

By the Committee on Business Regulation & Consumer Affairs
and Representatives Ogles, Brown, Dockery, Lynn, Chestnut and
Dawson-White

1 A bill to be entitled
2 An act relating to contracting; amending s.
3 468.603, F.S.; revising and providing
4 definitions relating to electrical inspectors;
5 creating s. 468.604, F.S.; providing
6 responsibilities of building code
7 administrators, plans examiners, and
8 inspectors; amending s. 468.605, F.S.; revising
9 membership of the Florida Building Code
10 Administrators and Inspectors Board; amending
11 s. 468.609, F.S.; revising and providing
12 requirements for certification as a building
13 code administrator, plans examiner, or
14 inspector, including provisional certification;
15 amending s. 468.617, F.S.; revising provisions
16 relating to local governments contracting for
17 building code, examination, and inspection
18 services; amending s. 468.627, F.S.; revising
19 and eliminating fees; amending s. 468.629,
20 F.S.; prohibiting making or attempting to make
21 a certificateholder violate a local or state
22 building code; prohibiting acting or practicing
23 as a buildingcode administrator or building
24 official, plans examiner, or inspector without
25 being an active certificateholder; providing
26 penalties; amending s. 468.631, F.S.; revising
27 provisions relating to use of the surcharge to
28 fund the Building Code Administrators and
29 Inspectors Fund; reserving a portion of the
30 surcharge funds collected for development and
31 implementation of continuing education and

1 training programs; exempting certain local
2 government employees from paying for such
3 education and training; amending s. 469.001,
4 F.S.; redefining the terms "abatement" and
5 "survey"; defining the term "project designer";
6 amending s. 469.002, F.S., relating to
7 exemptions from state regulation of asbestos
8 abatement; revising an exemption applicable to
9 certain asbestos-related activities done by
10 government employees; revising certain existing
11 exemptions; amending s. 469.004, F.S.;
12 eliminating provisions relating to
13 prerequisites to issuance of a license and to
14 continuing education; amending s. 469.005,
15 F.S.; revising licensure requirements for
16 asbestos consultants and asbestos contractors
17 relating to required coursework; amending s.
18 469.006, F.S.; requiring applicants for
19 business licensure to submit evidence of
20 financial responsibility and an affidavit
21 attesting to having obtained the required
22 workers' compensation, public liability, and
23 property damage insurance; amending s. 469.013,
24 F.S.; revising continuing education
25 requirements applicable to asbestos surveyors,
26 management planners, and project monitors;
27 repealing s. 469.015, F.S., relating to seals;
28 amending ss. 255.551, 376.60, and 469.014,
29 F.S.; correcting cross references; amending s.
30 475.01, F.S.; revising the definition of "first
31 contact"; creating s. 481.222, F.S.; allowing

1 architects to perform duties of building code
2 inspectors; amending s. 489.103, F.S.;
3 providing exemptions from regulation under pt.
4 I, ch. 489, F.S., relating to construction
5 contracting; amending s. 489.105, F.S.;
6 revising and providing definitions applicable
7 to contractors; amending s. 489.107, F.S.;
8 requiring the Construction Industry Licensing
9 Board and the Electrical Contractors' Licensing
10 Board to each appoint a committee to meet
11 jointly at least twice a year; amending s.
12 489.113, F.S.; providing that expansion of the
13 scope of practice of any type of contractor
14 does not limit the scope of practice of any
15 existing type of contractor unless the
16 Legislature expressly provides such limitation;
17 repealing s. 489.1135, F.S., relating to
18 designation and certification of underground
19 utility and excavation contractors; creating s.
20 489.1136, F.S.; providing for medical gas
21 certification for plumbing contractors who
22 install, improve, repair, or maintain conduits
23 used to transport gaseous or partly gaseous
24 substances for medical purposes; requiring
25 certain coursework; requiring an examination
26 for certain persons; providing for discipline
27 and penalties; providing a definition; amending
28 s. 553.06, F.S.; providing that plumbing
29 contractors who install, improve, repair, or
30 maintain such conduits shall be governed by the
31 National Fire Prevention Association Standard

1 99C; amending s. 489.115, F.S.; authorizing
2 certificateholders and registrants to apply
3 continuing education courses earned under other
4 regulatory provisions under certain
5 circumstances; amending s. 489.119, F.S.;
6 detailing what constitutes an incomplete
7 contract for purposes of work allowed a
8 business organization under temporary
9 certification or registration; amending s.
10 489.140, F.S.; eliminating a provision that
11 requires the transfer of surplus moneys from
12 fines into the Construction Industries Recovery
13 Fund; amending s. 489.141, F.S.; clarifying
14 provisions relating to conditions for recovery
15 from the fund; eliminating a notice
16 requirement; revising a limitation on the
17 making of a claim; amending s. 489.142, F.S.;
18 revising a provision relating to powers of the
19 Construction Industry Licensing Board with
20 respect to actions for recovery from the fund,
21 to conform; amending s. 489.143, F.S.; revising
22 provisions relating to payment from the fund;
23 amending s. 489.503, F.S.; providing exemptions
24 from regulation under pt. II, ch. 489, F.S.,
25 relating to electrical and alarm system
26 contracting; revising an exemption that applies
27 to telecommunications, community antenna
28 television, and radio distribution systems, to
29 include cable television systems; amending s.
30 489.505, F.S., and repealing subsection (24),
31 relating to the definition of "limited burglar

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

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

1 local occupational license taxes; amending s.
2 205.0535, F.S.; providing that businesses
3 providing local exchange telephone service or
4 pay telephone service may not be assessed an
5 occupational license tax on a per-instrument
6 basis; amending ss. 489.539 and 553.19, F.S.;
7 updating electrical and alarm standards; adding
8 a national code relating to fire alarms to the
9 minimum electrical and alarm standards required
10 in this state; creating s. 501.935, F.S.;
11 providing requirements relating to
12 home-inspection reports; providing legislative
13 intent; providing definitions; providing
14 exemptions; requiring, prior to inspection,
15 provision of inspector credentials, a caveat, a
16 disclosure of conflicts of interest and certain
17 relationships, and a statement or agreement of
18 scope, limitations, terms, and conditions;
19 requiring a report on the results of the
20 inspection; providing prohibited acts, for
21 which there are civil penalties; providing that
22 failure to comply is a deceptive and unfair
23 trade practice; creating s. 715.15, F.S.;
24 providing that certain provisions in contracts
25 for improvement of real property are void;
26 providing applicability; providing effective
27 dates.

28
29 Be It Enacted by the Legislature of the State of Florida:
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31

1 Section 1. Subsection (6) of section 468.603, Florida
2 Statutes, is amended to read:

3 468.603 Definitions.--As used in this part:

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

6 (a) "Building inspector" means a person who is
7 qualified to inspect and determine that buildings and
8 structures are constructed in accordance with the provisions
9 of the governing building codes and state accessibility laws.

10 (b) "Coastal construction inspector" means a person
11 who is qualified to inspect and determine that buildings and
12 structures are constructed to resist near-hurricane and
13 hurricane velocity winds in accordance with the provisions of
14 the governing building code.

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

20 (d) "Residential electrical inspector" means a person
21 who is qualified to inspect and determine the electrical
22 safety of one and two family dwellings and accessory
23 structures by inspecting for compliance with the applicable
24 provisions of the governing electrical code.

25 (e) "Electrical inspector" means a person who is
26 qualified to inspect and determine the electrical safety of
27 commercial and residential buildings and accessory structures
28 by inspecting for compliance with the provisions of the
29 governing electrical code.

30 ~~(f)(e)~~ "Mechanical inspector" means a person who is
31 qualified to inspect and determine that the mechanical

1 installations and systems for buildings and structures are in
2 compliance with the provisions of the governing mechanical
3 code.

4 ~~(g)(f)~~ "Plumbing inspector" means a person who is
5 qualified to inspect and determine that the plumbing
6 installations and systems for buildings and structures are in
7 compliance with the provisions of the governing plumbing code.

8 ~~(h)(g)~~ "One and two family dwelling inspector" means a
9 person who is qualified to inspect and determine that one and
10 two family dwellings and accessory structures are constructed
11 in accordance with the provisions of the governing building,
12 plumbing, mechanical, accessibility, and electrical codes.

