

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 amending s. 468.432, F.S.; registration of
6 community association management entities;
7 creating s. 468.604, F.S.; providing
8 responsibilities of building code
9 administrators, plans examiners, and
10 inspectors; amending s. 468.605, F.S.; revising
11 membership of the Florida Building Code
12 Administrators and Inspectors Board; amending
13 s. 468.609, F.S.; revising and providing
14 requirements for certification as a building
15 code administrator, plans examiner, or
16 inspector, including provisional certification;
17 amending s. 468.617, F.S.; revising provisions
18 relating to local governments contracting for
19 building code, examination, and inspection
20 services; amending s. 468.627, F.S.; revising
21 and eliminating fees; amending s. 468.629,
22 F.S.; prohibiting making or attempting to make
23 a certificateholder violate a local or state
24 building code; prohibiting acting or practicing
25 as a building code administrator or building
26 official, plans examiner, or inspector without
27 being an active certificateholder; providing
28 penalties; amending s. 468.631, F.S.; revising
29 provisions relating to use of the surcharge to
30 fund the Building Code Administrators and
31 Inspectors Fund; reserving a portion of the

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

1 471.026, F.S.; allowing engineers to perform
2 building inspection duties; amending s.
3 475.276, F.S.; providing an exception to
4 requirement that real estate licensees provide
5 a notice of nonrepresentation; creating s.
6 481.222, F.S.; allowing architects to perform
7 duties of building code inspectors; amending s.
8 489.103, F.S.; providing exemptions from
9 regulation under pt. I, ch. 489, F.S., relating
10 to construction contracting; amending s.
11 489.105, F.S.; revising and providing
12 definitions applicable to contractors; amending
13 s. 489.107, F.S.; requiring the Construction
14 Industry Licensing Board and the Electrical
15 Contractors' Licensing Board to each appoint a
16 committee to meet jointly at least twice a
17 year; amending s. 489.113, F.S.; providing that
18 expansion of the scope of practice of any type
19 of contractor does not limit the scope of
20 practice of any existing type of contractor
21 unless the Legislature expressly provides such
22 limitation; repealing s. 489.1135, F.S.,
23 relating to designation and certification of
24 underground utility and excavation contractors;
25 creating s. 489.1136, F.S.; providing for
26 medical gas certification for plumbing
27 contractors who install, improve, repair, or
28 maintain conduits used to transport gaseous or
29 partly gaseous substances for medical purposes;
30 requiring certain coursework; requiring an
31 examination for certain persons; providing for

1 discipline and penalties; providing a
2 definition; amending s. 553.06, F.S.; providing
3 that plumbing contractors who install, improve,
4 repair, or maintain such conduits shall be
5 governed by the National Fire Prevention
6 Association Standard 99C; amending s. 489.115,
7 F.S.; authorizing certificateholders and
8 registrants to apply continuing education
9 courses earned under other regulatory
10 provisions under certain circumstances;
11 amending s. 489.119, F.S.; detailing what
12 constitutes an incomplete contract for purposes
13 of work allowed a business organization under
14 temporary certification or registration;
15 amending s. 489.140, F.S.; eliminating a
16 provision that requires the transfer of surplus
17 moneys from fines into the Construction
18 Industries Recovery Fund; amending s. 489.141,
19 F.S.; clarifying provisions relating to
20 conditions for recovery from the fund;
21 eliminating a notice requirement; revising a
22 limitation on the making of a claim; amending
23 s. 489.142, F.S.; revising a provision relating
24 to powers of the Construction Industry
25 Licensing Board with respect to actions for
26 recovery from the fund, to conform; amending s.
27 489.143, F.S.; revising provisions relating to
28 payment from the fund; amending s. 489.503,
29 F.S.; providing exemptions from regulation
30 under pt. II, ch. 489, F.S., relating to
31 electrical and alarm system contracting;

