21 489.115, Florida Statutes, is amended, and subsection (7) is
22 added to that section, to read:

23 489.115 Certification and registration; endorsement;
24 reciprocity; renewals; continuing education.--

25 (4)

26 (b)1. Each certificateholder or registrant shall
27 provide proof, in a form established by rule of the board,
28 that the certificateholder or registrant has completed at
29 least 14 classroom hours of at least 50 minutes each of
30 continuing education courses during each biennium since the
31 issuance or renewal of the certificate or registration. The

1 board shall establish by rule that a portion of the required
2 14 hours must deal with the subject of workers' compensation,
3 business practices, and workplace safety. The board shall by
4 rule establish criteria for the approval of continuing
5 education courses and providers, including requirements
6 relating to the content of courses and standards for approval
7 of providers, and may by rule establish criteria for accepting
8 alternative nonclassroom continuing education on an
9 hour-for-hour basis.

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

24 (7) If a certificateholder or registrant holds a
25 license under both this part and part II and is required to
26 have continuing education courses under s. 489.517(3), the
27 certificateholder or registrant may apply those course hours
28 for workers' compensation, workplace safety, and business
29 practices obtained under part II to the requirements under
30 this part.

31

1 Section 29. Paragraph (a) of subsection (3) of section
2 489.119, Florida Statutes, is amended to read:

3 489.119 Business organizations; qualifying agents.--

4 (3)(a) The qualifying agent shall be certified or
5 registered under this part in order for the business
6 organization to be issued a certificate of authority in the
7 category of the business conducted for which the qualifying
8 agent is certified or registered. If any qualifying agent
9 ceases to be affiliated with such business organization, he or
10 she shall so inform the department. In addition, if such
11 qualifying agent is the only certified or registered
12 contractor affiliated with the business organization, the
13 business organization shall notify the department of the
14 termination of the qualifying agent and shall have 60 days
15 from the termination of the qualifying agent's affiliation
16 with the business organization in which to employ another
17 qualifying agent. The business organization may not engage in
18 contracting until a qualifying agent is employed, unless the
19 executive director or chair of the board has granted a
20 temporary nonrenewable certificate or registration to the
21 financially responsible officer, the president, a partner, or,
22 in the case of a limited partnership, the general partner, who
23 assumes all responsibilities of a primary qualifying agent for
24 the entity. This temporary certificate or registration shall
25 only allow the entity to proceed with incomplete contracts ~~as~~
26 ~~defined in s. 489.121.~~ For the purposes of this paragraph, an
27 incomplete contract is one which has been awarded to, or
28 entered into by, the business organization prior to the
29 cessation of affiliation of the qualifying agent with the
30 business organization or one on which the business
31 organization was the low bidder and the contract is

1 subsequently awarded, regardless of whether any actual work
2 has commenced under the contract prior to the qualifying agent
3 ceasing to be affiliated with the business organization.

4 Section 30. Section 489.140, Florida Statutes, is
5 amended to read:

6 489.140 Construction Industries Recovery Fund.--There
7 is created the Florida Construction Industries Recovery Fund
8 as a separate account in the Professional Regulation Trust
9 Fund.

10 (1) The Florida Construction Industries Recovery Fund
11 shall be disbursed as provided in s. 489.143, on order of the
12 board, as reimbursement to any natural person adjudged by a
13 court of competent jurisdiction to have suffered monetary
14 damages, or to whom the licensee has been ordered to pay
15 restitution by the board, where the judgment or restitution
16 order is based on a violation of s. 489.129(1)(d), (h), (k),
17 or (l), committed by any contractor, financially responsible
18 officer, or business organization licensed under the
19 provisions of this part at the time the violation was
20 committed, and providing that the violation occurs after July
21 1, 1993.

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

27 ~~(3) In addition, any surplus of moneys collected from~~
28 ~~the fines imposed by the board and collected by the department~~
29 ~~shall be transferred into the Construction Industries Recovery~~
30 ~~Fund.~~

31

1 Section 31. Section 489.141, Florida Statutes, is
2 amended to read:

3 489.141 Conditions for recovery; eligibility.--

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

9 (a) Such person has received final judgment in a court
10 of competent jurisdiction in this state in any action wherein
11 the cause of action was based on a construction contract or
12 the Construction Industry Licensing Board has issued a final
13 order directing the licensee to pay restitution to the
14 claimant based upon a violation of s. 489.129(1)(d), (h), (k),
15 or (l), where the contract was executed and the violation
16 occurred on or after July 1, 1993, and provided that:

17 ~~1. At the time the action was commenced, such person~~
18 ~~gave notice thereof to the board by certified mail; except~~
19 ~~that, if no notice has been given to the board, the claim may~~
20 ~~still be honored if the board finds good cause to waive the~~
21 ~~notice requirement;~~

22 1.a.2. Such person has caused to be issued a writ of
23 execution upon such judgment, and the officer executing the
24 writ has made a return showing that no personal or real
25 property of the judgment debtor or licensee liable to be
26 levied upon in satisfaction of the judgment can be found or
27 that the amount realized on the sale of the judgment debtor's
28 or licensee's property pursuant to such execution was
29 insufficient to satisfy the judgment; or

30 ~~b.3.~~ If such person is unable to comply with
31 sub-subparagraph a. subparagraph 2. for a valid reason to be

1 determined by the board, such person has made all reasonable
2 searches and inquiries to ascertain whether the judgment
3 debtor or licensee is possessed of real or personal property
4 or other assets subject to being sold or applied in
5 satisfaction of the judgment and by his or her search has
6 discovered no property or assets or has discovered property
7 and assets and has taken all necessary action and proceedings
8 for the application thereof to the judgment but the amount
9 thereby realized was insufficient to satisfy the judgment; or

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

13 (b)(c) A claim for recovery is made within 2 years
14 from the time of the act giving rise to the claim or within 2
15 years from the time the act is discovered or should have been
16 discovered with the exercise of due diligence; however, in no
17 event may a claim for recovery be made more than 4 years after
18 the date of the act giving rise to the claim or more than 1
19 year after the conclusion of any civil or administrative
20 action based on the act, whichever is later; and

21 (c)(d) Any amounts recovered by such person from the
22 judgment debtor or licensee, or from any other source, have
23 been applied to the damages awarded by the court or the amount
24 of restitution ordered by the board; and

25 (d)(e) Such person is not a person who is precluded by
26 this act from making a claim for recovery.

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

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

31

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

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

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

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

14 (f) Such person has suffered damages as the result of
15 making improper payments to a contractor as defined in chapter
16 713, part I.

17 Section 32. Section 489.142, Florida Statutes, is
18 amended to read:

19 489.142 Board powers relating to recovery ~~upon~~
20 ~~notification of commencement of action.--With respect to~~
21 actions for recovery from the Construction Industries Recovery
22 Fund ~~When the board receives certified notice of any action,~~
23 ~~as required by s. 489.141(1)(a),~~ the board may intervene,
24 enter an appearance, file an answer, defend the action, or
25 take any action it deems appropriate and may take recourse
26 through any appropriate method of review on behalf of the
27 State of Florida.

28 Section 33. Section 489.143, Florida Statutes, is
29 amended to read:

30 489.143 Payment from the fund.--
31

1 (1) Any person who meets all of the conditions
2 prescribed in s. 489.141(1) may apply to the board to cause
3 payment to be made to such person from the Construction
4 Industries Recovery Fund in an amount equal to the judgment or
5 restitution order, exclusive of postjudgment interest, against
6 the licensee certificateholder or \$25,000, whichever is less,
7 or an amount equal to the unsatisfied portion of such person's
8 judgment or restitution order, exclusive of postjudgment
9 interest, or \$25,000, whichever is less, but only to the
10 extent and amount reflected in the judgment or restitution
11 order as being actual or compensatory damages. The fund is not
12 obligated to pay ~~any portion of any judgment, or any judgment~~
13 or restitution order, or any portion thereof, which is not
14 expressly based on one of the grounds for recovery set forth
15 in s. 489.140(1).

16 (2) Upon receipt by a claimant under subsection (1) of
17 payment from the Construction Industries Recovery Fund, the
18 claimant shall assign his or her additional right, title, and
19 interest in the judgment or restitution order, to the extent
20 of such payment, to the board, and thereupon the board shall
21 be subrogated to the right, title, and interest of the
22 claimant; and any amount subsequently recovered on the
23 judgment or restitution order by the board, to the extent of
24 the right, title, and interest of the board therein, shall be
25 for the purpose of reimbursing the Construction Industries
26 Recovery Fund.

27 (3) Payments for claims arising out of the same
28 transaction shall be limited, in the aggregate, to \$25,000,
29 regardless of the number of claimants involved in the
30 transaction.

31

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

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

8 (6) If the annual appropriation is exhausted with
9 claims pending, such claims shall be carried forward to the
10 next fiscal year. Any moneys in excess of pending claims
11 remaining in the Construction Industries Recovery Fund at the
12 end of the fiscal year shall be paid as provided in s.
13 468.631.

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

19 (7)(6) Upon the payment of any amount from the
20 Construction Industries Recovery Fund in settlement of a claim
21 in satisfaction of a judgment or restitution order against a
22 licensee certificateholder as described in s. 489.141(1), the
23 license of such licensee certificateholder shall be
24 automatically suspended, without further administrative
25 action, upon the date of payment from the fund. The license of
26 such licensee certificateholder shall not be reinstated until
27 he or she has repaid in full, plus interest, the amount paid
28 from the fund. A discharge of bankruptcy does not relieve a
29 person from the penalties and disabilities provided in this
30 section.

31

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

4 489.503 Exemptions.--This part does not apply to:

5 (14) The installation of, repair of, alteration of,
6 addition to, or design of electrical wiring, fixtures,
7 appliances, thermostats, apparatus, raceways, and conduit, or
8 any part thereof, when those items are for the purpose of
9 transmitting data, voice communications, or commands as part
10 of:

11 (a) A system of telecommunications, including
12 computers, telephone customer premises equipment, or premises
13 wiring; or

14 (b) A cable television, community antenna television,
15 or radio distribution system.