13 Section 2. Section 468.604, Florida Statutes, is
14 created to read:

15 468.604 Responsibilities of building code
16 administrators, plans examiners, and inspectors.--

17 (1) It shall be the responsibility of the building
18 code administrator or building official to administer,
19 supervise, direct, enforce, or perform the permitting and
20 inspection of the construction, alteration, repair,
21 remodeling, or demolition of structures and the installation
22 of building systems within the boundaries of his or her
23 governmental jurisdiction, when permitting is required, to
24 ensure compliance with building, plumbing, mechanical,
25 electrical, gas fuel, energy conservation, accessibility, and
26 other construction codes required or adopted by municipal
27 code, county ordinance, or state law. The building code
28 administrator or building official shall faithfully perform
29 these responsibilities without interference from any person.
30 These responsibilities include:

31

1 (a) The review of construction plans to ensure
2 compliance with all applicable codes. The construction plans
3 shall be reviewed before the issuance of any building, system
4 installation, or other construction permit. The review of
5 construction plans shall be done by the building code
6 administrator or building official or by a person having the
7 appropriate plans examiner certificate issued in accordance
8 with this part.

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

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

29 (3) It shall be the responsibility of the plans
30 examiner to conduct review of construction plans, submitted in
31 the application for permitting, to ensure compliance with all

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

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

11 468.605 Florida Building Code Administrators and
12 Inspectors Board.--

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

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

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

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

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

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

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

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

1
2 None of the board members described in paragraph (a) or
3 paragraph ~~(f)~~ ~~(g)~~ may be an employee of a municipal, county,
4 or state governmental agency.

5 Section 4. Section 468.609, Florida Statutes, is
6 amended to read:

7 468.609 Administration of this part; standards for
8 certification; additional categories of certification.--

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

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

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

17 (b) Is of good moral character; and

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

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

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

29 3. Currently holds a standard certificate issued by
30 the board and satisfactorily completes an inspector or plans
31 examiner training program of not less than 200 hours in the

1 certification category sought. The board by rule shall
2 establish criteria for the development and implementation of
3 the training programs.

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

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

8 (b) Is of good moral character; and

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

11 1.3. For certification as a building code
12 administrator or building official, Demonstrates 10 years'
13 combined experience as an architect, engineer, plans examiner,
14 building code inspector, registered or certified contractor,
15 or construction superintendent, with at least 5 years of such
16 experience in supervisory positions; or

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

24 (4)(3) No person may engage in the duties of a
25 building code administrator, plans examiner, or inspector
26 pursuant to this part after October 1, 1993, unless such
27 person possesses one of the following types of certificates,
28 currently valid, issued by the board attesting to the person's
29 qualifications to hold such position:

30 (a) A standard certificate.

31 (b) A limited certificate.

1 (c) A provisional certificate.

2 ~~(5)~~(4)(a) To obtain a standard certificate, an
3 individual must pass an examination approved by the board
4 which demonstrates that the applicant has fundamental
5 knowledge of the state laws and codes relating to the
6 construction of buildings for which the applicant has code
7 administration, plan examining, or inspection
8 responsibilities. It is the intent of the Legislature that the
9 examination approved for certification pursuant to this part
10 be substantially equivalent to the examinations administered
11 by the Southern Building Code Congress International, the
12 Building Officials Association of Florida, the South Florida
13 Building Code (Dade and Broward), and the Council of American
14 Building Officials.

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

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

24 ~~(6)~~(5)(a) A building code administrator, plans
25 examiner, or inspector holding office on July 1, 1993, shall
26 not be required to possess a standard certificate as a
27 condition of tenure or continued employment, but shall be
28 required to obtain a limited certificate as described in this
29 subsection.

30 (b) By October 1, 1993, individuals who were employed
31 on July 1, 1993, as building code administrators, plans

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

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

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

19 (7)~~(6)~~(a) The board may provide for the issuance of
20 provisional ~~or temporary~~ certificates valid for such period,
21 not less than 1 year nor more than 3 years, as specified by
22 board rule, to any newly employed or promoted building code
23 administrator, plans examiner, or inspector ~~newly employed or~~
24 ~~newly promoted who lacks the qualifications prescribed by the~~
25 ~~board or by statute as prerequisite to issuance of a standard~~
26 ~~certificate.~~

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

30 (c) The board may provide for appropriate levels of
31 provisional ~~or temporary~~ certificates and may issue these

1 certificates with such special conditions or requirements
2 relating to the place of employment of the person holding the
3 certificate, the supervision of such person on a consulting or
4 advisory basis, or other matters as the board may deem
5 necessary to protect the public safety and health.

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

13 (8)(7)(a) Any individual who holds a valid certificate
14 under the provisions of s. 553.795, or who has successfully
15 completed all requirements for certification pursuant to such
16 section, shall be deemed to have satisfied the requirements
17 for receiving a standard certificate prescribed by this part.

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

1 approved for certification under one of the programs set forth
2 in this paragraph not later than October 1, 1998.

3 (9)~~(8)~~ Any individual applying to the board may be
4 issued a certificate valid for multiple inspection classes, as
5 deemed appropriate by the board.

6 (10)~~(9)~~ Certification and training classes may be
7 developed in coordination with degree career education
8 centers, community colleges, the State University System, or
9 other entities offering certification and training classes.

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

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

17 468.617 Joint inspection department; other
18 arrangements.--

19 (2) Nothing in this part shall prohibit local
20 governments from contracting ~~employing~~ persons certified
21 pursuant to this part to perform inspections or plans review
22 ~~on a contract basis~~. However, an individual or entity may not
23 inspect or examine plans on any project designed or permitted
24 by the individual or entity.

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

1 Section 6. Section 468.627, Florida Statutes, is
2 amended to read:

3 468.627 Application; examination; renewal; fees.--

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

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

15 (3) The ~~initial~~ examination fee may not exceed \$150
16 ~~\$50~~ for building code administrators, plans examiners, or
17 inspectors.

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

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

24 (4)(6) Employees of local government agencies having
25 responsibility for inspection, regulation, and enforcement of
26 building, plumbing, mechanical, electrical, gas, fire
27 prevention, energy, accessibility, and other construction
28 codes shall pay no application, certification, certification
29 renewal, or examination fees, and shall pay not more than \$5
30 ~~each for initial certification and biennial certification~~
31 ~~renewal fees.~~

1 (5)~~(7)~~ The certificateholder shall provide proof, in a
2 form established by board rule, that the certificateholder has
3 completed at least 14 classroom hours of at least 50 minutes
4 each of continuing education courses during each biennium
5 since the issuance or renewal of the certificate. The board
6 shall by rule establish criteria for approval of continuing
7 education courses and providers, and may by rule establish
8 criteria for accepting alternative nonclassroom continuing
9 education on an hour-for-hour basis.

10 Section 7. Subsection (1) of section 468.629, Florida
11 Statutes, is amended to read:

12 468.629 Prohibitions; penalties.--

13 (1) No person may:

14 (a) Falsely hold himself or herself out as a
15 certificateholder.

16 (b) Falsely impersonate a certificateholder.

17 (c) Present as his or her own the certificate of
18 another.

19 (d) Give false or forged evidence to the board or the
20 department, or a member, an employee, or an officer thereof,
21 for the purpose of obtaining a certificate.

22 (e) Use or attempt to use a certificate which has been
23 suspended or revoked.

24 (f) Threaten, coerce, trick, persuade, or otherwise
25 influence, or attempt to threaten, coerce, trick, persuade, or
26 otherwise influence, any certificateholder to violate any
27 provision of this part or a local or state building code.

28 (g) Offer any compensation to a certificateholder in
29 order to induce a violation of this part, a local building
30 code or ordinance, or another law of this state.

31

1 (h) Engage in the practice or act in the capacity of a
2 building code administrator or building official, building
3 code inspector, or plans examiner without being an active
4 certificateholder for that position.