1 revising an exemption that applies to
 2 telecommunications, community antenna
 3 television, and radio distribution systems, to
 4 include cable television systems; amending s.
 5 489.505, F.S., and repealing subsection (24),
 6 relating to the definition of "limited burglar
 7 alarm system contractor"; redefining terms
 8 applicable to electrical and alarm system
 9 contracting; defining the terms "monitoring"
 10 and "fire alarm system agent"; amending s.
 11 489.507, F.S.; requiring the Electrical
 12 Contractors' Licensing Board and the
 13 Construction Industry Licensing Board to each
 14 appoint a committee to meet jointly at least
 15 twice a year; amending s. 489.509, F.S.;
 16 eliminating reference to the payment date of
 17 the biennial renewal fee for certificateholders
 18 and registrants; eliminating an inconsistent
 19 provision relating to failure to renew an
 20 active or inactive certificate or registration;
 21 providing for transfer of a portion of certain
 22 fees applicable to regulation of electrical and
 23 alarm system contracting to fund certain
 24 projects relating to the building construction
 25 industry and continuing education programs
 26 related thereto; amending s. 489.511, F.S.;
 27 revising eligibility requirements for
 28 certification as an electrical or alarm system
 29 contractor; authorizing the taking of the
 30 certification examination more than three times
 31 and providing requirements with respect

1 thereto; eliminating an obsolete provisions;
 2 amending s. 489.513, F.S.; revising
 3 registration requirements for electrical
 4 contractors; amending s. 489.517, F.S.;
 5 authorizing certificateholders and registrants
 6 to apply continuing education courses earned
 7 under other regulatory provisions under certain
 8 circumstances; providing for verification of
 9 public liability and property damage insurance;
 10 creating s. 489.5185, F.S.; providing
 11 requirements for fire alarm system agents,
 12 including specified training and fingerprint
 13 and criminal background checks; providing for
 14 fees for approval of training providers and
 15 courses; providing applicability to applicants,
 16 current employees, and various licensees;
 17 requiring an identification card and providing
 18 requirements therefor; providing continuing
 19 education requirements; providing disciplinary
 20 penalties; amending s. 489.519, F.S.;
 21 authorizing certificateholders and registrants
 22 to apply for voluntary inactive status at any
 23 time during the period of certification or
 24 registration; authorizing a person passing the
 25 certification examination and applying for
 26 licensure to place his or her license on
 27 inactive status without having to qualify a
 28 business; amending s. 489.521, F.S.; providing
 29 conditions on qualifying agents qualifying more
 30 than one business organization; providing for
 31 revocation or suspension of such qualification

1 for improper supervision; providing technical
 2 changes; amending s. 489.525, F.S.; revising
 3 reporting requirements of the Department of
 4 Business and Professional Regulation to local
 5 boards and building officials; providing
 6 applicability with respect to information
 7 provided on the Internet; amending s. 489.533,
 8 F.S.; revising and providing grounds for
 9 discipline; providing penalties; reenacting s.
 10 489.518(5), F.S., relating to alarm system
 11 agents, to incorporate the amendment to s.
 12 489.533, F.S., in a reference thereto; amending
 13 s. 489.537, F.S.; authorizing registered
 14 electrical contractors to install raceways for
 15 alarm systems; providing that licensees under
 16 pt. II, ch. 489, F.S., are subject, as
 17 applicable, to certain provisions relating to
 18 local occupational license taxes; amending s.
 19 205.0535, F.S.; providing that businesses
 20 providing local exchange telephone service or
 21 pay telephone service may not be assessed an
 22 occupational license tax on a per-instrument
 23 basis; amending s. 553.19, F.S.; updating
 24 electrical and alarm standards; adding a
 25 national code relating to fire alarms to the
 26 minimum electrical and alarm standards required
 27 in this state; creating s. 501.935, F.S.;
 28 providing requirements relating to
 29 home-inspection reports; providing legislative
 30 intent; providing definitions; providing
 31 exemptions; requiring, prior to inspection,

1 provision of inspector credentials, a caveat, a
 2 disclosure of conflicts of interest and certain
 3 relationships, and a statement or agreement of
 4 scope, limitations, terms, and conditions;
 5 requiring a report on the results of the
 6 inspection; providing prohibited acts, for
 7 which there are civil penalties; providing that
 8 failure to comply is a deceptive and unfair
 9 trade practice; creating s. 501.937, F.S.;
 10 providing requirements for use of professional
 11 titles by industrial hygienists and safety
 12 professionals; providing definitions; providing
 13 that violation of such requirements is a
 14 deceptive and unfair trade practice; creating
 15 s. 715.15, F.S.; providing that certain
 16 provisions in contracts for improvement of real
 17 property are void; providing applicability; An
 18 act relating to fire prevention and control;
 19 amending s. 633.021, F.S.; defining the term
 20 "fire extinguisher"; amending s. 633.061, F.S.;
 21 requiring an individual or organization that
 22 hydrotests fire extinguishers and preengineered
 23 systems to obtain a permit or license from the
 24 State Fire Marshal; revising the services that
 25 may be performed under certain licenses and
 26 permits issued by the State Fire Marshal;
 27 providing additional application requirements;
 28 providing requirements for obtaining an
 29 upgraded license; amending ss. 633.065,
 30 633.071, F.S.; providing requirements for
 31 installing and inspecting fire suppression