16
17 The scope of this exemption is limited to electrical circuits
18 and equipment governed by the applicable provisions of
19 Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810,
20 and 820 of the National Electrical Code, current edition, or
21 47 C.F.R. part 68. Additionally, a company certified under
22 chapter 364 is not subject to any local ordinance that
23 requires a permit for work performed by its employees related
24 to low voltage electrical work, including related technical
25 codes and regulations. This exemption shall apply only if such
26 work is requested by the company's customer, is required in
27 order to complete phone service, is incidental to provision of
28 telecommunication service as required by chapter 364, and is
29 not actively competitive in nature or the subject of a
30 competitive bid. The definition of "employee" established in
31

1 subsection (1) applies to this exemption and does not include
2 subcontractors.

3 (17) The monitoring of an alarm system without fee by
4 a direct employee of a law enforcement agency or of a county,
5 municipal, or special-district fire department or by a law
6 enforcement officer or fire official acting in an official
7 capacity.

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

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

15 (b) The alarm system is in compliance with all
16 applicable firesafety standards as set forth in chapter 633;
17 and

18 (c) The monitoring is limited to an alarm system
19 associated with:

20 1. The commercial property where banking operations
21 are housed or where other operations are conducted by a state
22 or federally chartered financial institution, as defined in s.
23 655.005(1)(h), or any parent, affiliate, or subsidiary
24 thereof; or

25 2. The private property occupied by the institution's
26 executive officers, as defined in s. 655.005(1)(f),
27
28 and does not otherwise extend to the monitoring of residential
29 systems.

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

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

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

5 (c) The alarm system is designed to protect only the
6 commercial premises leased by the business endeavor or
7 commercial premises owned by the business endeavor and not
8 leased to another.

9
10 This exemption is intended to allow businesses to monitor
11 their own alarm systems and is not limited to monitoring a
12 single location of that business. However, it is not intended
13 to enable the owner of any apartment complex, aggregate
14 housing, or commercial property to monitor alarm systems on
15 property leased or rented to the residents, clients, or
16 customers thereof.

17 Section 35. Subsection (24) of section 489.505,
18 Florida Statutes, is repealed, subsections (1), (7), (19), and
19 (23) are amended, present subsections (25), (26), and (27) are
20 redesignated as subsections (24), (25), and (26),
21 respectively, and new subsections (27) and (28) are added to
22 that section, to read:

23 489.505 Definitions.--As used in this part:

24 (1) "Alarm system" means any electrical device,
25 signaling device, or combination of electrical devices used to
26 signal or detect ~~a situation which causes an alarm in the~~
27 ~~event of a burglary, fire, robbery, or medical emergency, or~~
28 ~~equipment failure.~~

29 (7) "Certified alarm system contractor" means an alarm
30 system contractor who possesses a certificate of competency
31 issued by the department. The scope of certification is

1 limited to alarm circuits originating in the alarm control
2 panel and equipment governed by the applicable provisions of
3 Articles 725, 760, 770, 800, and 810 of the National
4 Electrical Code, Current Edition, and National Fire Protection
5 Association Standard 72, Current Edition. The scope of
6 certification for alarm system contractors also includes the
7 installation, repair, fabrication, erection, alteration,
8 addition, or design of electrical wiring, fixtures,
9 appliances, thermostats, apparatus, raceways, and conduit, or
10 any part thereof not to exceed 77 volts, when those items are
11 for the purpose of transmitting data or proprietary video
12 (satellite systems that are not part of a community antenna
13 television or radio distribution system) or providing central
14 vacuum capability or electric locks; however, this provision
15 governing the scope of certification does not create any
16 mandatory licensure requirement.

17 (19) "Specialty contractor" means a contractor whose
18 scope of practice is limited to a specific segment of
19 electrical or alarm system contracting, including, but not
20 limited to, residential electrical contracting, maintenance of
21 electrical fixtures, ~~installation and maintenance of~~
22 ~~elevators~~, and fabrication, erection, installation, and
23 maintenance of electrical ~~outdoor~~ advertising signs together
24 with the interrelated parts and supports thereof. Categories
25 of specialty contractor shall be established by board rule.

26 (23) "Registered residential alarm system contractor"
27 means an alarm system contractor whose business is limited to
28 burglar alarm systems in single-family residential, quadruplex
29 housing, and mobile homes ~~and to fire alarm systems~~ of a
30 residential occupancy class and who is registered with the
31 department pursuant to s. 489.513 or s. 489.537(8). The board

1 shall define "residential occupancy class" by rule. A
2 registered residential alarm system contractor may contract
3 only in the jurisdiction for which his or her registration is
4 issued.

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

12 (24)~~(25)~~ "Licensure" means any type of certification
13 or registration provided for in this part.

14 (25)~~(26)~~ "Burglar alarm system agent" means a person:

15 (a) Who is employed by a licensed alarm system
16 contractor or licensed electrical contractor;

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

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

24 (26)~~(27)~~ "Personal emergency response system" means
25 any device which is simply plugged into a telephone jack or
26 electrical receptacle and which is designed to initiate a
27 telephone call to a person who responds to, or has a
28 responsibility to determine the proper response to, personal
29 emergencies.

30 (27) "Monitoring" means to receive electrical or
31 electronic signals, originating from any building within the

1 state, produced by any security, medical, fire, or burglar
2 alarm, closed circuit television camera, or related or similar
3 protective system and to initiate a response thereto. A
4 person shall not have committed the act of monitoring if:

5 (a) The person is an occupant of, or an employee
6 working within, protected premises;

7 (b) The person initiates emergency action in response
8 to hearing or observing an alarm signal;

9 (c) The person's action is incidental to his or her
10 primary responsibilities; and

11 (d) The person is not employed in a proprietary
12 monitoring facility, as defined by the National Fire
13 Protection Association pursuant to rule adopted under chapter
14 633.

15 (28) "Fire alarm system agent" means a person:

16 (a) Who is employed by a licensed fire alarm
17 contractor or certified unlimited electrical contractor;

18 (b) Who is performing duties which are an element of
19 an activity that constitutes fire alarm system contracting
20 requiring certification under this part; and

21 (c) Whose specific duties include any of the
22 following: altering, installing, maintaining, moving,
23 repairing, replacing, servicing, selling onsite, or monitoring
24 a fire alarm system for compensation.

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

27 489.507 Electrical Contractors' Licensing Board.--

28 (5) The Electrical Contractors' Licensing Board and
29 the Construction Industry Licensing Board shall each appoint a
30 committee to meet jointly in joint session at least twice a
31 year.

1 Section 37. Section 489.509, Florida Statutes, is
2 amended to read:

3 489.509 Fees.--

4 (1) The board, by rule, shall establish fees to be
5 paid for applications, examination, reexamination, transfers,
6 licensing and renewal, reinstatement, and recordmaking and
7 recordkeeping. The examination fee shall be in an amount that
8 covers the cost of obtaining and administering the examination
9 and shall be refunded if the applicant is found ineligible to
10 sit for the examination. The application fee is nonrefundable.
11 The fee for initial application and examination for
12 certification of electrical contractors may not exceed \$400.
13 The initial application fee for registration may not exceed
14 \$150. The biennial renewal fee may not exceed \$400 for
15 certificateholders and \$200 for registrants, ~~and shall be paid~~
16 ~~by June 30 of each biennial period.~~ The fee for initial
17 application and examination for certification of alarm system
18 contractors may not exceed \$400. The biennial renewal fee for
19 certified alarm system contractors may not exceed \$450. The
20 board may establish a fee for a temporary certificate as an
21 alarm system contractor not to exceed \$75. The board may also
22 establish by rule a delinquency fee not to exceed \$50. ~~Failure~~
23 ~~to renew an active or inactive certificate or registration~~
24 ~~within 90 days after the date of renewal will result in the~~
25 ~~certificate or registration becoming delinquent.~~ The fee to
26 transfer a certificate or registration from one business
27 organization to another may not exceed \$200. The fee for
28 reactivation of an inactive license may not exceed \$50. The
29 board shall establish fees that are adequate to ensure the
30 continued operation of the board. Fees shall be based on
31 department estimates of the revenue required to implement this

1 part and the provisions of law with respect to the regulation
2 of electrical contractors and alarm system contractors.

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

9 (3) Four dollars of each fee under subsection (1) paid
10 to the department at the time of application or renewal shall
11 be transferred at the end of each licensing period to the
12 Department of Education to fund projects relating to the
13 building construction industry or continuing education
14 programs offered to persons engaged in the building
15 construction industry in Florida. The board shall, at the time
16 the funds are transferred, advise the Department of Education
17 on the most needed areas of research or continuing education
18 based on significant changes in the industry's practices or on
19 the most common types of consumer complaints or on problems
20 costing the state or local governmental entities substantial
21 waste. The board's advice is not binding on the Department of
22 Education. The Department of Education must allocate 50
23 percent of the funds to a graduate program in building
24 construction in a Florida university and 50 percent of the
25 funds to all accredited private and state universities and
26 community colleges within the state offering approved courses
27 in building construction, with each university or college
28 receiving a pro rata share of such funds based upon the number
29 of full-time building construction students enrolled at the
30 institution. The Department of Education shall ensure the
31 distribution of research reports and the availability of

1 continuing education programs to all segments of the building
2 construction industry to which they relate. The Department of
3 Education shall report to the board in October of each year,
4 summarizing the allocation of the funds by institution and
5 summarizing the new projects funded and the status of
6 previously funded projects. The Commissioner of Education is
7 directed to appoint one electrical contractor and one
8 certified alarm system contractor to the Building Construction
9 Industry Advisory Committee.