5 Section 8. Section 468.631, Florida Statutes, is
6 amended to read:

7 468.631 Building Code Administrators and Inspectors
8 Fund.--The provisions of this part shall be funded through a
9 surcharge, to be assessed pursuant to s. 125.56(4) or s.
10 166.201 at the rate of one-half cent per square foot of
11 under-roof floor space permitted, including new construction,
12 renovations, alterations, and additions. The unit of
13 government responsible for collecting permit fees pursuant to
14 s. 125.56(4) or s. 166.201 shall collect such surcharge and
15 shall remit the funds to the department on a quarterly
16 calendar basis ~~beginning not later than December 31, 1993, for~~
17 ~~the preceding quarter, and continuing each third month~~
18 ~~thereafter~~; and such unit of government may retain an amount
19 up to 25 ~~10~~ percent of the surcharge collected to fund
20 projects and activities intended to improve the quality of
21 building code enforcement. Twenty-five percent of all
22 surcharge funds collected shall be retained by the board for
23 the development and implementation of continuing education and
24 other training programs as determined by board rule. Employees
25 of local government agencies having responsibility for
26 inspection, regulation, and enforcement of building, plumbing,
27 mechanical, electrical, gas, fire prevention, energy,
28 accessibility, and other construction codes shall not pay for
29 any continuing education courses or training programs
30 developed using these funds. There is created within the
31 Professional Regulation Trust Fund a separate account to be

1 known as the Building Code Administrators and Inspectors Fund,
2 which shall deposit and disburse funds as necessary for the
3 implementation of this part. The department shall annually
4 establish the amount needed to fund the certification and
5 regulation of building code administrators, plans examiners,
6 and inspectors. Any funds collected in excess of the amount
7 needed to ~~adequately~~ fund the certification and regulation of
8 building code administrators, plans examiners, and inspectors
9 and the continuing education and training programs provided
10 for in this section shall be deposited into the Construction
11 Industries Recovery Fund established by s. 489.140. If the
12 Construction Industries Recovery Fund is fully funded as
13 provided by s. 489.140, any remaining funds shall be
14 distributed to the Construction Industry Licensing Board for
15 use in the regulation of certified and registered contractors.

16 Section 9. Subsection (1) of section 469.001, Florida
17 Statutes, is amended, present subsections (20) and (22) are
18 renumbered as subsections (21) and (23), respectively, present
19 subsection (21) is renumbered as subsection (22) and amended,
20 and a new subsection (20) is added to said section, to read:

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

22 (1) "Abatement" means the removal, encapsulation,
23 enclosure, repair, maintenance, or disposal of asbestos.

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

28 (22)(21) "Survey" means the process of inspecting a
29 facility for the presence of asbestos-containing materials to
30 determine the location and condition of asbestos-containing
31 materials prior to transfer of property, renovation,

1 demolition, or maintenance projects which may disturb
2 asbestos-containing materials.

3 Section 10. Section 469.002, Florida Statutes, is
4 amended to read:

5 469.002 Exemptions.--

6 (1) This chapter does not apply to:

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

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

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

1 (d) Moving, removal, or disposal of
2 asbestos-containing materials on a residential building where
3 the owner occupies the building, the building is not for sale
4 or lease, and the work is performed according to the
5 owner-builder limitations provided in this paragraph. To
6 qualify for exemption under this paragraph, an owner must
7 personally appear and sign the building permit application.
8 The permitting agency shall provide the person with a
9 disclosure statement in substantially the following form:

10
11 Disclosure Statement

12
13 State law requires asbestos abatement to be done by
14 licensed contractors. You have applied for a permit under an
15 exemption to that law. The exemption allows you, as the owner
16 of your property, to act as your own asbestos abatement
17 contractor even though you do not have a license. You must
18 supervise the construction yourself. You may move, remove, or
19 dispose of asbestos-containing materials on a residential
20 building where you occupy the building and the building is not
21 for sale or lease, or the building is a farm outbuilding on
22 your property. If you sell or lease such building within 1
23 year after the asbestos abatement is complete, the law will
24 presume that you intended to sell or lease the property at the
25 time the work was done, which is a violation of this
26 exemption. You may not hire an unlicensed person as your
27 contractor. Your work must be done according to all local,
28 state, and federal laws and regulations which apply to
29 asbestos abatement projects. It is your responsibility to make
30 sure that people employed by you have licenses required by
31 state law and by county or municipal licensing ordinances.

1
2 (e) An authorized employee of the United States, this
3 state, or any municipality, county, or other political
4 subdivision who has completed all training required by NESHAP
5 and OSHA or by AHERA for the activities described in this
6 paragraph, while engaged in asbestos-related activities set
7 forth in s. 255.5535 and asbestos-related activities involving
8 the demolition of a ~~residential~~ building owned by that
9 governmental unit, where such activities are within the scope
10 of that employment and the employee does not hold out for hire
11 or otherwise engage in asbestos abatement, contracting, or
12 consulting.

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

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

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

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

31

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

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

12
13 The department may inspect removal sites to determine
14 compliance with this subsection and shall adopt rules
15 governing inspections.

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

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

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

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

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

28 (5)~~(2)~~ Nothing in this section shall be construed to
29 alter or affect otherwise applicable Florida Statutes and
30 rules promulgated thereunder, or Environmental Protection
31 Agency or OSHA regulations regarding asbestos activities.

1 Section 11. Section 469.004, Florida Statutes, is
2 amended to read:

3 469.004 License; asbestos consultant; asbestos
4 contractor; ~~exceptions.~~--

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

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

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

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

30
31

1 ~~(a) The resilient floor covering is a Category I~~
2 ~~nonfriable material as defined in NESHAP and remains a~~
3 ~~Category I nonfriable material during removal activity.~~

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

8 ~~(c) The removal is not subject to asbestos licensing~~
9 ~~or accreditation requirements under federal asbestos NESHAP~~
10 ~~regulations of the United States Environmental Protection~~
11 ~~Agency.~~

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

19
20 ~~The department may inspect removal sites to determine~~
21 ~~compliance with this subsection and shall adopt rules~~
22 ~~governing inspections.~~

23 ~~(5) Prior to the department's issuance of an asbestos~~
24 ~~consultant's license or an asbestos contractor's license, the~~
25 ~~applicant must provide evidence, as provided by the department~~
26 ~~by rule, that the applicant has met the requirements of s.~~
27 ~~469.005.~~

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

1 ~~of the preceding 2 years. Before renewing a consultant's~~
2 ~~license, the department shall require proof that the licensee~~
3 ~~has completed a 2-day course of continuing education during~~
4 ~~each of the preceding 2 years.~~

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

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

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

11 ~~(c) The pipe or conduit is made of Category I or~~

12 ~~Category II nonfriable material as defined in NESHAP; and~~

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

17 Section 12. Section 469.005, Florida Statutes, is
18 amended to read:

19 469.005 License requirements.--All applicants for
20 licensure as either asbestos consultants or asbestos
21 contractors shall:

22 (1) Pay the initial licensing fee.

23 (2) When applying for licensure as an asbestos
24 consultant, successfully complete the following
25 department-approved courses, ~~as approved by the department:~~

26 (a) An asbestos contractor/supervisor abatement
27 ~~project management and supervision~~ course. Such course shall
28 consist of not less than 5 ~~4~~ days of instruction ~~and shall~~
29 ~~cover the nature of the health risks, the medical effects of~~
30 ~~exposure, federal and state asbestos laws and regulations,~~
31 ~~legal and insurance considerations, contract specifications,~~

1 ~~sampling and analytical methodology, worker protection, and~~
2 ~~work area protection.~~

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

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

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

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

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

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

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

20 (4)~~(3)~~ Provide evidence of satisfactory work on 10
21 asbestos projects within the last 5 years.

22 (5)~~(4)~~ Provide evidence of financial stability.

23 (6)~~(5)~~ Pass a department-approved examination of
24 qualifications and knowledge relating to asbestos.

25 Section 13. Subsection (2) and paragraph (a) of
26 subsection (5) of section 469.006, Florida Statutes, are
27 amended to read:

28 469.006 Licensure of business organizations;
29 qualifying agents.--

30 (2)(a) If the applicant proposes to engage in
31 consulting or contracting as a partnership, corporation,

1 business trust, or other legal entity, or in any name other
2 than the applicant's legal name, the legal entity must apply
3 for licensure through a qualifying agent or the individual
4 applicant must apply for licensure under the fictitious name.

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

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

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

26 3. The application for secondary qualifying agent must
27 include an affidavit on a form provided by the department
28 attesting that the applicant has authority to supervise all
29 construction work performed by the entity as provided in s.
30 489.1195(2).

31

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

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

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

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

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

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

30 (5)(a) Each asbestos consultant or contractor shall
31 affix the consultant's or contractor's signature ~~seal, if any,~~

1 and license number to each construction document, plan, or any
2 other document prepared or approved for use by the licensee
3 which is related to any asbestos abatement project and filed
4 for public record with any governmental agency, and to any
5 offer, bid, or contract submitted to a client.