1 equipment; amending s. 633.162, F.S.;

2 prohibiting an owner, officer, or partner of a

3 company from applying for licensure if the

4 license held by the company is suspended or

5 revoked; revising the grounds upon which the

6 State Fire Marshal may deny, revoke, or suspend

7 a license or permit; providing restrictions on

8 activities of former licenseholders and

9 permittees; amending s. 633.171, F.S.; revising

10 the prohibition against rendering a fire

11 extinguisher or preengineered system

12 inoperative to conform to changes made by the

13 act; amending s. 633.547, F.S.; providing the

14 State Fire Marshal authority to suspend and

15 revoke certificates; providing restrictions on

16 the activities of former certificateholders

17 whose certificates are suspended or revoked;

18 amending s. 489.105, F.S., relating to

19 contracting; conforming a cross-reference to

20 changes made by the act; amending s. 468.385,

21 F.S.; revising provisions relating to the

22 written examination required for licensure as

23 an auctioneer; amending s. 468.388, F.S.;

24 eliminating exemptions from the requirement

25 that a written agreement be executed prior to

26 conducting an auction; amending s. 468.389,

27 F.S.; revising a ground for disciplinary action

28 relating to failure to account for or to pay

29 certain money, to include reference to property

30 belonging to another; providing penalties;

31 reenacting ss. 468.385(3)(b) and 468.391, F.S.,

1 relating to licensure as an auctioneer and to a
 2 criminal penalty, respectively, to incorporate
 3 the amendment to s. 468.389, F.S., in
 4 references thereto; amending s. 468.393, F.S.;
 5 reducing the level at which the Auctioneer
 6 Recovery Fund must be maintained and for which
 7 surcharges are levied; reenacting s.
 8 468.392(5), F.S., relating to moneys in the
 9 Auctioneer Recovery Fund, to incorporate the
 10 amendment to s. 468.393, F.S., in references
 11 thereto; amending s. 468.395, F.S.; revising
 12 circumstances under which recovery from the
 13 Auctioneer Recovery Fund may be obtained;
 14 reducing the amount per claim or claims arising
 15 out of the same transaction or auction and the
 16 aggregate lifetime limit with respect to any
 17 one licensee that may be paid from the fund;
 18 amending s. 468.396, F.S., relating to claims
 19 against a single licensee in excess of the
 20 dollar limitation, to conform; eliminating
 21 semiannual identification and payment of
 22 claims; amending s. 468.397, F.S., relating to
 23 payment of claim; correcting language; creating
 24 s. 205.195, F.S.; prohibiting local
 25 jurisdiction from charging an occupational
 26 license tax under certain circumstances;
 27 providing effective dates.

28
 29 Be It Enacted by the Legislature of the State of Florida:
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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 National ~~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. Subsection (2) of section 468.432, Florida
14 Statutes, is amended to read:

15 468.432 Definitions.--(2) Nothing in this part
16 prohibits a corporation, partnership, trust, association, or
17 other like organization from engaging in the business of
18 community association management without being licensed if it
19 employs licensed natural persons in the direct provision of
20 community association management services. However, such
21 entities must register with the department in a manner
22 prescribed by rule. Such corporation, partnership, trust,
23 association, or other organization shall also file with the
24 department a statement on a form approved by the department
25 that it submits itself to the rules of the council and the
26 department and the provisions of this part which the
27 department deems applicable. Any entity who violates the
28 provisions of this section will be subject to disciplinary
29 action pursuant to rules adopted by the department.