10 Section 38. Paragraph (a) of subsection (2),
11 subsection (3), and paragraph (b) of subsection (5) of section
12 489.511, Florida Statutes, are amended to read:

13 489.511 Certification; application; examinations;
14 endorsement.--

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

- 19 1. Is at least 18 years of age;
 - 20 2. Is of good moral character; and
 - 21 3. Meets eligibility requirements according to one of
- 22 the following criteria:

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

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

1 c. Has, within the 12 years immediately preceding the
2 filing of the application, at least 6 years of comprehensive
3 training, technical education, or supervisory ~~broad~~ experience
4 associated with an electrical or alarm system contracting
5 business, or at least 6 years of technical experience in
6 electrical or alarm system work with the Armed Forces or a
7 governmental entity installation or servicing endeavor; or

8 d. Has, within the 12 years immediately preceding the
9 filing of the application, been licensed for 3 years as a
10 professional ~~an~~ engineer who is qualified by education,
11 training, or experience to practice electrical engineering; or

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

14 (3) On or after October 1, 1998, every applicant who
15 is qualified shall be allowed to take the examination three
16 times, notwithstanding the number of times the applicant has
17 previously failed the examination. If an applicant fails the
18 examination three times after October 1, 1998, the board shall
19 require the applicant to complete additional college-level or
20 technical education courses in the areas of deficiency, as
21 determined by the board, as a condition of future eligibility
22 to take the examination. The applicant must also submit a new
23 application that meets all certification requirements at the
24 time of its submission and must pay all appropriate fees. ~~Any~~
25 ~~registered unlimited electrical contractor or certified or~~
26 ~~registered specialty contractor who, prior to October 1, 1987,~~
27 ~~passed an examination determined by the board to be~~
28 ~~substantially equivalent to the examination required for~~
29 ~~certification as either an unlimited electrical contractor or~~
30 ~~an alarm system contractor and who has satisfied the other~~

1 ~~requirements of this section shall be certified as an alarm~~
2 ~~system contractor I without further examination.~~

3 (5)

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

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

20 489.513 Registration; application; requirements.--

21 ~~(3)(a) To be registered as an electrical contractor,~~
22 ~~the applicant shall file evidence of holding a current~~
23 ~~occupational license or a current license issued by any~~
24 ~~municipality or county of the state for the type of work for~~
25 ~~which registration is desired, on a form provided by the~~
26 ~~department, together with evidence of successful compliance~~
27 ~~with the local examination and licensing requirements, if any,~~
28 ~~in the area for which registration is desired, accompanied by~~
29 ~~the registration fee fixed pursuant to this part. No~~
30 ~~examination may be required for registration as an electrical~~

31

1 ~~contractor except for any examination required by a local~~
2 ~~government to obtain the local licensure.~~

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

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

31

1 489.517 Renewal of certificate or registration;
2 continuing education.--

3 (4)(a) If a certificateholder or registrant holds a
4 license under both this part and part I and is required to
5 have continuing education courses under s. 489.115(4)(b)1.,
6 the certificateholder or registrant may apply those course
7 hours for workers' compensation, workplace safety, and
8 business practices obtained under part I to the requirements
9 under this part.

10 (b) Of the 14 classroom hours of continuing education
11 required, at least 7 hours must be on technical subjects, 1
12 hour on workers' compensation, 1 hour on workplace safety, and
13 1 hour on business practices.

14 (5) By applying for renewal, each certificateholder or
15 registrant certifies that he or she has continually maintained
16 the required amounts of public liability and property damage
17 insurance as specified by board rule. The board shall
18 establish by rule a procedure to verify the public liability
19 and property damage insurance for a specified period, based
20 upon a random sampling method.

21 Section 41. Section 489.519, Florida Statutes, is
22 amended to read:

23 489.519 Inactive status.--

24 (1) A certificate or registration that has become
25 inactive may be reactivated under s. 489.517 upon application
26 to the department. The board may prescribe, by rule,
27 continuing education requirements as a condition of
28 reactivating a certificate or registration. The continuing
29 education requirements for reactivating a certificate or
30 registration may not exceed 12 classroom hours for each year
31 the certificate or registration was inactive.

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

5 ~~(3)(2)~~ The board shall impose, by rule, continuing
6 education requirements for ~~voluntary~~ inactive
7 certificateholders, when ~~voluntary~~ inactive status is sought
8 by certificateholders who are also building code
9 administrators, plans examiners, or inspectors certified
10 pursuant to part XIII of chapter 468.

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

15 Section 42. Section 489.521, Florida Statutes, is
16 amended to read:

17 489.521 Business organizations; qualifying agents.--

18 (1) If an individual proposes to engage in contracting
19 as a sole proprietorship, certification, ~~when granted,~~ shall
20 be issued ~~only~~ in the name of that individual. If a fictitious
21 name is used, the applicant shall furnish evidence of
22 statutory compliance.

23 (2)(a)1. If the applicant proposing to engage in
24 contracting is a partnership, corporation, business trust, or
25 other legal entity, other than a sole proprietorship, the
26 application shall state the name of the partnership and its
27 partners; the name of the corporation and its officers and
28 directors and the name of each of its stockholders who is also
29 an officer or director; the name of the business trust and its
30 trustees; or the name of such other legal entity and its
31 members. In addition, the applicant shall furnish evidence of

1 statutory compliance if a fictitious name is used. ~~Such~~
2 ~~application shall also show that the qualifying agent is~~
3 ~~legally qualified to act for the business organization in all~~
4 ~~matters connected with its electrical or alarm system~~
5 ~~contracting business and that he or she has authority to~~
6 ~~supervise electrical or alarm system contracting undertaken by~~
7 ~~such business organization.~~A joint venture, including a joint
8 venture composed of qualified business organizations, is
9 itself a separate and distinct organization that shall be
10 qualified in accordance with board rules. The registration or
11 certification, when issued upon application of a business
12 organization, shall be in the name of the qualifying agent,
13 and the name of the business organization shall be noted
14 thereon. If there is a change in any information that is
15 required to be stated on the application, the business
16 organization shall, within 45 days after such change occurs,
17 mail the correct information to the department.

18 2. Any person certified or registered pursuant to this
19 part who has had his or her license revoked shall not be
20 eligible for a 5-year period to be a partner, officer,
21 director, or trustee of a business organization as defined by
22 this section. Such person shall also be ineligible to reapply
23 for certification or registration under this part for a period
24 of 5 years.

25 (b) The applicant ~~application~~ shall also show that the
26 proposed qualifying agent is legally qualified to act for the
27 business organization in all matters connected with its
28 electrical or alarm system contracting business and concerning
29 regulations by the board and that he or she has authority to
30 supervise electrical or alarm system contracting work
31 undertaken by the business organization.

1 (c) The proposed qualifying agent shall demonstrate
2 that he or she possesses the required skill, knowledge, and
3 experience to qualify the business organization in the
4 following manner:

5 1. Having met the qualifications provided in s.
6 489.511 and been issued a certificate of competency pursuant
7 to the provisions of s. 489.511; or

8 2. Having demonstrated that he or she possesses the
9 required experience and education requirements provided in s.
10 489.511 which would qualify him or her as eligible to take the
11 certification examination.

12 (3)(a) The applicant ~~business organization~~ shall
13 furnish evidence of financial responsibility, credit, and
14 business reputation of the business organization, as well as
15 the name of the qualifying agent. The board shall adopt rules
16 defining financial responsibility based upon the business
17 organization's credit history, ability to be bonded, and any
18 history of bankruptcy or assignment of receivers. Such rules
19 shall specify the financial responsibility grounds on which
20 the board may determine that a business organization is not
21 qualified to engage in contracting.

22 (b) In the event a qualifying agent must take the
23 certification examination, the board shall, within 60 days
24 from the date of the examination, inform the business
25 organization in writing whether or not its qualifying agent
26 has qualified.

27 (c) If the qualifying agent of a business organization
28 applying to engage in contracting, after having been notified
29 to do so, does not appear for examination within 1 year from
30 the date of filing of the application, the examination fee
31 paid by it shall be credited as an earned fee to the

1 department. A new application to engage in contracting shall
2 be accompanied by another application fee fixed pursuant to
3 this act. Forfeiture of a fee may be waived by the board for
4 good cause.

5 (d) Once the board has determined that the business
6 organization's proposed qualifying agent has qualified, the
7 business organization shall be authorized to engage in the
8 contracting business. The certificate, when issued, shall be
9 in the name of the qualifying agent, and the name of the
10 business organization shall be noted thereon.

11 (4) As a prerequisite to the initial issuance ~~or the~~
12 ~~renewal~~ of a certificate, the applicant ~~certificateholder~~ or
13 the business organization he or she qualifies shall submit
14 evidence ~~an affidavit on a form provided by the board~~
15 ~~attesting to the fact~~ that he or she or the business
16 organization has obtained public liability and property damage
17 insurance for the safety and welfare of the public in an
18 amount to be determined by board rule ~~by the board~~. ~~The board~~
19 ~~shall by rule establish a procedure to verify the accuracy of~~
20 ~~such affidavits based upon a random sample method. In addition~~
21 ~~to the affidavit of insurance, as a prerequisite to the~~
22 ~~initial issuance of a certificate, the applicant shall furnish~~
23 ~~evidence of financial responsibility, credit, and business~~
24 ~~reputation of either himself or herself or the business~~
25 ~~organization he or she desires to qualify. The board shall~~
26 ~~adopt rules defining financial responsibility based upon the~~
27 ~~credit history, ability to be bonded, and any history of~~
28 ~~bankruptcy or assignment of receivers. Such rules shall~~
29 ~~specify the financial responsibility grounds on which the~~
30 ~~board may refuse to qualify an applicant to engage in the~~
31 ~~contracting business. If, within 60 days from the date the~~

1 ~~certificateholder or business organization is notified that he~~
2 ~~or she has qualified, he or she does not provide the evidence~~
3 ~~required, he or she shall apply to the department for an~~
4 ~~extension of time which shall be granted upon a showing of~~
5 ~~just cause. Thereupon, the board shall certify to the~~
6 ~~department that the certificateholder or the business~~
7 ~~organization is competent and qualified to engage in~~
8 ~~contracting. However, the provisions of this subsection do not~~
9 ~~apply to inactive certificates.~~

10 (5) At least one officer ~~member~~ or supervising
11 employee of the business organization must be qualified under
12 this act in order for the business organization to be
13 qualified to engage in contracting in the category of the
14 business conducted ~~for which the member or supervising~~
15 ~~employee is qualified~~. If any individual so qualified on
16 behalf of the business organization ceases to qualify ~~be~~
17 ~~affiliated with~~ the business organization, he or she shall
18 notify the board and the department thereof within 30 days
19 after such occurrence. In addition, if the individual is the
20 only ~~qualified~~ individual who qualifies ~~affiliated with~~ the
21 business organization, the business organization shall notify
22 the board and the department of the individual's termination,
23 and it shall have a period of 60 days from the termination of
24 the individual ~~individual's affiliation with the business~~
25 ~~organization in which~~ to qualify another person under the
26 provision of this act, failing which, the board shall
27 determine that the business organization is no longer
28 qualified to engage in contracting. The individual shall also
29 inform the board in writing when he or she proposes to engage
30 in contracting in his or her own name or in affiliation with
31 another business organization, and the individual, or such new

1 business organization, shall supply the same information to
2 the board as required for applicants under this act. After an
3 investigation of the financial responsibility, credit, and
4 business reputation of the individual or the new business
5 organization and upon a favorable determination, the board
6 shall certify the business organization as qualified, and the
7 department shall issue, without examination, a new certificate
8 in the individual's name, which shall include the name of the
9 new business organization, as provided in this section.