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

8 469.013 Course requirements for asbestos surveyors,
9 management planners, and project monitors.--

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

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

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

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

22 Section 15. Section 469.014, Florida Statutes, is
23 amended to read:

24 469.014 Approval of asbestos training courses and
25 providers.--

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

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

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

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

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

22 Section 16. Section 469.015, Florida Statutes, is
23 repealed.

24 Section 17. Subsection (1) of section 255.551, Florida
25 Statutes, is amended to read:

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

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

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

3 Section 18. Section 376.60, Florida Statutes, is
4 amended to read:

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

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

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

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

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

31

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

9 Section 19. Paragraph (g) of subsection (1) of section
10 475.01, Florida Statutes, is amended to read:

11 475.01 Definitions.--

12 (1) As used in this part:

13 (g) "First contact" means at the commencement of the
14 initial meeting of or communication between a licensee and a
15 seller or buyer; however, the term does not include:

16 1. A bona fide "open house" or model home showing that
17 does not involve eliciting confidential information; the
18 execution of a contractual offer or an agreement for
19 representation; or negotiations concerning price, terms, or
20 conditions of a potential sale;

21 2. Unanticipated casual encounters between a licensee
22 and a seller or buyer that do not involve eliciting
23 confidential information; the execution of a contractual offer
24 or an agreement for representation; or negotiations concerning
25 price, terms, or conditions of a potential sale;

26 3. Responding to general factual questions from a
27 prospective buyer or seller concerning properties that have
28 been advertised for sale; ~~or~~

29 4. Situations in which a licensee's communications
30 with a customer are limited to providing general factual
31 information, oral or written, about the qualifications,

1 background, and services of the licensee or the licensee's
2 brokerage firm; or

3 5. Sales of new construction by the owner of the
4 property or the owner's agents.

5
6 In any of the situations described in subparagraphs 1.-5.
7 ~~1.-4.~~, "first contact" occurs when the communications between
8 the licensee and the prospective seller or buyer proceed in
9 any way beyond the conditions or limitations described in
10 subparagraphs 1.-5.1.-4.

11 Section 20. Section 481.222, Florida Statutes, is
12 created to read:

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

29 Section 21. Subsections (17), (18), and (19) are added
30 to section 489.103, Florida Statutes, to read:

31 489.103 Exemptions.--This part does not apply to:

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

7 (18) Any one-family, two-family, or three-family
8 residence constructed by Habitat for Humanity International,
9 Inc., or its local affiliates. Habitat for Humanity
10 International, Inc., or its local affiliates, must obtain all
11 necessary building permits and all required building
12 inspections.

13 (19) Any work or operation contracted by any person
14 licensed under part I of chapter 475, as a single agent or
15 transaction broker for an owner of real property, provided the
16 person is acting within the scope of his or her license and
17 provided the aggregate contract price for labor, materials,
18 and all other items is less than \$5,000; however, this
19 exemption does not apply:

20 (a) If the construction, repair, remodeling, or
21 improvement is a part of a larger or major operation, whether
22 undertaken by the same or a different contractor, or in which
23 a division of the operation is made in contracts of amounts
24 less than \$5,000 for the purpose of evading this part or
25 otherwise.

26 (b) To a person who advertises that he or she is a
27 contractor or otherwise represents that he or she is qualified
28 to engage in contracting.

29 Section 22. Paragraphs (a), (d), (f), (g), (h), (i),
30 (l), and (n) of subsection (3) of section 489.105, Florida

31

1 Statutes, are amended, and subsection (19) is added to said
2 section, to read:

3 489.105 Definitions.--As used in this part:

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

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

29 (d) "Sheet metal contractor" means a contractor whose
30 services are unlimited in the sheet metal trade and who has
31 the experience, knowledge, and skill necessary for the

1 manufacture, fabrication, assembling, handling, erection,
2 installation, dismantling, conditioning, adjustment,
3 insulation, alteration, repair, servicing, or design, when not
4 prohibited by law, of ferrous or nonferrous metal work of U.S.
5 No. 10 gauge or its equivalent or lighter gauge and of other
6 materials, including, but not limited to, fiberglass, used in
7 lieu thereof and of air-handling systems, including the
8 setting of air-handling equipment and reinforcement of same,
9 ~~and including~~ the balancing of air-handling systems, and any
10 duct cleaning and equipment sanitizing which requires at least
11 a partial disassembling of the system.

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

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

1 such contractor shall also include any excavation work
2 incidental thereto, but shall not include any work such as
3 liquefied petroleum or natural gas fuel lines within
4 buildings, potable water lines or connections thereto,
5 sanitary sewer lines, swimming pool piping and filters, or
6 electrical power wiring.

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

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

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

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

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

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

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

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

22 Section 23. Subsection (6) of section 489.107, Florida
23 Statutes, is amended to read:

24 489.107 Construction Industry Licensing Board.--

25 (6) The Construction Industry Licensing Board and the
26 Electrical Contractors' Licensing Board shall each appoint a
27 committee to meet jointly ~~in joint session~~ at least twice a
28 year.

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

31 489.113 Qualifications for practice; restrictions.--

1 (10) The addition of a new type of contractor or the
2 expansion of the scope of practice of any type of contractor
3 under this part shall not limit the scope of practice of any
4 existing type of contractor under this part unless the
5 Legislature expressly provides such a limitation.

6 Section 25. Section 489.1135, Florida Statutes, is
7 repealed.

8 Section 26. Section 489.1136, Florida Statutes, is
9 created to read:

10 489.1136 Medical gas certification.--

11 (1)(a) In addition to the certification or
12 registration required to engage in business as a plumbing
13 contractor, any plumbing contractor who wishes to engage in
14 the business of installation, improvement, repair, or
15 maintenance of any tubing, pipe, or similar conduit used to
16 transport gaseous or partly gaseous substances for medical
17 purposes shall take, as part of the contractor's continuing
18 education requirement, at least once during the holding of
19 such license, a course of at least of 6 hours. Such course
20 shall be given by an instructional facility or teaching entity
21 that has been approved by the board. In order for a course to
22 be approved, the board must find that the course is designed
23 to teach familiarity with the National Fire Prevention
24 Association Standard 99C (Standard on Gas and Vacuum Systems,
25 latest edition) and also designed to teach familiarity and
26 practical ability in performing and inspecting brazing duties
27 required of medical gas installation, improvement, repair, or
28 maintenance work. Such course shall issue a certificate of
29 completion to the taker of the course, which certificate shall
30 be available for inspection by any entity or person seeking to
31

1 have such contractor engage in the business of installation,
2 improvement, repair, or maintenance of a medical gas system.

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

27 (c) Any other natural person who wishes to perform
28 only brazing duties incidental to the installation,
29 improvement, repair, or maintenance of a medical gas system
30 shall pass an examination designed to show that person's
31 familiarity with and practical ability in performing brazing

1 duties required of medical gas installation, improvement,
2 repair, or maintenance. Such examination shall be from a test
3 approved by the board. Such examination must test for
4 knowledge of National Fire Prevention Association Standard 99C
5 (Standard on Gas and Vacuum Systems, latest edition). The
6 person taking such examination must, upon passing such
7 examination, be issued a certificate of completion by the
8 giver of such examination, and such certificate shall be made
9 available by the holder for inspection by any person or entity
10 seeking to have or employ such person to perform brazing
11 duties on a medical gas system.

12 (d) It is the responsibility of the licensed plumbing
13 contractor to ascertain whether members of his or her
14 workforce are in compliance with this subsection, and such
15 contractor is subject to discipline under s. 489.129 for
16 violation of this subsection.

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

21 (f) Periodically, the board shall review training
22 programs in medical gas piping installation for quality in
23 content and instruction in accordance with the National Fire
24 Prevention Association Standard 99C (Standard on Gas and
25 Vacuum Systems, latest edition). The board shall also respond
26 to complaints regarding approved programs.

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

29 (2)(a) On any job site where a medical gas system is
30 being installed, improved, repaired, or maintained, it is
31 required that a person qualified under paragraph (1)(a) or

1 paragraph (1)(b) must be present. When any brazing work is
2 performed by a person qualified under paragraph (1)(c), a
3 person qualified under paragraph (1)(a) or paragraph (1)(b)
4 must be present.

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

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

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

17 553.06 State Plumbing Code.--

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

26 Section 28. Paragraph (b) of subsection (4) of section
27 489.115, Florida Statutes, is amended, and subsection (7) is
28 added to said section, to read:

29 489.115 Certification and registration; endorsement;
30 reciprocity; renewals; continuing education.--

31 (4)

1 (b)1. Each certificateholder or registrant shall
2 provide proof, in a form established by rule of the board,
3 that the certificateholder or registrant has completed at
4 least 14 classroom hours of at least 50 minutes each of
5 continuing education courses during each biennium since the
6 issuance or renewal of the certificate or registration. The
7 board shall establish by rule that a portion of the required
8 14 hours must deal with the subject of workers' compensation,
9 business practices, and workplace safety. The board shall by
10 rule establish criteria for the approval of continuing
11 education courses and providers, including requirements
12 relating to the content of courses and standards for approval
13 of providers, and may by rule establish criteria for accepting
14 alternative nonclassroom continuing education on an
15 hour-for-hour basis.