30 Section 3. Section 468.604, Florida Statutes, is
31 created to read:

1 468.604 Responsibilities of building code
2 administrators, plans examiners, and inspectors.--

3 (1) It shall be the responsibility of the building
4 code administrator or building official to administer,
5 supervise, direct, enforce, or perform the permitting and
6 inspection of the construction, alteration, repair,
7 remodeling, or demolition of structures and the installation
8 of building systems within the boundaries of his or her
9 governmental jurisdiction, when permitting is required, to
10 ensure compliance with building, plumbing, mechanical,
11 electrical, gas fuel, energy conservation, accessibility, and
12 other construction codes required or adopted by municipal
13 code, county ordinance, or state law. The building code
14 administrator or building official shall faithfully perform
15 these responsibilities without interference from any person.
16 These responsibilities include:

17 (a) The review of construction plans to ensure
18 compliance with all applicable codes. The construction plans
19 shall be reviewed before the issuance of any building, system
20 installation, or other construction permit. The review of
21 construction plans shall be done by the building code
22 administrator or building official or by a person having the
23 appropriate plans examiner certificate issued in accordance
24 with this part.

25 (b) The inspection of each phase of construction where
26 a building or other construction permit has been issued. The
27 building code administrator or building official, or person
28 having the appropriate building code inspector certificate
29 issued in accordance with this part, shall inspect the
30 construction or installation to ensure that the work is
31 performed in accordance with applicable codes.

1 (2) It shall be the responsibility of the building
2 code inspector to conduct inspections of the construction,
3 alteration, repair, remodeling, or demolition of structures
4 and the installation of building systems, when permitting is
5 required, to ensure compliance with building, plumbing,
6 mechanical, electrical, gas fuel, energy conservation,
7 accessibility, and other construction codes required by
8 municipal code, county ordinance, or state law. Each building
9 code inspector must be certified in the appropriate category
10 as defined in s. 468.603. The building code inspector's
11 responsibilities shall be performed under the direction of the
12 building code administrator or building official without
13 interference from any uncertified person.

14 (3) It shall be the responsibility of the plans
15 examiner to conduct review of construction plans, submitted in
16 the application for permitting, to ensure compliance with all
17 applicable codes required by municipal code, county ordinance,
18 or state law. The review of construction plans shall be done
19 by the building code administrator or building official or by
20 a person certified in the appropriate plans examiner category
21 as defined in s. 468.603. The plans examiner's
22 responsibilities shall be performed under the supervision and
23 authority of the building code administrator or building
24 official without interference from any uncertified person.

25 Section 4. Subsection (2) of section 468.605, Florida
26 Statutes, is amended to read:

27 468.605 Florida Building Code Administrators and
28 Inspectors Board.--

29 (2) The board shall consist of nine members, as
30 follows:
31

1 (a) One member who is an architect licensed pursuant
2 to chapter 481, an engineer licensed pursuant to chapter 471,
3 or a contractor licensed pursuant to chapter 489.

4 (b) Two members serving as building code
5 administrators.

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

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

10 (e) One member who is a representative of a city or a
11 charter county.

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

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

18
19 None of the board members described in paragraph (a) or
20 paragraph (f) ~~(g)~~ may be an employee of a municipal, county,
21 or state governmental agency.

22 Section 5. Section 468.609, Florida Statutes, is
23 amended to read:

24 468.609 Administration of this part; standards for
25 certification; additional categories of certification.--

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

30
31

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

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

5 (b) Is of good moral character; and

6 (c) Meets eligibility requirements according to one of
7 the following criteria:

8 1. Demonstrates 5 years' combined experience in the
9 field of construction or a related field, or inspection, or
10 plans review corresponding to the certification category
11 sought;

12 2. Demonstrates a combination of postsecondary
13 education in the field of construction or a related field and
14 experience which totals 4 years, with at least 1 year of such
15 total being experience in construction, or building
16 inspection, or plans review; or

17 3. Currently holds a standard certificate issued by
18 the board and satisfactorily completes an inspector or plans
19 examiner training program of not less than 200 hours in the
20 certification category sought. The board by rule shall
21 establish criteria for the development and implementation of
22 the training programs.

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

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

27 (b) Is of good moral character; and

28 (c) Meets eligibility requirements according to one of
29 the following criteria:

30 ~~1.3. For certification as a building code~~
31 ~~administrator or building official, Demonstrates 10 years'~~

1 combined experience as an architect, engineer, plans examiner,
2 building code inspector, registered or certified contractor,
3 or construction superintendent, with at least 5 years of such
4 experience in supervisory positions; or

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

12 ~~(4)(3)~~ No person may engage in the duties of a
13 building code administrator, plans examiner, or inspector
14 pursuant to this part after October 1, 1993, unless such
15 person possesses one of the following types of certificates,
16 currently valid, issued by the board attesting to the person's
17 qualifications to hold such position:

- 18 (a) A standard certificate.
- 19 (b) A limited certificate.
- 20 (c) A provisional certificate.