10 (6) When a business organization qualified to engage
11 in contracting makes application for an occupational license
12 in any municipality or county of this state, the application
13 shall be made with the tax collector in the name of the
14 business organization, and the license, when issued, shall be
15 issued to the business organization upon payment of the
16 appropriate licensing fee and exhibition to the tax collector
17 of a valid certificate issued by the department.

18 (7)(a) Each registered or certified contractor shall
19 affix the number of his or her registration or certification
20 to each application for a building permit and to each building
21 permit issued and recorded. Each city or county building
22 department shall require, as a precondition for the issuance
23 of a building permit, that the contractor applying for the
24 permit provide verification giving the number of his or her
25 registration or certification under this part.

26 (b) The registration or certification number of a
27 contractor shall be stated in each offer of services, business
28 proposal, or advertisement, regardless of medium, used by that
29 contractor. For the purposes of this part, the term
30 "advertisement" does not include business stationery or any
31 promotional novelties such as balloons, pencils, trinkets, or

1 articles of clothing. The board shall assess a fine of not
2 less than \$100 or issue a citation to any contractor who fails
3 to include that contractor's certification or registration
4 number when submitting an advertisement for publication,
5 broadcast, or printing. In addition, any person who claims in
6 any advertisement to be a certified or registered contractor,
7 but who does not hold a valid state certification or
8 registration, commits a misdemeanor of the second degree,
9 punishable as provided in s. 775.082 or s. 775.083.

10 (8) Each qualifying agent shall pay the department an
11 amount equal to the original fee for certification or
12 registration to qualify any additional business organizations.
13 If the qualifying agent for a business organization desires to
14 qualify additional business organizations, the board shall
15 require him or her to present evidence of supervisory ability
16 and financial responsibility of each such organization.

17 Allowing a licensee to qualify more than one business
18 organization shall be conditioned upon the licensee showing
19 that the licensee has both the capacity and intent to
20 adequately supervise each business organization in accordance
21 with s. 489.522(1). The board shall not limit the number of
22 business organizations which the licensee may qualify except
23 upon the licensee's failing to provide such information as is
24 required under this subsection or upon a finding that such
25 information or evidence as is supplied is incomplete or
26 unpersuasive in showing the licensee's capacity and intent to
27 comply with the requirements of this subsection. A
28 qualification for an additional business organization may be
29 revoked or suspended upon a finding by the board that the
30 licensee has failed in the licensee's responsibility to
31 adequately supervise the operations of that business

1 organization in accordance with s. 489.522(1). Failure of the
2 responsibility to adequately supervise the operations of a
3 business organization in accordance with s. 489.522(1) shall
4 be grounds for denial to qualify additional business
5 organizations.~~The issuance of such certification or~~
6 ~~registration is discretionary with the board.~~

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

12 Section 43. Section 489.525, Florida Statutes, is
13 amended to read:

14 489.525 Reports of certified contractors to local
15 building officials.--

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

19 ~~(2) The department may shall include in the report of~~
20 ~~certified contractors provided in subsection (1) a report to~~
21 ~~all county tax collectors, local boards, and building~~
22 ~~officials, containing:~~

23 ~~(a) the contents of this part~~ and

24 ~~(b) the contents of the rules of the board and the~~
25 ~~contents of the rules of the department which affect local~~
26 ~~government as determined by the department. Any information~~
27 ~~that is available through the Internet or other electronic~~
28 ~~means may be excluded from the report.~~

29 Section 44. Subsections (1) and (2) of section
30 489.533, Florida Statutes, are amended to read:

31 489.533 Disciplinary proceedings.--

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

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

5 (b) Attempting to procure a certificate or
6 registration to practice electrical or alarm system
7 contracting by bribery or fraudulent or willful
8 misrepresentations.

9 (c) Having a certificate or registration to practice
10 contracting revoked, suspended, or otherwise acted against,
11 including the denial of licensure, by the licensing authority
12 of another state, territory, or country.

13 (d) Being convicted or found guilty of, or entering a
14 plea of nolo contendere to, regardless of adjudication, ~~of~~ a
15 crime in any jurisdiction which directly relates to the
16 practice of electrical or alarm system contracting or the
17 ability to practice electrical or alarm system contracting.

18 (e) Making or filing a report or record which the
19 certificateholder or registrant knows to be false, willfully
20 failing to file a report or record required by state or
21 federal law, willfully impeding or obstructing such filing, or
22 inducing another person to impede or obstruct such filing.
23 Such reports or records shall include only those which are
24 signed in the capacity of a certified electrical or alarm
25 system contractor.

26 (f) Committing fraud or deceit, or negligence,
27 incompetency, or misconduct in the practice of electrical or
28 alarm system contracting.

29 (g) Violating chapter 633 or the rules of the State
30 Fire Marshal.

31

1 (h) Practicing on a revoked, suspended, inactive, or
2 delinquent certificate or registration.

3 (i) Willfully or deliberately disregarding and
4 violating the applicable building codes or laws of the state
5 or any municipality or county thereof.

6 (j) Performing any act which assists a person or
7 entity in engaging in the prohibited uncertified and
8 unregistered practice of contracting, if the certificateholder
9 or registrant knows or has reasonable grounds to know that the
10 person or entity was uncertified and unregistered.

11 (k) Knowingly combining or conspiring with any person
12 by allowing one's certificate to be used by any uncertified
13 person with intent to evade the provisions of this part. When
14 a certificateholder allows his or her certificate to be used
15 by one or more companies without having any active
16 participation in the operations or management of said
17 companies, such act constitutes prima facie evidence of an
18 intent to evade the provisions of this part.

19 (l) Acting in the capacity of a contractor under any
20 certificate or registration issued hereunder except in the
21 name of the certificateholder or registrant as set forth on
22 the issued certificate or registration or in accordance with
23 the personnel of the certificateholder or registrant as set
24 forth in the application for the certificate or registration
25 or as later changed as provided in this part.

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

29 1. A valid lien has been recorded against the property
30 of a contractor's customer for supplies or services ordered by
31 the contractor for the customer's job, the contractor has

1 received funds from the customer to pay for the supplies or
2 services, and the contractor has not had the lien removed from
3 the property, by payment or by bond, within 75 days after the
4 date of the lien;

5 2. A contractor has abandoned a customer's job and the
6 percentage of completion is less than the percentage of the
7 total contract price that had been paid to the contractor as
8 of the time of abandonment, unless the contractor is entitled
9 to retain the excess funds under the terms of the contract or
10 refunds the excess funds within 30 days after the date of
11 abandonment; ~~or~~

12 3. The contractor's job has been completed and it is
13 shown that the customer has had to pay more for the contracted
14 job than the original contract price, as adjusted for
15 subsequent change orders, unless such increase in cost was the
16 result of circumstances beyond the control of the contractor,
17 was the result of circumstances caused by the customer, or was
18 otherwise permitted by the terms of the contract between the
19 contractor and the customer; or

20 4. The contractor fails, within 18 months, to pay or
21 comply with a repayment schedule of a judgment obtained
22 against the contractor or a business qualified by the
23 contractor and relating to the practice of contracting.

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

26 (o) Failing in any material respect to comply with the
27 provisions of this part and the rules adopted pursuant
28 thereto.

29 (p) Abandoning a project which the contractor is
30 engaged in or is under contractual obligation to perform. A
31 project is to be considered abandoned after 90 days if the

1 contractor terminates the project without just cause or
2 without proper notification to the prospective owner,
3 including the reason for termination, or fails to perform work
4 without just cause for 90 consecutive days.

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

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

9 (s) Practicing beyond the scope of a certification or
10 registration.

11

12 For the purposes of this subsection, construction is
13 considered to be commenced when the contract is executed and
14 the contractor has accepted funds from the customer or lender.

15 (2) When the board finds any applicant, contractor, or
16 business organization for which the contractor is a primary
17 qualifying agent or secondary qualifying agent responsible
18 under s. 489.522 guilty of any of the grounds set forth in
19 subsection (1), it may enter an order imposing one or more of
20 the following penalties:

21 (a) Denial of an application for certification or
22 registration.

23 (b) Revocation or suspension of a certificate or
24 registration.

25 (c) Imposition of an administrative fine not to exceed
26 \$5,000 for each count or separate offense.

27 (d) Issuance of a reprimand.

28 (e) Placement of the contractor on probation for a
29 period of time and subject to such conditions as the board may
30 specify, including requiring the contractor to attend

31

1 continuing education courses or to work under the supervision
2 of another contractor.

3 (f) Restriction of the authorized scope of practice by
4 the contractor.

5 (g) Require financial restitution to a consumer.

6 Section 45. For the purpose of incorporating the
7 amendment to section 489.533, Florida Statutes, in a reference
8 thereto, subsection (5) of section 489.518, Florida Statutes,
9 is reenacted to read:

10 489.518 Alarm system agents.--

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

14 Section 46. Paragraph (b) of subsection (2) of section
15 489.537, Florida Statutes, is amended, and subsection (9) is
16 added to that section, to read:

17 489.537 Application of this part.--

18 (2)

19 (b) A registered electrical contractor may bid on
20 electrical contracts which include alarm systems contracting
21 as a part of the contract, provided that the individual shall
22 subcontract such alarm systems contracting, except raceway
23 systems, to a properly certified or registered alarm system
24 contractor. Registered electrical contractors may install
25 raceways for alarm systems. However, if the registered
26 electrical contractor is properly certified or registered as
27 an alarm system contractor, the individual is not required to
28 subcontract out the alarm system contracting.

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

31

1 Section 47. Section 489.539, Florida Statutes, is
2 amended to read:

3 489.539 Adoption of electrical and alarm
4 standards.--For the purpose of establishing minimum electrical
5 and alarm standards in this state, the current edition of the
6 following standards are adopted:

7 (1) "National Electrical Code ~~1990~~," NFPA No. 70
8 ~~70-1990~~.

9 (2) Underwriters' Laboratories, Inc., "Standards for
10 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
11 57 ~~57-1982~~, and UL 153 ~~153-1983~~.

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

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

16 (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics
17 ~~1978~~."

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

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

21 (d) NFPA No. 56D ~~56D-1982~~, "Hyperbaric Facilities."

22 (e) NFPA No. 56F ~~56F-1983~~, "Nonflammable Medical Gas
23 Systems ~~1983~~."