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

30 (7) If a certificateholder or registrant holds a
31 license under both this part and part II and is required to

1 have continuing education courses under s. 489.517(3), the
2 certificateholder or registrant may apply those course hours
3 for workers' compensation, workplace safety, and business
4 practices obtained under part II to the requirements under
5 this part.

6 Section 29. Paragraph (a) of subsection (3) of section
7 489.119, Florida Statutes, is amended to read:

8 489.119 Business organizations; qualifying agents.--

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

1 incomplete contract is one which has been awarded to, or
2 entered into by, the business organization prior to the
3 cessation of affiliation of the qualifying agent with the
4 business organization or one on which the business
5 organization was the low bidder and the contract is
6 subsequently awarded, regardless of whether any actual work
7 has commenced under the contract prior to the qualifying agent
8 ceasing to be affiliated with the business organization.

9 Section 30. Section 489.140, Florida Statutes, is
10 amended to read:

11 489.140 Construction Industries Recovery Fund.--There
12 is created the Florida Construction Industries Recovery Fund
13 as a separate account in the Professional Regulation Trust
14 Fund.

15 (1) The Florida Construction Industries Recovery Fund
16 shall be disbursed as provided in s. 489.143, on order of the
17 board, as reimbursement to any natural person adjudged by a
18 court of competent jurisdiction to have suffered monetary
19 damages, or to whom the licensee has been ordered to pay
20 restitution by the board, where the judgment or restitution
21 order is based on a violation of s. 489.129(1)(d), (h), (k),
22 or (l), committed by any contractor, financially responsible
23 officer, or business organization licensed under the
24 provisions of this part at the time the violation was
25 committed, and providing that the violation occurs after July
26 1, 1993.

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

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

5 Section 31. Section 489.141, Florida Statutes, is
6 amended to read:

7 489.141 Conditions for recovery; eligibility.--

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

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

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

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

1 or licensee's property pursuant to such execution was
2 insufficient to satisfy the judgment; or
3 ~~b.3.~~ If such person is unable to comply with
4 sub-subparagraph a.~~subparagraph 2.~~for a valid reason to be
5 determined by the board, such person has made all reasonable
6 searches and inquiries to ascertain whether the judgment
7 debtor or licensee is possessed of real or personal property
8 or other assets subject to being sold or applied in
9 satisfaction of the judgment and by his or her search has
10 discovered no property or assets or has discovered property
11 and assets and has taken all necessary action and proceedings
12 for the application thereof to the judgment but the amount
13 thereby realized was insufficient to satisfy the judgment; or
14 ~~2.(b)~~ The claimant has made a diligent attempt, as
15 defined by board rule, to collect the restitution awarded by
16 the board; ~~and~~
17 ~~(b)(c)~~ A claim for recovery is made within 2 years
18 from the time of the act giving rise to the claim or within 2
19 years from the time the act is discovered or should have been
20 discovered with the exercise of due diligence; however, in no
21 event may a claim for recovery be made more than 4 years after
22 the date of the act giving rise to the claim or more than 1
23 year after the conclusion of any civil or administrative
24 action based on the act, whichever is later; and
25 ~~(c)(d)~~ Any amounts recovered by such person from the
26 judgment debtor or licensee, or from any other source, have
27 been applied to the damages awarded by the court or the amount
28 of restitution ordered by the board; and
29 ~~(d)(e)~~ Such person is not a person who is precluded by
30 this act from making a claim for recovery.
31

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

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

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

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

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

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

18 (f) Such person has suffered damages as the result of
19 making improper payments to a contractor as defined in chapter
20 713, part I.

21 Section 32. Section 489.142, Florida Statutes, is
22 amended to read:

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

1 Section 33. Section 489.143, Florida Statutes, is
2 amended to read:

3 489.143 Payment from the fund.--

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

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

30 (3) Payments for claims arising out of the same
31 transaction shall be limited, in the aggregate, to \$25,000,

1 regardless of the number of claimants involved in the
2 transaction.

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

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

10 (6) If the annual appropriation is exhausted with
11 claims pending, such claims shall be carried forward to the
12 next fiscal year. Any moneys in excess of pending claims
13 remaining in the Construction Industries Recovery Fund at the
14 end of the fiscal year shall be paid as provided in s.
15 468.631.

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

21 ~~(7)~~(6) Upon the payment of any amount from the
22 Construction Industries Recovery Fund in settlement of a claim
23 in satisfaction of a judgment or restitution order against a
24 licensee certificateholder as described in s. 489.141(1), the
25 license of such licensee certificateholder shall be
26 automatically suspended, without further administrative
27 action, upon the date of payment from the fund. The license of
28 such licensee certificateholder shall not be reinstated until
29 he or she has repaid in full, plus interest, the amount paid
30 from the fund. A discharge of bankruptcy does not relieve a
31

1 person from the penalties and disabilities provided in this
2 section.

3 Section 34. Subsection (14) of section 489.503,
4 Florida Statutes, is amended, and subsections (17), (18),
5 (19), and (20) are added to said section, to read:

6 489.503 Exemptions.--This part does not apply to:

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

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

16 (b) A cable television, community antenna television,
17 or radio distribution system.

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

1 competitive bid. The definition of "employee" established in
2 subsection (1) applies to this exemption and does not include
3 subcontractors.

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

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

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

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

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

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

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

31

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

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

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

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

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

19 (20) Any work or operation contracted by any person
20 licensed under part I of chapter 475, as a single agent or
21 transaction broker for an owner of real property, provided the
22 person is acting within the scope of his or her license and
23 provided the aggregate contract price for labor, materials,
24 and all other items is less than \$5,000; however, this
25 exemption does not apply:

26 (a) If the construction, repair, remodeling, or
27 improvement is a part of a larger or major operation, whether
28 undertaken by the same or a different contractor, or in which
29 a division of the operation is made in contracts of amounts
30 less than \$5,000 for the purpose of evading this part or
31 otherwise.

1 (b) To a person who advertises that he or she is a
2 contractor or otherwise represents that he or she is qualified
3 to engage in contracting.

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

9 489.505 Definitions.--As used in this part:

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

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

1 governing the scope of certification does not create any
2 mandatory licensure requirement.

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

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

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

29 (24)~~(25)~~ "Licensure" means any type of certification
30 or registration provided for in this part.

31 (25)~~(26)~~ "Burglar alarm system agent" means a person:

1 (a) Who is employed by a licensed alarm system
2 contractor or licensed electrical contractor;

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

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

10 ~~(26)~~~~(27)~~ "Personal emergency response system" means
11 any device which is simply plugged into a telephone jack or
12 electrical receptacle and which is designed to initiate a
13 telephone call to a person who responds to, or has a
14 responsibility to determine the proper response to, personal
15 emergencies.

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

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

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

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

28 (d) The person is not employed in a proprietary
29 monitoring facility, as defined by the National Fire
30 Protection Association pursuant to rule adopted under chapter
31 633.

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

3 489.507 Electrical Contractors' Licensing Board.--

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

8 Section 37. Section 489.509, Florida Statutes, is
9 amended to read:

10 489.509 Fees.--

11 (1) The board, by rule, shall establish fees to be
12 paid for applications, examination, reexamination, transfers,
13 licensing and renewal, reinstatement, and recordmaking and
14 recordkeeping. The examination fee shall be in an amount that
15 covers the cost of obtaining and administering the examination
16 and shall be refunded if the applicant is found ineligible to
17 sit for the examination. The application fee is nonrefundable.
18 The fee for initial application and examination for
19 certification of electrical contractors may not exceed \$400.
20 The initial application fee for registration may not exceed
21 \$150. The biennial renewal fee may not exceed \$400 for
22 certificateholders and \$200 for registrants, ~~and shall be paid~~
23 ~~by June 30 of each biennial period.~~ The fee for initial
24 application and examination for certification of alarm system
25 contractors may not exceed \$400. The biennial renewal fee for
26 certified alarm system contractors may not exceed \$450. The
27 board may establish a fee for a temporary certificate as an
28 alarm system contractor not to exceed \$75. The board may also
29 establish by rule a delinquency fee not to exceed \$50. ~~Failure~~
30 ~~to renew an active or inactive certificate or registration~~
31 ~~within 90 days after the date of renewal will result in the~~

1 ~~certificate or registration becoming delinquent.~~The fee to
2 transfer a certificate or registration from one business
3 organization to another may not exceed \$200. The fee for
4 reactivation of an inactive license may not exceed \$50. The
5 board shall establish fees that are adequate to ensure the
6 continued operation of the board. Fees shall be based on
7 department estimates of the revenue required to implement this
8 part and the provisions of law with respect to the regulation
9 of electrical contractors and alarm system contractors.

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

16 (3) Four dollars of each fee under subsection (1) paid
17 to the department at the time of application or renewal shall
18 be transferred at the end of each licensing period to the
19 Department of Education to fund projects relating to the
20 building construction industry or continuing education
21 programs offered to persons engaged in the building
22 construction industry in Florida. The board shall, at the time
23 the funds are transferred, advise the Department of Education
24 on the most needed areas of research or continuing education
25 based on significant changes in the industry's practices or on
26 the most common types of consumer complaints or on problems
27 costing the state or local governmental entities substantial
28 waste. The board's advice is not binding on the Department of
29 Education. The Department of Education must allocate 50
30 percent of the funds to a graduate program in building
31 construction in a Florida university and 50 percent of the

1 funds to all accredited private and state universities and
2 community colleges within the state offering approved courses
3 in building construction, with each university or college
4 receiving a pro rata share of such funds based upon the number
5 of full-time building construction students enrolled at the
6 institution. The Department of Education shall ensure the
7 distribution of research reports and the availability of
8 continuing education programs to all segments of the building
9 construction industry to which they relate. The Department of
10 Education shall report to the board in October of each year,
11 summarizing the allocation of the funds by institution and
12 summarizing the new projects funded and the status of
13 previously funded projects. The Commissioner of Education is
14 directed to appoint one electrical contractor and one
15 certified alarm system contractor to the Building Construction
16 Industry Advisory Committee.

17 Section 38. Paragraph (a) of subsection (2),
18 subsection (3), and paragraph (b) of subsection (5) of section
19 489.511, Florida Statutes, are amended to read:

20 489.511 Certification; application; examinations;
21 endorsement.--

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

- 26 1. Is at least 18 years of age;
- 27 2. Is of good moral character; and
- 28 3. Meets eligibility requirements according to one of
29 the following criteria:

30 a. Has, within the 6 years immediately preceding the
31 filing of the application, at least 3 years' proven management

1 experience in the trade or education equivalent thereto, or a
2 combination thereof, but not more than one-half of such
3 experience may be educational equivalent;

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

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

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

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

21 (3) On or after October 1, 1998, every applicant who
22 is qualified shall be allowed to take the examination three
23 times, notwithstanding the number of times the applicant has
24 previously failed the examination. If an applicant fails the
25 examination three times after October 1, 1998, the board shall
26 require the applicant to complete additional college-level or
27 technical education courses in the areas of deficiency, as
28 determined by the board, as a condition of future eligibility
29 to take the examination. The applicant must also submit a new
30 application that meets all certification requirements at the
31 time of its submission and must pay all appropriate fees. ~~Any~~

1 ~~registered unlimited electrical contractor or certified or~~
2 ~~registered specialty contractor who, prior to October 1, 1987,~~
3 ~~passed an examination determined by the board to be~~
4 ~~substantially equivalent to the examination required for~~
5 ~~certification as either an unlimited electrical contractor or~~
6 ~~an alarm system contractor and who has satisfied the other~~
7 ~~requirements of this section shall be certified as an alarm~~
8 ~~system contractor I without further examination.~~

9 (5)

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

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

26 489.513 Registration; application; requirements.--

27 ~~(3)(a) To be registered as an electrical contractor,~~
28 ~~the applicant shall file evidence of holding a current~~
29 ~~occupational license or a current license issued by any~~
30 ~~municipality or county of the state for the type of work for~~
31 ~~which registration is desired, on a form provided by the~~

1 ~~department, together with evidence of successful compliance~~
2 ~~with the local examination and licensing requirements, if any,~~
3 ~~in the area for which registration is desired, accompanied by~~
4 ~~the registration fee fixed pursuant to this part. No~~
5 ~~examination may be required for registration as an electrical~~
6 ~~contractor except for any examination required by a local~~
7 ~~government to obtain the local licensure.~~

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

1 not apply to persons making application prior to the effective
2 date of this act.

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

5 489.517 Renewal of certificate or registration;
6 continuing education.--

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

14 (b) Of the 14 classroom hours of continuing education
15 required, at least 7 hours must be on technical subjects, 1
16 hour on workers' compensation, 1 hour on workplace safety, and
17 1 hour on business practices.

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

25 Section 41. Section 489.519, Florida Statutes, is
26 amended to read:

27 489.519 Inactive status.--

28 (1) A certificate or registration that has become
29 inactive may be reactivated under s. 489.517 upon application
30 to the department. The board may prescribe, by rule,
31 continuing education requirements as a condition of

1 reactivating a certificate or registration. The continuing
2 education requirements for reactivating a certificate or
3 registration may not exceed 12 classroom hours for each year
4 the certificate or registration was inactive.

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

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

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

19 Section 42. Section 489.521, Florida Statutes, is
20 amended to read:

21 489.521 Business organizations; qualifying agents.--

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

27 (2)(a)1. If the applicant proposing to engage in
28 contracting is a partnership, corporation, business trust, or
29 other legal entity, other than a sole proprietorship, the
30 application shall state the name of the partnership and its
31 partners; the name of the corporation and its officers and

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

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

29 (b) The applicant ~~application~~ shall also show that the
30 proposed qualifying agent is legally qualified to act for the
31 business organization in all matters connected with its

1 electrical or alarm system contracting business and concerning
2 regulations by the board and that he or she has authority to
3 supervise electrical or alarm system contracting ~~work~~
4 undertaken by the business organization.

5 (c) The proposed qualifying agent shall demonstrate
6 that he or she possesses the required skill, knowledge, and
7 experience to qualify the business organization in the
8 following manner:

9 1. Having met the qualifications provided in s.
10 489.511 and been issued a certificate of competency pursuant
11 to the provisions of s. 489.511; or

12 2. Having demonstrated that he or she possesses the
13 required experience and education requirements provided in s.
14 489.511 which would qualify him or her as eligible to take the
15 certification examination.

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

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

31

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

10 (d) Once the board has determined that the business
11 organization's proposed qualifying agent has qualified, the
12 business organization shall be authorized to engage in the
13 contracting business. The certificate, when issued, shall be
14 in the name of the qualifying agent, and the name of the
15 business organization shall be noted thereon.

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

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

15 (5) At least one officer member or supervising
16 employee of the business organization must be qualified under
17 this act in order for the business organization to be
18 qualified to engage in contracting in the category of the
19 business conducted ~~for which the member or supervising~~
20 ~~employee is qualified~~. If any individual so qualified on
21 behalf of the business organization ceases to qualify be
22 ~~affiliated with~~ the business organization, he or she shall
23 notify the board and the department thereof within 30 days
24 after such occurrence. In addition, if the individual is the
25 only ~~qualified~~ individual who qualifies ~~affiliated with~~ the
26 business organization, the business organization shall notify
27 the board and the department of the individual's termination,
28 and it shall have a period of 60 days from the termination of
29 the individual ~~individual's affiliation with the business~~
30 ~~organization in which~~ to qualify another person under the
31 provision of this act, failing which, the board shall

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

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

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

31

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

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

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

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

18 Section 43. Section 489.525, Florida Statutes, is
19 amended to read:

20 489.525 Reports of certified contractors to local
21 building officials.--

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

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

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

30 ~~(b) the contents of the rules of the board and the~~

31 ~~contents of the rules of the department which affect local~~

1 ~~government as determined by the department. Any information~~
2 ~~that is available through the Internet or other electronic~~
3 ~~means may be excluded from the report.~~

4 Section 44. Subsections (1) and (2) of section
5 489.533, Florida Statutes, are amended to read:

6 489.533 Disciplinary proceedings.--

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

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

11 (b) Attempting to procure a certificate or
12 registration to practice electrical or alarm system
13 contracting by bribery or fraudulent or willful
14 misrepresentations.

15 (c) Having a certificate or registration to practice
16 contracting revoked, suspended, or otherwise acted against,
17 including the denial of licensure, by the licensing authority
18 of another state, territory, or country.

19 (d) Being convicted or found guilty of, or entering a
20 plea of nolo contendere to, regardless of adjudication, ~~of~~ a
21 crime in any jurisdiction which directly relates to the
22 practice of electrical or alarm system contracting or the
23 ability to practice electrical or alarm system contracting.