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

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

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

30 (6) The minimum standards for grounding of portable
31 electric equipment, chapter 8C-27, as recommended by the

1 Industrial Standards Section of the Division of Workers'
2 Compensation of the Department of Labor and Employment
3 Security.

4 Section 48. Section 553.19, Florida Statutes, is
5 amended to read:

6 553.19 Adoption of electrical and alarm
7 standards.--For the purpose of establishing minimum electrical
8 and alarm standards in this state, the current edition of the
9 following standards are adopted:

10 (1) "National Electrical Code ~~1990~~," NFPA No. 70
11 ~~70-1990~~.

12 (2) Underwriters' Laboratories, Inc., "Standards for
13 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
14 57 ~~57-1982~~ and UL 153 ~~153-1983~~.

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

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

19 (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics
20 ~~1978~~."

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

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

24 (d) NFPA No. 56D ~~56D-1982~~, "Hyperbaric Facilities."

25 (e) NFPA No. 56F ~~56F-1983~~, "Nonflammable Medical Gas
26 Systems ~~1983~~."

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

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

30
31

1 (5) Chapter 10D-29 of the rules and regulations of the
2 Department of Health and Rehabilitative Services, entitled
3 "Nursing Homes and Related Facilities Licensure."

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

8 Section 49. Section 489.5185, Florida Statutes, is
9 created to read:

10 489.5185 Fire alarm system agents.--

11 (1) A certified unlimited electrical contractor or
12 licensed fire alarm contractor may not employ a person to
13 perform the duties of a fire alarm system agent unless the
14 person:

15 (a) Is at least 18 years of age or has evidence of a
16 court-approved declaration of emancipation.

17 (b) Has successfully completed a minimum of 18 hours
18 of initial training, to include basic fire alarm system
19 technology in addition to related training in National Fire
20 Protection Association (NFPA) codes and standards and access
21 control training. Such training must be from a board-approved
22 provider, and the employee or applicant for employment must
23 provide proof of successful completion to the licensed
24 employer. The board, by rule, shall establish criteria for the
25 approval of training courses and providers. The board shall
26 approve qualified providers that conduct training in other
27 than the English language. The board shall establish a fee for
28 the approval of training providers, not to exceed \$200, and a
29 fee for the approval of courses at \$25 per credit hour, not to
30 exceed \$100 per course.

1 (c) Has not been convicted within the last 3 years of
2 a crime that directly relates to the business for which
3 employment is being sought. Although the employee is barred
4 from operating as a fire alarm system agent for 3 years
5 subsequent to his or her conviction, the employer shall be
6 supplied the information regarding any convictions occurring
7 prior to that time, and the employer may at his or her
8 discretion consider an earlier conviction to be a bar to
9 employment as a fire alarm system agent. To ensure that this
10 requirement has been met, a certified unlimited electrical
11 contractor or licensed fire alarm contractor must obtain from
12 the Florida Department of Law Enforcement a completed
13 fingerprint and criminal background check for each applicant
14 for employment as a fire alarm system agent or for each
15 individual currently employed on the effective date of this
16 act as a fire alarm system agent.

17 (d) Has not been committed for controlled substance
18 abuse or been found guilty of a crime under chapter 893 or any
19 similar law relating to controlled substances in any other
20 state within the 3-year period immediately preceding the date
21 of application for employment, or immediately preceding the
22 effective date of this act for an individual employed as a
23 fire alarm system agent on that date, unless the person
24 establishes that he or she is not currently abusing any
25 controlled substance and has successfully completed a
26 rehabilitation course.

27 (2)(a) Any applicant for employment as a fire alarm
28 system agent, or any individual employed as a fire alarm
29 system agent on the effective date of this act, who has
30 completed alarm system agent or burglar alarm system agent
31 training prior to the effective date of this act in a

1 board-certified program is not required to take additional
2 training in order to comply with the initial training
3 requirements of this section.

4 (b) A state-certified electrical contractor, a
5 state-certified fire alarm system contractor, a
6 state-registered fire alarm system contractor, a journeyman
7 electrician licensed by any local jurisdiction, or an alarm
8 technician licensed by a local jurisdiction that requires an
9 examination and experience or training as licensure
10 qualifications is not required to complete the training
11 required for fire alarm system agents. A state-registered
12 electrical contractor is not required to complete the training
13 required for fire alarm system agents, so long as he or she is
14 only doing electrical work up to the alarm panel.

15 (c) A nonsupervising employee working as a helper or
16 apprentice under the direct, onsite, continuous supervision of
17 a state-certified electrical contractor, a state-registered
18 electrical contractor, a state-certified fire alarm system
19 contractor, a state-registered fire alarm system contractor, a
20 journeyman electrician licensed by any local jurisdiction, an
21 alarm technician licensed by a local jurisdiction that
22 requires an examination and experience or training as
23 licensure qualifications, or a qualified fire alarm system
24 agent is not required to complete the training otherwise
25 required and is not required to be 18 years of age or older.

26 (d) A burglar alarm system agent employed by a
27 licensed fire alarm contractor or certified unlimited
28 electrical contractor who has fulfilled all requirements of s.
29 489.518 prior to the effective date of this act is not
30 required to complete the initial training required by this
31 section for fire alarm system agents.

1 (3) An applicant for employment as a fire alarm system
2 agent may commence employment, or an individual employed as a
3 fire alarm system agent on the effective date of this act may
4 continue employment, pending completion of both the training
5 and the fingerprint and criminal background checks required by
6 this section, for a period not to exceed 90 days after the
7 date of application for employment or 90 days after the
8 effective date of this act for individuals employed as fire
9 alarm system agents on that date. However, the person must
10 work under the direction and control of a sponsoring certified
11 unlimited electrical contractor or licensed fire alarm
12 contractor until completion of both the training and the
13 fingerprint and criminal background checks. If an applicant or
14 an individual employed on the effective date of this act does
15 not complete the training or receive satisfactory fingerprint
16 and criminal background checks within the 90-day period, the
17 employment must be terminated immediately.

18 (4)(a) A certified unlimited electrical contractor or
19 licensed fire alarm contractor must furnish each of his or her
20 fire alarm system agents with an identification card.

21 (b) The card shall follow a board-approved format, to
22 include a picture of the agent; shall specify at least the
23 name of the holder of the card and the name and license number
24 of the certified unlimited electrical contractor or licensed
25 fire alarm contractor; and shall be signed by both the
26 contractor and the holder of the card. Each identification
27 card shall be valid for a period of 2 years after the date of
28 issuance. The identification card must be in the possession of
29 the fire alarm system agent while engaged in fire alarm system
30 agent duties.

31

1 (c) Each person to whom an identification card has
2 been issued is responsible for the safekeeping thereof, and
3 may not loan, or allow any other person to use or display, the
4 identification card.

5 (d) Each identification card must be renewed every 2
6 years and in a board-approved format to show compliance with
7 the 6 hours of continuing education necessary to maintain
8 certification as a fire alarm system agent.

9 (5) Each fire alarm system agent must receive 6 hours
10 of continuing education on fire alarm system installation and
11 repair every 2 years from a board-approved sponsor of training
12 and through a board-approved training course.

13 (6) Failure to comply with any of the provisions of
14 this section shall be grounds for disciplinary action against
15 the contractor pursuant to s. 489.533.

16 Section 50. Section 501.937, Florida Statutes, is
17 created to read:

18 501.937 Industrial hygienists and safety
19 professionals; use of professional titles; failure to
20 comply.--

21 (1) Any person representing himself or herself as a
22 "safety professional" or "industrial hygienist" must
23 accurately disclose his or her credentials.

24 (2) A person may not represent himself or herself as a
25 "certified safety professional," "associate safety
26 professional," "certified occupational health and safety
27 technologist," "industrial hygienist in training," or
28 "certified industrial hygienist" unless he or she holds a
29 current valid certificate in the field of safety or industrial
30 hygiene from either the American Board of Industrial Hygiene
31 or the Board of Certified Safety Professionals, or unless the

1 Department of Business and Professional Regulation has, upon
2 request, examined another certification program and has
3 formally concluded that the certification standards of that
4 certification program are substantially equivalent to the
5 standards for certificates issued by those organizations; nor
6 may the person mislead or deceive anyone by the unauthorized
7 use of any certification mark that has been awarded by the
8 United States Patent and Trademark Office.

9 (3)(a) A "safety professional" is a person having a
10 baccalaureate degree in safety, engineering, chemistry,
11 physics, or a closely related physical or biological science
12 who has acquired competency in the field of safety. The
13 studies and training necessary to acquire such competency
14 should have been sufficient in all of the above cognate
15 sciences to provide the abilities to anticipate, identify, and
16 evaluate hazardous conditions and practices; to develop hazard
17 control designs, methods, procedures, and programs; to
18 implement, administer, and advise others on hazard controls
19 and hazard control programs; and to measure, audit, and
20 evaluate the effectiveness of hazard controls and hazard
21 control programs.

22 (b) An "industrial hygienist" is a person having a
23 baccalaureate degree in engineering, chemistry, physics, or a
24 closely related physical or biological science who has
25 acquired competency in the field of industrial hygiene. The
26 studies and training necessary to acquire such competency
27 should have been sufficient in all of the above cognate
28 sciences to provide the abilities to anticipate and recognize
29 the environmental factors and stresses associated with work
30 and work operations and to understand their effects on people
31 and their well-being; to evaluate, on the basis of training

1 and experience and with the aid of quantitative measurement
2 techniques, the magnitude of these factors and stresses in
3 terms of ability to impair human health and well-being; and to
4 prescribe methods to eliminate, control, or reduce such
5 factors and stresses when necessary to alleviate their
6 effects.

7 (4) Failure to comply with this section constitutes a
8 deceptive and unfair trade practice.

9 Section 51. Present subsections (7) through (25) of
10 section 633.021, Florida Statutes, are redesignated as
11 subsections (8) through (26), respectively, and a new
12 subsection (7) is added to that section, to read:

13 633.021 Definitions.--As used in this chapter:

14 (7) A "fire extinguisher" is a cylinder that:

15 (a) Is portable and can be carried or is on wheels.

16 (b) Is manually operated.

17 (c) May use a variety of extinguishing agents that are
18 expelled under pressure.

19 (d) Is rechargeable or nonrechargeable.

20 (e) Is installed, serviced, repaired, recharged,
21 inspected, and hydrottested according to applicable procedures
22 of the manufacturer, standards of the National Fire Protection
23 Association, and the Code of Federal Regulations.

24 (f) Is listed by a nationally recognized testing
25 laboratory.

26 Section 52. Section 633.061, Florida Statutes, is
27 amended to read:

28 633.061 License or permit required of organizations
29 and individuals servicing, recharging, repairing, testing,
30 marking, inspecting, ~~or~~ installing, or hydrottesting fire
31 extinguishers and preengineered systems.--

1 (1) It is unlawful for any organization or individual
2 to engage in the business of servicing, repairing, recharging,
3 testing, marking, inspecting, ~~or installing,~~ or hydrotesting
4 any fire extinguisher or preengineered system in this state
5 except in conformity with the provisions of this chapter.
6 Each organization or individual that ~~which~~ engages in such
7 activity must possess a valid and subsisting license issued by
8 the State Fire Marshal. All fire extinguishers and
9 preengineered systems required by statute or by rule must be
10 serviced by an organization or individual licensed under the
11 provisions of this chapter. The licensee is legally qualified
12 to act for the business organization in all matters connected
13 with its business, and the licensee must supervise all
14 activities undertaken by such business organization. Each
15 licensee shall maintain a specific business location. A
16 further requirement, in the case of multiple locations where
17 such servicing or recharging is taking place, is that each
18 licensee who maintains more than one place of business where
19 actual work is carried on must possess an additional license,
20 as set forth in this section, for each location, except that a
21 ~~no~~ licensed individual may not qualify for more than five
22 locations. A licensee is limited to a specific type of work
23 performed depending upon the class of license held. Licenses
24 and license fees are required for the following:

25 (a) Class A.....\$150
26 To service, recharge, repair, install, or inspect all types of
27 fire extinguishers, ~~including recharging carbon dioxide units,~~
28 and to conduct hydrostatic tests on all types of fire
29 extinguishers, ~~including carbon dioxide units.~~

30 (b) Class B.....\$100

31

1 To service, recharge, repair, install, or inspect all types of
2 fire extinguishers, including recharging carbon dioxide units
3 and conducting hydrostatic tests on all ~~water, water chemical,~~
4 ~~and dry chemical~~ types of fire extinguishers, except carbon
5 dioxide units ~~only~~.

6 (c) Class C.....\$100
7 To service, recharge, repair, install, or inspect all types of
8 fire extinguishers, except recharging carbon dioxide units,
9 and to conduct hydrostatic tests on all ~~water, water chemical,~~
10 ~~and dry chemical~~ types of fire extinguishers, except carbon
11 dioxide units ~~only~~.

12 (d) Class D.....\$125
13 To service, repair, recharge, hydrottest,install, or inspect
14 all types of preengineered fire extinguishing systems.

15 (e) Licenses issued as duplicates or to reflect a
16 change of address.....\$10

17
18 Any fire equipment dealer licensed pursuant to this subsection
19 who does not want to engage in the business of servicing,
20 inspecting, recharging, repairing, hydrottesting,or installing
21 halon equipment must file an affidavit on a form provided by
22 the division so stating. Licenses will be issued by the
23 division to reflect the work authorized thereunder. It is
24 unlawful, unlicensed activity for any person or firm to
25 falsely hold himself or herself or a business organization out
26 to perform any service, inspection, recharge, repair,
27 hydrottest,or installation except as specifically described in
28 the license.

29 (2) Each individual actually performing the work of
30 servicing, recharging, repairing, hydrottesting,installing,
31 testing, or inspecting fire extinguishers or preengineered

1 systems must possess a valid and subsisting permit issued by
2 the State Fire Marshal. Permittees are limited as to specific
3 type of work performed dependent upon the class of permit held
4 which shall be a class allowing work no more extensive than
5 the class of license held by the licensee under whom the
6 permittee is working. Permits and fees therefor are required
7 for the following:

8 (a) Class 1.....\$50
9 Servicing, recharging, repairing, installing, or inspecting
10 all types of fire extinguishers, ~~including carbon dioxide~~
11 ~~units~~, and conducting hydrostatic tests on all types of fire
12 extinguishers, ~~including carbon dioxide units~~.

13 (b) Class 2.....\$50
14 Servicing, recharging, repairing, installing, or inspecting
15 all types of fire extinguishers, including carbon dioxide
16 units, and conducting hydrostatic tests on all water, ~~water~~
17 ~~chemical~~, and ~~dry chemical~~ types of fire extinguishers, except
18 carbon dioxide units only.

19 (c) Class 3.....\$50
20 Servicing, recharging, repairing, installing, or inspecting
21 all types of fire extinguishers, except recharging carbon
22 dioxide units, and conducting hydrostatic tests on all water,
23 ~~water chemical~~, and ~~dry chemical~~ types of fire extinguishers,
24 except carbon dioxide units only.

25 (d) Class 4.....\$65
26 Servicing, repairing, hydrotesting, recharging, installing, or
27 inspecting all types of preengineered fire extinguishing
28 systems.

29 (e) Permits issued as duplicates or to reflect a
30 change of address.....\$10
31

1 Any fire equipment permittee licensed pursuant to this
2 subsection who does not want to engage in servicing,
3 inspecting, recharging, repairing, hydrotesting, or installing
4 halon equipment must file an affidavit on a form provided by
5 the division so stating. Permits will be issued by the
6 division to reflect the work authorized thereunder. It is
7 unlawful, unlicensed activity for any person or firm to
8 falsely hold himself or herself out to perform any service,
9 inspection, recharge, repair, hydrotest, or installation
10 except as specifically described in the permit.

11 (3)(a) Such licenses and permits shall be issued by
12 the State Fire Marshal for each license year beginning January
13 1 and expiring the following December 31. The failure to
14 renew a license or permit by December 31 will cause the
15 license or permit to become inoperative. The holder of an
16 inoperative license or permit shall not engage in any
17 activities for which a license or permit is required by this
18 section. A license or permit which is inoperative because of
19 the failure to renew it shall be restored upon payment of the
20 applicable fee plus a penalty equal to the applicable fee, if
21 the application for renewal is filed no later than the
22 following March 31. If the application for restoration is not
23 made before the March 31st deadline, the fee for restoration
24 shall be equal to the original application fee and the penalty
25 provided for herein, and, in addition, the State Fire Marshal
26 shall require reexamination of the applicant. Each licensee
27 or permittee shall successfully complete a course or courses
28 of continuing education for fire equipment technicians within
29 5 years of initial issuance of a license or permit and within
30 every 5-year period thereafter or no such license or permit

31

1 shall be renewed. The State Fire Marshal shall adopt rules
2 describing the continuing education requirements.

3 (b) The forms of such licenses and permits and
4 applications therefor shall be prescribed by the State Fire
5 Marshal; in addition to such other information and data as
6 that officer determines is appropriate and required for such
7 forms, there shall be included in such forms the following
8 matters. Each such application shall be in such form as to
9 provide that the data and other information set forth therein
10 shall be sworn to by the applicant or, if a corporation, by an
11 officer thereof. An application for a permit shall include
12 the name of the licensee employing such permittee, and the
13 permit issued in pursuance of such application shall also set
14 forth the name of such licensee. A permit is valid solely for
15 use by the holder thereof in his or her employment by the
16 licensee named in the permit.

17 (c) A license of any class shall not be issued or
18 renewed by the State Fire Marshal and a license of any class
19 shall not remain operative unless:

20 1. The applicant has submitted to the State Fire
21 Marshal evidence of registration as a Florida corporation or
22 evidence of compliance with s. 865.09.

23 2. The State Fire Marshal or his or her designee has
24 by inspection determined that the applicant possesses the
25 equipment required for the class of license sought. The State
26 Fire Marshal shall give an applicant a reasonable opportunity
27 to correct any deficiencies discovered by inspection. A fee of
28 \$50, payable to the State Fire Marshal, shall be required for
29 any subsequent reinspection.

30 3. The applicant has submitted to the State Fire
31 Marshal proof of insurance providing coverage for

1 comprehensive general liability for bodily injury and property
2 damage, products liability, completed operations, and
3 contractual liability. The State Fire Marshal shall adopt
4 rules providing for the amounts of such coverage, but such
5 amounts shall not be less than \$300,000 for Class A or Class D
6 licenses, \$200,000 for Class B licenses, and \$100,000 for
7 Class C licenses; and the total coverage for any class of
8 license held in conjunction with a Class D license shall not
9 be less than \$300,000. The State Fire Marshal may, at any
10 time after the issuance of a license or its renewal, require
11 upon demand, and in no event more than 30 days after notice of
12 such demand, the licensee to provide proof of insurance, on a
13 form provided by the State Fire Marshal, containing
14 confirmation of insurance coverage as required by this
15 chapter. Failure, for any length of time, to provide proof of
16 insurance coverage as required shall result in the immediate
17 suspension of the license until proof of proper insurance is
18 provided to the State Fire Marshal. An insurer which provides
19 such coverage shall notify the State Fire Marshal of any
20 change in coverage or of any termination, cancellation, or
21 nonrenewal of any coverage.

22 4. The applicant successfully completes a prescribed
23 training course offered by the State Fire College or an
24 equivalent course approved by the State Fire Marshal. This
25 subparagraph does not apply to any holder of or applicant for
26 a permit under paragraph (d) or to a business organization or
27 a governmental entity seeking initial licensure or renewal of
28 an existing license solely for the purpose of inspecting,
29 servicing, repairing, marking, recharging, and maintaining
30 fire extinguishers used and located on the premises of and
31 owned by such organization or entity.

1 5. The applicant has a current retestor identification
2 number that is appropriate for the license for which the
3 applicant is applying and that is listed with the U.S.
4 Department of Transportation.

5 ~~6.5.~~ The applicant has passed, with a grade of at
6 least 70 percent, a written examination testing his or her
7 knowledge of the rules and statutes regulating the activities
8 authorized by the license and demonstrating his or her
9 knowledge and ability to perform those tasks in a competent,
10 lawful, and safe manner. Such examination shall be developed
11 and administered by the State Fire Marshal, or his or her
12 designee. An applicant shall pay a nonrefundable examination
13 fee of \$50 for each examination or reexamination scheduled.
14 No reexamination shall be scheduled sooner than 30 days after
15 any administration of an examination to an applicant. No
16 applicant shall be permitted to take an examination for any
17 level of license more than a total of four times during 1
18 year, regardless of the number of applications submitted. As
19 a prerequisite to taking the examination, the applicant:

20 a. Must be at least 18 years of age.