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

1 (f) Committing fraud or deceit, or negligence,
2 incompetency, or misconduct in the practice of electrical or
3 alarm system contracting.

4 (g) Violating chapter 633 or the rules of the State
5 Fire Marshal.

6 (h) Practicing on a revoked, suspended, inactive, or
7 delinquent certificate or registration.

8 (i) Willfully or deliberately disregarding and
9 violating the applicable building codes or laws of the state
10 or any municipality or county thereof.

11 (j) Performing any act which assists a person or
12 entity in engaging in the prohibited uncertified and
13 unregistered practice of contracting, if the certificateholder
14 or registrant knows or has reasonable grounds to know that the
15 person or entity was uncertified and unregistered.

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

24 (l) Acting in the capacity of a contractor under any
25 certificate or registration issued hereunder except in the
26 name of the certificateholder or registrant as set forth on
27 the issued certificate or registration or in accordance with
28 the personnel of the certificateholder or registrant as set
29 forth in the application for the certificate or registration
30 or as later changed as provided in this part.

31

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

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

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

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

26 4. The contractor fails, within 18 months, to pay or
27 comply with a repayment schedule of a judgment obtained
28 against the contractor or a business qualified by the
29 contractor and relating to the practice of contracting.

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

1 (o) Failing in any material respect to comply with the
2 provisions of this part and the rules adopted pursuant
3 thereto.

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

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

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

15 (s) Practicing beyond the scope of a certification or
16 registration.

17
18 For the purposes of this subsection, construction is
19 considered to be commenced when the contract is executed and
20 the contractor has accepted funds from the customer or lender.

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

27 (a) Denial of an application for certification or
28 registration.

29 (b) Revocation or suspension of a certificate or
30 registration.

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1 (c) Imposition of an administrative fine not to exceed
2 \$5,000 for each count or separate offense.

3 (d) Issuance of a reprimand.

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

9 (f) Restriction of the authorized scope of practice by
10 the contractor.

11 (g) Require financial restitution to a consumer.

12 Section 45. For the purpose of incorporating the
13 amendment to section 489.533, Florida Statutes, in a reference
14 thereto, subsection (5) of section 489.518, Florida Statutes,
15 is reenacted to read:

16 489.518 Alarm system agents.--

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

20 Section 46. Paragraph (b) of subsection (2) of section
21 489.537, Florida Statutes, is amended, and subsection (9) is
22 added to said section, to read:

23 489.537 Application of this part.--

24 (2)

25 (b) A registered electrical contractor may bid on
26 electrical contracts which include alarm systems contracting
27 as a part of the contract, provided that the individual shall
28 subcontract such alarm systems contracting, except raceway
29 systems, to a properly certified or registered alarm system
30 contractor. Registered electrical contractors may install
31 raceways for alarm systems. However, if the registered

1 electrical contractor is properly certified or registered as
2 an alarm system contractor, the individual is not required to
3 subcontract out the alarm system contracting.

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

6 Section 47. Subsection (1) of section 205.0535,
7 Florida Statutes, is amended to read:

8 205.0535 Reclassification and rate structure
9 revisions.--

10 (1) By October 1, 1995, any municipality or county
11 may, by ordinance, reclassify businesses, professions, and
12 occupations and may establish new rate structures, if the
13 conditions specified in subsections (2) and (3) are met. A
14 person who is engaged in the business of providing local
15 exchange telephone service or a pay telephone service in a
16 municipality or in the unincorporated area of a county and who
17 pays the occupational license tax under the category
18 designated for telephone companies or a pay telephone service
19 provider certified pursuant to s. 364.3375 is deemed to have
20 but one place of business or business location in each
21 municipality or unincorporated area of a county and may not be
22 assessed an occupational license tax on a per-instrument
23 basis.

24 Section 48. Section 489.539, Florida Statutes, is
25 amended to read:

26 489.539 Adoption of electrical and alarm
27 standards.--For the purpose of establishing minimum electrical
28 and alarm standards in this state, the current edition of the
29 following standards are adopted:

30 (1) "National Electrical Code ~~1990~~," NFPA No. 70
31 ~~70-1990~~.

1 (2) Underwriters' Laboratories, Inc., "Standards for
2 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
3 57 ~~57-1982~~, and UL 153 ~~153-1983~~.

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

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

8 (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics
9 ~~1978~~."

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

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

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

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

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

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

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

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

27 Section 49. Section 553.19, Florida Statutes, is
28 amended to read:

29 553.19 Adoption of electrical and alarm
30 standards.--For the purpose of establishing minimum electrical
31

1 and alarm standards in this state, the current edition of the
2 following standards are adopted:
3 (1) "National Electrical Code ~~1990~~," NFPA No. 70
4 ~~70-1990~~.
5 (2) Underwriters' Laboratories, Inc., "Standards for
6 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
7 57 ~~57-1982~~ and UL 153 ~~153-1983~~.
8 (3) Underwriters' Laboratories, Inc., "Standard for
9 Electric Signs," UL 48 ~~48-1982~~.
10 (4) The provisions of the following which prescribe
11 minimum electrical and alarm standards:
12 (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics
13 ~~1978~~."
14 (b) NFPA No. 56B ~~56B-1982~~, "Respiratory Therapy ~~1982~~."
15 (c) NFPA No. 56C ~~56C-1980~~, "Laboratories in
16 Health-related Institutions ~~1980~~."
17 (d) NFPA No. 56D ~~56D-1982~~, "Hyperbaric Facilities."
18 (e) NFPA No. 56F ~~56F-1983~~, "Nonflammable Medical Gas
19 Systems ~~1983~~."
20 (f) NFPA No. 72, "National Fire Alarm Code."
21 (g)~~(f)~~ NFPA No. 76A ~~76A-1984~~, "Essential Electrical
22 Systems for Health Care Facilities ~~1984~~."
23 (5) Chapter 10D-29 of the rules and regulations of the
24 Department of Health and Rehabilitative Services, entitled
25 "Nursing Homes and Related Facilities Licensure."
26 (6) The minimum standards for grounding of portable
27 electric equipment, chapter 8C-27 as recommended by the
28 Industrial Standards Section, Division of Workers'
29 Compensation, Department of Labor and Employment Security.
30 Section 50. Section 501.935, Florida Statutes, is
31 created to read:

1 501.935 Home-inspection reports; required disclosures
2 prior to inspection; report on inspection results; prohibited
3 acts; failure to comply.--

4 (1) INTENT.--The Legislature recognizes that the
5 performance of a home inspection requires certain skills and
6 that a home inspection should not be confused with an
7 engineering analysis. Therefore, it is necessary in the
8 interest of the public health, safety, and welfare to require
9 the disclosure of information useful to assist consumers in
10 choosing a qualified home inspector, to inform them of the
11 limitations of a home inspection, and to prohibit actions that
12 conflict with the best interests of a home inspector's client.

13 (2) DEFINITIONS.--For the purposes of this section:

14 (a) "Home inspector" means any person who provides or
15 offers to provide a home inspection on residential real
16 property for a fee.

17 (b) "Home inspection" means an examination of the
18 mechanical and physical components of residential real
19 property through visual means and operation of normal user
20 controls, without necessarily the use of any mathematical or
21 engineering science. The inspection may include, but is not
22 limited to, examination of the electrical, heating, and
23 central air-conditioning systems; the interior plumbing; the
24 roof and visible insulation therefor; walls, ceilings, floors,
25 windows, and doors; the foundation; and the basement or crawl
26 space.

27 (3) EXEMPTIONS.--A person licensed as a construction
28 contractor under chapter 489, an architect under chapter 481,
29 or an engineer under chapter 471 shall not be required to
30 comply with this section with regard to any report, survey,
31

1 evaluation, or estimate rendered within the scope of practice
2 authorized by such license.

3 (4) DISCLOSURE.--Prior to performing any home
4 inspection, a home inspector shall provide the following to
5 any person who has entered into a contract to have a home
6 inspection and who, as a client of the inspector, has
7 requested the inspection:

8 (a) A written list of the home inspector's
9 credentials.