21 b. Must have 4 years of proven experience as a fire
22 equipment permittee at a level equal to or greater than the
23 level of license applied for or have a combination of
24 education and experience determined to be equivalent thereto
25 by the State Fire Marshal. Having held a permit at the
26 appropriate level for the required period constitutes the
27 required experience.

28 c. Must not have been convicted of, or pled nolo
29 contendere to, any felony. If an applicant has been convicted
30 of any such felony, the applicant must comply with s.
31 112.011(1)(b).

1
2 This subparagraph does not apply to any holder of or applicant
3 for a permit under paragraph (d) or to a business organization
4 or a governmental entity seeking initial licensure or renewal
5 of an existing license solely for the purpose of inspecting,
6 servicing, repairing, marking, recharging, hydrotesting, and
7 maintaining fire extinguishers used and located on the
8 premises of and owned by such organization or entity.

9 ~~(d)6.~~ (d)6. An applicant who fails the examination may take
10 it three more times during the 1-year period after he or she
11 originally filed an application for the examination. If the
12 applicant fails the examination within 1 year after the
13 application date and seeks to retake the examination, he or
14 she must file a new application, pay the application and
15 examination fees, and successfully complete a prescribed
16 training course approved by the State Fire College or an
17 equivalent course approved by the State Fire Marshal. An
18 applicant may not submit a new application within 6 months
19 after the date of his or her last reexamination.

20 (e) A fire equipment dealer licensed under this
21 section may apply to upgrade the license currently held, if
22 the licensed dealer:

23 1. Submits an application for the license on a form in
24 conformance with paragraph (b). The application must be
25 accompanied by a fee as prescribed in subsection (1) for the
26 type of license requested.

27 2. Provides evidence of 2 years' experience as a
28 licensed dealer and meets such relevant educational
29 requirements as are established by rule by the State Fire
30 Marshal for purposes of upgrading a license.

31 3. Meets the requirements of paragraph (c).

1 (f)~~(d)~~ No permit of any class shall be issued or
2 renewed to a person by the State Fire Marshal, and no permit
3 of any class shall remain operative, unless the person has:
4 1. Submitted a nonrefundable examination fee in the
5 amount of \$50;
6 2. Successfully completed a training course offered by
7 the State Fire College or an equivalent course approved by the
8 State Fire Marshal; and
9 3. Passed, with a grade of at least 70 percent, a
10 written examination testing his or her knowledge of the rules
11 and statutes regulating the activities authorized by the
12 permit and demonstrating his or her knowledge and ability to
13 perform those tasks in a competent, lawful, and safe manner.
14 Such examination shall be developed and administered by the
15 State Fire Marshal. An examination fee shall be paid for each
16 examination scheduled. No reexamination shall be scheduled
17 sooner than 30 days after any administration of an examination
18 to an applicant. No applicant shall be permitted to take an
19 examination for any level of permit more than four times
20 during 1 year, regardless of the number of applications
21 submitted. As a prerequisite to taking the permit
22 examination, the applicant must be at least 16 years of age.
23 (g)~~(e)~~ An applicant who fails the examination may take
24 it three more times during the 1-year period after he or she
25 originally filed an application for the examination. If the
26 applicant fails the examination within 1 year after the
27 application date and he or she seeks to retake the
28 examination, he or she must file a new application, pay the
29 application and examination fees, and successfully complete a
30 prescribed training course offered by the State Fire College
31 or an equivalent course approved by the State Fire Marshal.

1 The applicant may not submit a new application within 6 months
2 after the date of his or her last reexamination.

3 (4)(a) It is unlawful for a fire equipment dealer to
4 engage in training an individual to perform the work of
5 installing, testing, recharging, repairing, or inspecting
6 portable extinguishers or preengineered systems except in
7 conformity with this section. Each individual engaging in
8 such training activity must be registered with the State Fire
9 Marshal. The dealer must register the trainee prior to the
10 trainee performing any work. The dealer must submit training
11 criteria to the State Fire Marshal for review and approval.

12 (b) No trainee shall perform work requiring a permit
13 unless an individual possessing a valid and current fire
14 equipment permit for the type of work performed is physically
15 present. The trainee's registration shall be valid for a
16 90-day period from the date of issuance and is nontransferable
17 and nonrenewable. The initial training period may be extended
18 for an additional 90 days of training if the applicant has
19 filed an application for permit and enrolled in the 40-hour
20 course at the State Fire College within 60 days after the date
21 of registration as a trainee and either the training course at
22 the State Fire College was unavailable to the applicant within
23 the initial training period, at no fault of the applicant, or
24 the applicant attends and fails the 40-hour training course or
25 the competency examination. At no time will an individual be
26 registered as a trainee for more than two 90-day periods as
27 provided in this paragraph. The trainee must:

- 28 1. Be 18 years of age.
- 29 2. Possess on his or her person at all times a valid
30 Florida driver's license or a valid state identification card,
31 issued by the Department of Highway Safety and Motor Vehicles.

1 A trainee must produce identification to the State Fire
2 Marshal or his or her designated representative upon demand.

3 3. Pay a fee for registration of \$10 per trainee for a
4 90-day period.

5 (c) No more than two trainees shall be under the
6 supervision of a single trainer, who shall be directly
7 responsible for all work performed by any trainee while under
8 his or her supervision. No trainee shall perform any work not
9 within the scope of the license or permit held by the fire
10 equipment dealer or permittee directly supervising his or her
11 work.

12 (d) Upon completion of a training period, an
13 individual must comply with the provisions of this section to
14 obtain a permit.

15 (5) The State Fire Marshal shall adopt rules providing
16 for the approval of the time, place, and curriculum of each
17 training course required by this section.

18 (6) Every permittee must have a valid and subsisting
19 permit upon his or her person at all times while engaging in
20 the servicing, recharging, repairing, testing, inspecting, or
21 installing of fire extinguishers and preengineered systems,
22 and every licensee or permittee must be able to produce such
23 license or permit upon demand. In addition, every permittee
24 shall at all times carry an identification card containing his
25 or her photograph and other identifying information as
26 prescribed by the State Fire Marshal or the State Fire
27 Marshal's designee, which shall be produced on demand. The
28 State Fire Marshal shall supply this card at a fee which shall
29 be related to the cost of producing the card.

30 (7) The fees collected for any such licenses and
31 permits and the filing fees for license and permit examination

1 are hereby appropriated for the use of the State Fire Marshal
2 in the administration of this chapter and shall be deposited
3 in the Insurance Commissioner's Regulatory Trust Fund.

4 (8) The provisions of this chapter do not apply to
5 inspections by fire chiefs, fire inspectors, fire marshals, or
6 insurance company inspectors.

7 (9) All fire extinguishers and preengineered systems
8 that ~~which~~ are required by statute or by rule must be
9 serviced, recharged, repaired, hydrottested, tested, inspected,
10 and installed in compliance with this chapter and with the
11 rules adopted by the State Fire Marshal. The State Fire
12 Marshal may adopt by rule the standards of the National Fire
13 Protection Association and of other reputable national
14 organizations.

15 (10) If the licensee leaves the business organization
16 or dies, the business organization shall immediately notify
17 the State Fire Marshal of the licensee's departure, shall
18 return the license to the State Fire Marshal, and shall have a
19 grace period of 60 days in which to license another person
20 under the provisions of this chapter, failing which the
21 business shall no longer perform those activities for which a
22 license under this section is required.

23 Section 53. Paragraph (b) of subsection (1) of section
24 633.065, Florida Statutes, is amended to read:

25 633.065 Requirements for installation, inspection, and
26 maintenance of fire suppression equipment.--

27 (1) The requirements for installation of fire
28 extinguishers and preengineered systems are as follows:

29 (b) Equipment supplied shall be listed by a nationally
30 recognized testing laboratory, such as Underwriters
31 Laboratories, Inc., or Factory Mutual Laboratories, Inc.

1 Equipment supplied for new installations or alterations of
2 existing systems must be currently listed as described in this
3 section.The State Fire Marshal shall adopt by rule procedures
4 for determining whether a laboratory is nationally recognized,
5 taking into account the laboratory's facilities, procedures,
6 use of nationally recognized standards, and any other criteria
7 reasonably calculated to reach an informed determination.

8 Section 54. Subsection (1) of section 633.071, Florida
9 Statutes, is amended to read:

10 633.071 Standard service tag required on all fire
11 extinguishers and preengineered systems; serial number
12 required on all portable fire extinguishers.--

13 (1) The State Fire Marshal shall adopt by rule
14 specifications as to the size, shape, color, and information
15 and data contained thereon of service tags to be attached to
16 all fire extinguishers and preengineered systems required by
17 statute or by rule, whether they be portable, stationary, or
18 on wheels when they are placed in service, installed,
19 serviced, repaired, tested, recharged, or inspected. Fire
20 extinguishers may be tagged only after meeting all standards
21 as set forth by this chapter, the standards of the National
22 Fire Protection Association, and ~~all~~ manufacturer's
23 specifications requirements. Preengineered systems may be
24 tagged only after a system has been inspected, serviced,
25 installed, repaired, tested, ~~and~~ recharged, and hydrotested in
26 compliance with this chapter, the standards of the National
27 Fire Protection Association, and the manufacturer's
28 specifications, and after a report, as specified by rule, has
29 been completed in detail, indicating any and all deficiencies
30 or deviations from the manufacturer's specifications and the
31 standards requirements of the National Fire Protection

1 Association. A copy of the inspection report shall be provided
2 to the owner at the time of inspection, and, if a system is
3 found to be in violation of this chapter, the manufacturer's
4 specifications, or the standards of the National Fire
5 Protection Association, a copy shall be forwarded to the state
6 or local authority having jurisdiction within 30 days from the
7 date of service. It shall be unlawful to place in service,
8 service, test, repair, inspect, install, hydrotest, or
9 recharge any fire extinguisher or preengineered system without
10 attaching one of these tags completed in detail, including the
11 actual month work was performed, or to use a tag not meeting
12 the specifications set forth by the State Fire Marshal.

13 Section 55. Section 633.162, Florida Statutes, is
14 amended to read:

15 633.162 Disciplinary action; fire extinguisher or
16 preengineered systems; grounds for denial, nonrenewal,
17 suspension, or revocation of license or permit.--

18 (1) The violation of any provision of this chapter or
19 any rule adopted and promulgated pursuant hereto or the
20 failure or refusal to comply with any notice or order to
21 correct a violation or any cease and desist order by any
22 person who possesses a license or permit issued pursuant to s.
23 633.061 is cause for denial, nonrenewal, revocation, or
24 suspension of such license or permit by the State Fire Marshal
25 after such officer has determined that the person is guilty of
26 such violation. An order of suspension shall state the period
27 of time of such suspension, which period may not be in excess
28 of 2 years from the date of such order. An order of
29 revocation may be entered for a period not exceeding 5 years.
30 Such orders shall effect suspension or revocation of all
31 licenses or permits then held by the person, and during such

1 period of time no license or permit shall be issued to such
2 person. During the suspension or revocation of any license or
3 permit, the former licensee or permittee shall not engage in
4 or attempt or profess to engage in any transaction or business
5 for which a license or permit is required under this chapter
6 or directly or indirectly own, control, or be employed in any
7 manner by any firm, business, or corporation for which a
8 license or permit under this chapter is required. If, during
9 the period between the beginning of proceedings and the entry
10 of an order of suspension or revocation by the State Fire
11 Marshal, a new license or permit has been issued to the person
12 so charged, the order of suspension or revocation shall
13 operate to suspend or revoke such new license or permit held
14 by such person.

15 (2) The department shall not, so long as the
16 revocation or suspension remains in effect, grant any new
17 license or permit for the establishment of any new firm,
18 business, or corporation of any person or qualifier that has
19 or will have the same or similar management, ownership,
20 control, employees, permittees, or licensees, or will use a
21 same or similar name as a previously revoked or suspended
22 firm, business, corporation, person, or qualifier.

23 (3) The State Fire Marshal may deny, nonrenew,
24 suspend, or revoke the license or permit of:

25 (a) Any person, firm, or corporation the license of
26 which under this chapter has been suspended or revoked;

27 (b) Any firm or corporation if an officer, qualifier,
28 director, stockholder, owner, or person interested directly or
29 indirectly in the firm or corporation has had his or her
30 license or permit under this chapter suspended or revoked; or
31

1 (c) Any person who is or has been an officer,
2 qualifier, director, stockholder, or owner of a firm or
3 corporation, or who was interested directly or indirectly in a
4 firm or corporation, the license or permit of which has been
5 suspended or revoked under this chapter.

6 ~~(4)(2)~~ In addition to the grounds set forth in
7 subsection (1), it is cause for denial, nonrenewal,
8 revocation, or suspension of a license or permit by the State
9 Fire Marshal if she or he determines that the licensee or
10 permittee has:

11 (a) Rendered inoperative a fire extinguisher or
12 preengineered system required by statute or by rule, except
13 during such time as the extinguisher or preengineered system
14 is being inspected, serviced, repaired, hydrottested, or
15 recharged, or except pursuant to court order.

16 (b) Falsified any record required to be maintained by
17 this chapter or rules adopted pursuant hereto.

18 (c) Improperly serviced, recharged, repaired,
19 hydrottested, tested, or inspected a fire extinguisher or
20 preengineered system.

21 (d) While holding a permit or license, allowed another
22 person to use the permit number or license number, or used a
23 license number or permit number other than her or his valid
24 license number or permit number.

25 (e) Failed to provide proof of insurance to the State
26 Fire Marshal or failed to maintain in force the insurance
27 coverage required by s. 633.061.

28 (f) Failed to obtain, retain, or maintain one or more
29 of the qualifications for a license or permit as specified in
30 this chapter.

31

1 (g) Made a material misstatement, misrepresentation,
2 or committed a fraud in obtaining or attempting to obtain a
3 license or permit.

4 (h) Failed to notify the State Fire Marshal, in
5 writing, within 30 days after a change of residence, principal
6 business address, or name.

7 (3) In addition, the Department of Insurance shall not
8 issue a new license or permit if it finds that the
9 circumstance or circumstances for which the license or permit
10 was previously revoked or suspended still exist or are likely
11 to recur.

12 Section 56. Section 633.171, Florida Statutes, is
13 amended to read:

14 633.171 Penalty for violation of law, rule, or order
15 to cease and desist or for failure to comply with corrective
16 order.--

17 (1) The violation of any provision of this law, or any
18 order or rule of the State Fire Marshal or order to cease and
19 desist or to correct conditions issued hereunder, shall
20 constitute a misdemeanor of the second degree, punishable as
21 provided in s. 775.082 or s. 775.083.

22 (2) It shall constitute a misdemeanor of the first
23 degree, punishable as provided in s. 775.082 or s. 775.083, to
24 intentionally or willfully:

25 (a) Render a fire extinguisher or preengineered system
26 required by statute or by rule inoperative except during such
27 time as the ~~said~~ extinguisher or preengineered system is being
28 serviced, hydrotested, tested, repaired, or recharged, except
29 pursuant to court order.

30 (b) Obliterate the serial number on a fire
31 extinguisher for purposes of falsifying service records.

1 (c) Improperly service, recharge, repair, hydrotest,
2 test, or inspect a fire extinguisher or preengineered system.

3 (d) Use the license or permit number of another
4 person.

5 (e) Hold a permit and allow another person to use said
6 permit number.

7 (f) Use, or permit the use of, any license by any
8 individual or organization other than the one to whom the
9 license is issued.

10 Section 57. Present subsections (4) and (5) of section
11 633.547, Florida Statutes, are renumbered as subsections (6)
12 and (7), respectively, and new subsections (4) and (5) are
13 added to that section, to read:

14 633.547 Disciplinary action; fire protection system
15 contractors; grounds for denial, nonrenewal, suspension, or
16 revocation of certificate.--

17 (4) During the suspension or revocation of the
18 certificate, the former certificateholder shall not engage in
19 or attempt to profess to engage in any transaction or business
20 for which a certificate is required under this chapter or
21 directly or indirectly own, control, or be employed in any
22 manner by any firm or corporation for which a certificate
23 under this chapter is required. The department shall not, so
24 long as the revocation or suspension remains in effect, grant
25 any new certificate for the establishment of any new firm,
26 business, or corporation of any person that has or will have
27 the same or similar management, ownership, control, or
28 employees or that will use a same or similar name as a
29 previously revoked or suspended firm, business, or
30 corporation.

31

1 (5) The State Fire Marshal may deny, suspend, or
2 revoke the certificate of:

3 (a) Any person, firm, or corporation the certificate
4 of which under this chapter has been suspended or revoked.

5 (b) Any firm or corporation if an officer, director,
6 stockholder, owner, or person interested directly or
7 indirectly has had his or her certificate under this chapter
8 suspended or revoked.

9 (c) Any person who is or has been an officer,
10 director, stockholder, or owner of a firm or corporation, or
11 who was interested directly or indirectly in a corporation,
12 the certificate of which has been suspended or revoked under
13 this chapter.

14 Section 58. Paragraph (n) of subsection (3) of section
15 489.105, Florida Statutes, is amended to read:

16 489.105 Definitions.--As used in this part:

17 (3) "Contractor" means the person who is qualified
18 for, and shall only be responsible for, the project contracted
19 for and means, except as exempted in this part, the person
20 who, for compensation, undertakes to, submits a bid to, or
21 does himself or herself or by others construct, repair, alter,
22 remodel, add to, demolish, subtract from, or improve any
23 building or structure, including related improvements to real
24 estate, for others or for resale to others; and whose job
25 scope is substantially similar to the job scope described in
26 one of the subsequent paragraphs of this subsection. For the
27 purposes of regulation under this part, "demolish" applies
28 only to demolition of steel tanks over 50 feet in height;
29 towers over 50 feet in height; other structures over 50 feet
30 in height, other than buildings or residences over three
31 stories tall; and buildings or residences over three stories

1 tall. Contractors are subdivided into two divisions, Division
2 I, consisting of those contractors defined in paragraphs
3 (a)-(c), and Division II, consisting of those contractors
4 defined in paragraphs (d)-(q):
5 (n) "Underground utility and excavation contractor"
6 means a contractor whose services are limited to the
7 construction, installation, and repair, on public or private
8 property, of main sanitary sewer collection systems, main
9 water distribution systems, storm sewer collection systems,
10 and the continuation of utility lines from the main systems to
11 a point of termination up to and including the meter location
12 for the individual occupancy, sewer collection systems at
13 property line on residential or single-occupancy commercial
14 properties, or on multioccupancy properties at manhole or wye
15 lateral extended to an invert elevation as engineered to
16 accommodate future building sewers, water distribution
17 systems, or storm sewer collection systems at storm sewer
18 structures. However, an underground utility and excavation
19 contractor may install empty underground conduits in
20 rights-of-way, easements, platted rights-of-way in new site
21 development, and sleeves for parking lot crossings no smaller
22 than 2 inches in diameter, provided that each conduit system
23 installed is designed by a licensed professional engineer or
24 an authorized employee of a municipality, county, or public
25 utility and that the installation of any such conduit does not
26 include installation of any conductor wiring or connection to
27 an energized electrical system. An underground utility and
28 excavation contractor shall not install any piping that is an
29 integral part of a fire protection system as defined in s.
30 633.021 ~~s. 633.021(7)~~ beginning at the point where the piping
31 is used exclusively for such system.

1 Section 59. This act shall take effect October 1,
2 1998.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill CS/SB 2336

7 The CS to the CS deletes s. 489.129(1)(d), F.S., which
8 declares that "knowingly violating" a building code is grounds
9 for disciplinary action against licensees by DBPR; creates s.
10 501.937, F.S., which requires industrial hygienists and safety
11 professionals to accurately disclose their credentials when
12 soliciting work; includes amendments to s. 489.505, F.S., and
13 creates s. 489.5185, F.S., to establish fire alarm agent
14 training and criminal history check requirements similar to
15 those established two years ago for burglar alarm system
16 agents.

17 In addition, the CS includes amendments to various provisions
18 relating to chapter 633, F.S., which governs the licensing and
19 permitting by the State Fire Marshal (SMF) of organizations
20 and individuals who install and service fire safety equipment.
21 It defines the term "fire extinguisher," provides requirements
22 for conducting hydro tests of fire extinguishers and
23 preengineered systems and revises the types of work that may
24 be performed by persons who hold particular classes of
25 licenses or permits issued by the SFM. The bill provides
26 requirements for obtaining an upgraded license for fire
27 equipment dealers.
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