10 (b) A caveat in 10-point or larger boldfaced type that
11 states: AN INSPECTION IS INTENDED TO ASSIST IN EVALUATION OF
12 THE OVERALL CONDITION OF A BUILDING. THE INSPECTION IS BASED
13 ON OBSERVATION OF THE VISIBLE AND APPARENT CONDITION OF THE
14 BUILDING AND ITS COMPONENTS ON THE DATE OF THE INSPECTION.
15 THE RESULTS OF THIS HOME INSPECTION ARE NOT INTENDED TO MAKE
16 ANY REPRESENTATION REGARDING LATENT OR CONCEALED DEFECTS THAT
17 MAY EXIST, AND NO WARRANTY OR GUARANTEE IS EXPRESSED OR
18 IMPLIED. IF YOUR HOME INSPECTOR IS NOT A LICENSED STRUCTURAL
19 ENGINEER OR OTHER PROFESSIONAL WHOSE LICENSE AUTHORIZES THE
20 RENDERING OF AN OPINION AS TO THE STRUCTURAL INTEGRITY OF A
21 BUILDING OR ITS OTHER COMPONENT PARTS, YOU MIGHT BE WELL
22 ADVISED TO SEEK A PROFESSIONAL OPINION AS TO ANY DEFECTS OR
23 CONCERNS MENTIONED IN THIS REPORT.

24 (c) A written disclosure to the client of any conflict
25 of interest or relationship of the home inspector which may
26 affect the client.

27 (d) A written statement or agreement declaring the
28 home inspector's scope, limitations, terms, and conditions
29 regarding the home inspection.

30 (5) REPORT.--A home inspector shall provide to the
31 client, within 3 working days after the date of the home

1 inspection or at any other time agreed upon by both parties, a
2 written report of the results of the home inspection.

3 (6) PROHIBITIONS.--A home inspector is prohibited
4 from:

5 (a) Accepting commissions or allowances from another
6 party dealing with a client of the inspector which relate to
7 the inspection.

8 (b) Offering commissions or allowances to another
9 party dealing with a client of the inspector which relate to
10 the inspection.

11 (c) Performing, or offering to perform, remedial work
12 on a property which the inspector has inspected in the
13 preceding 12 months.

14 (d) Disclosing, without the client's consent, a home
15 inspection report to any person other than the client.

16 (7) FAILURE TO COMPLY.--Failure to comply with this
17 section constitutes a deceptive and unfair trade practice.

18 Section 51. Effective upon this act becoming a law,
19 and applicable to all contracts, agreements, and
20 understandings entered into on or after the effective date of
21 this act, section 715.15, Florida Statutes, is created to
22 read:

23 715.15 Real property improvement contract
24 provisions.--Any provision of a contract for improving real
25 property which makes a contract subject to the laws of another
26 state or requires that any litigation, arbitration, or other
27 dispute resolution process arising out of the contract occur
28 in another state is void and against public policy regardless
29 of whether the property is owned by the state, a political
30 subdivision of the state, or a private owner.

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1 Section 52. Except as otherwise provided herein, this
2 act shall take effect July 1 of the year in which enacted.
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HOUSE SUMMARY

Amends and creates provisions of pt. XII, ch. 468, F.S., relating to building code administrators and inspectors. Revises and provides definitions relating to electrical inspectors. Provides responsibilities of building code administrators, plans examiners, and inspectors. Revises membership of the Florida Building Code Administrators and Inspectors Board. Revises and provides requirements for certification as a building code administrator, plans examiner, or inspector, including provisional certification. Revises provisions relating to local governments contracting for building code, examination, and inspection services. Revises and eliminates fees. Prohibits making or attempting to make a certificateholder violate a local or state building code. Prohibits acting or practicing as a building code administrator or building official, plans examiner, or inspector without being an active certificateholder. Revises provisions relating to use of the surcharge to fund the Building Code Administrators and Inspectors Fund, to reserve a portion of the surcharge funds collected for development and implementation of continuing education and training programs and to exempt certain local government employees from paying for such education and training.

Amends various provisions of ch. 469, F.S., relating to regulation of asbestos abatement. Redefines the terms "abatement" and "survey" and defines the term "project designer." Revises an exemption from regulation applicable to certain asbestos-related activities done by government employees. Moves certain existing exemptions to the exemption section of the chapter with revision, and eliminates provisions relating to prerequisites to issuance of a license and to continuing education. Revises licensure requirements for asbestos consultants and asbestos contractors, to require certain coursework. Requires applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance. Revises continuing education requirements applicable to asbestos surveyors, management planners, and project monitors. Repeals the section providing for use of seals.

Revises the definition of "first contact" applicable in provisions regulating real estate brokers, salespersons, and schools. Allows architects to perform duties of building code inspectors.

Revises and provides various provisions of pt. I, ch. 489, F.S., relating to construction contracting. Provides exemptions from regulation under the part. Revises and provides definitions applicable to contractors. Requires

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1 the Construction Industry Licensing Board and the
2 Electrical Contractors' Licensing Board to each appoint a
3 committee to meet jointly at least twice a year. Provides
4 that expansion of the scope of practice of any type of
5 contractor does not limit the scope of practice of any
6 existing type of contractor unless the Legislature
7 expressly provides such limitation. Repeals a provision
8 relating to designation and certification of underground
9 utility and excavation contractors.

10 Provides for medical gas certification for plumbing
11 contractors who install, improve, repair, or maintain
12 conduits used to transport gaseous or partly gaseous
13 substances for medical purposes. Provides that plumbing
14 contractors who install, improve, repair, or maintain
15 such conduits shall be governed by the National Fire
16 Prevention Association Standard 99C.

17 Authorizes certificateholders and registrants to apply
18 continuing education courses earned under other
19 regulatory provisions under certain circumstances.
20 Details what constitutes an incomplete contract for
21 purposes of work allowed a business organization under
22 temporary certification or registration.

23 Eliminates a provision that requires the transfer of
24 surplus moneys from fines into the Construction
25 Industries Recovery Fund. Clarifies provisions relating
26 to conditions for recovery from the fund, eliminates a
27 notice requirement, revises a limitation on the making of
28 a claim, and revises provisions relating to payment from
29 the fund.

30 Amends pt. II, ch. 489, F.S., relating to electrical and
31 alarm system contracting. Revises an exemption from
regulation under the part that applies to
telecommunications, community antenna television, and
radio distribution systems, to include cable television
systems. Provides exemptions from regulation under the
part. Revises and provides definitions applicable to
electrical and alarm system contracting. Requires the
Electrical Contractors' Licensing Board and the
Construction Industry Licensing Board to each appoint a
committee to meet jointly at least twice a year.

Eliminates reference to the payment date of the biennial
renewal fee for certificateholders and registrants and
eliminates an inconsistent provision relating to failure
to renew an active or inactive certificate or
registration. Provides for transfer of a portion of
certain fees applicable to regulation of electrical and
alarm system contracting to fund certain projects
relating to the building construction industry and
continuing education programs related thereto.

Revises eligibility requirements for certification as an

1 electrical or alarm system contractor. Authorizes the
2 taking of the certification examination more than three
3 times. Revises registration requirements for electrical
4 contractors. Authorizes certificateholders and
5 registrants to apply continuing education courses earned
6 under other regulatory provisions under certain
7 circumstances. Provides for verification of public
8 liability and property damage insurance. Authorizes
9 certificateholders and registrants to apply for voluntary
10 inactive status at any time during the period of
11 certification or registration. Authorizes a person
12 passing the certification examination and applying for
13 licensure to place his or her license on inactive status
14 without having to qualify a business. Provides conditions
15 on qualifying agents qualifying more than one business
16 organization. Provides for revocation or suspension of
17 such qualification for improper supervision.

18
19 Revises reporting requirements of the Department of
20 Business and Professional Regulation to local boards and
21 building officials and provides applicability with
22 respect to information provided on the Internet. Revises
23 and provides grounds for discipline and provides
24 penalties therefor. Authorizes registered electrical
25 contractors to install raceways for alarm systems.
26 Provides that licensees under pt. II, ch. 489, F.S., are
27 subject, as applicable, to certain provisions relating to
28 local occupational license taxes. Provides that
29 businesses providing local exchange telephone service or
30 pay telephone service may not be assessed an occupational
31 license tax on a per-instrument basis. Updates the
minimum electrical and alarm standards required in this
state and adds a national code relating to fire alarms to
such standards.

Provides requirements relating to home-inspection
reports. Provides legislative intent and definitions.
Provides exemptions. Requires, prior to inspection,
provision of inspector credentials, a caveat, a
disclosure of conflicts of interest and certain
relationships, and a statement or agreement of scope,
limitations, terms, and conditions. Requires a report on
the results of the inspection. Provides prohibited acts,
for which there are civil penalties. Provides that
failure to comply is a deceptive and unfair trade
practice. Provides that certain provisions in contracts
for improvement of real property are void and provides
applicability. See bill for details.