21 ~~(5)(4)~~(a) To obtain a standard certificate, an
22 individual must pass an examination approved by the board
23 which demonstrates that the applicant has fundamental
24 knowledge of the state laws and codes relating to the
25 construction of buildings for which the applicant has code
26 administration, plan examining, or inspection
27 responsibilities. It is the intent of the Legislature that the
28 examination approved for certification pursuant to this part
29 be substantially equivalent to the examinations administered
30 by the Southern Building Code Congress International, the
31 Building Officials Association of Florida, the South Florida

1 Building Code (Dade and Broward), and the Council of American
2 Building Officials.

3 (b) A standard certificate shall be issued to each
4 applicant who successfully completes the examination, which
5 certificate authorizes the individual named thereon to
6 practice throughout the state as a building code
7 administrator, plans examiner, or inspector within such class
8 and level as is specified by the board.

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

12 (6)~~(5)~~(a) A building code administrator, plans
13 examiner, or inspector holding office on July 1, 1993, shall
14 not be required to possess a standard certificate as a
15 condition of tenure or continued employment, but shall be
16 required to obtain a limited certificate as described in this
17 subsection.

18 (b) By October 1, 1993, individuals who were employed
19 on July 1, 1993, as building code administrators, plans
20 examiners, or inspectors, who are not eligible for a standard
21 certificate, but who wish to continue in such employment,
22 shall submit to the board the appropriate application and
23 certification fees and shall receive a limited certificate
24 qualifying them to engage in building code administration,
25 plans examination, or inspection in the class, at the
26 performance level, and within the governmental jurisdiction in
27 which such person is employed.

28 (c) The limited certificate shall be valid only as an
29 authorization for the building code administrator, plans
30 examiner, or inspector to continue in the position held, and
31

1 to continue performing all functions assigned to that
2 position, on July 1, 1993.

3 (d) A building code administrator, plans examiner, or
4 inspector holding a limited certificate can be promoted to a
5 position requiring a higher level certificate only upon
6 issuance of a standard certificate or provisional certificate
7 appropriate for such new position.

8 ~~(7)(6)~~(a) The board may provide for the issuance of
9 provisional ~~or temporary~~ certificates valid for such period,
10 not less than 1 year nor more than 3 years, as specified by
11 board rule, to any newly employed or promoted building code
12 administrator, plans examiner, or inspector ~~newly employed or~~
13 ~~newly promoted who lacks the qualifications prescribed by the~~
14 ~~board or by statute as prerequisite to issuance of a standard~~
15 ~~certificate.~~

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

19 (c) The board may provide for appropriate levels of
20 provisional ~~or temporary~~ certificates and may issue these
21 certificates with such special conditions or requirements
22 relating to the place of employment of the person holding the
23 certificate, the supervision of such person on a consulting or
24 advisory basis, or other matters as the board may deem
25 necessary to protect the public safety and health.

26 (d) A newly employed or hired person may perform the
27 duties of a plans examiner or inspector for 90 days if a
28 provisional certificate application has been submitted,
29 provided such person is under the direct supervision of a
30 certified building code administrator who holds a standard

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1 certificate and who has found such person qualified for a
2 provisional certificate.

3 (8)~~(7)~~(a) Any individual who holds a valid certificate
4 under the provisions of s. 553.795, or who has successfully
5 completed all requirements for certification pursuant to such
6 section, shall be deemed to have satisfied the requirements
7 for receiving a standard certificate prescribed by this part.

8 (b) Any individual who holds a valid certificate
9 issued by the Southern Building Code Congress International,
10 the Building Officials Association of Florida, the South
11 Florida Building Code (Dade and Broward), or the Council of
12 American Building Officials certification programs, or who has
13 been approved for certification under one of those programs
14 not later than October 1, 1995, shall be deemed to have
15 satisfied the requirements for receiving a standard
16 certificate in the corresponding category prescribed by this
17 part. Employees of counties with a population of less than
18 50,000, or employees of municipalities with a population of
19 less than 3,500, shall be deemed to have satisfied the
20 requirements for standard certification where such employee is
21 approved for certification under one of the programs set forth
22 in this paragraph not later than October 1, 1998.

23 (9)~~(8)~~ Any individual applying to the board may be
24 issued a certificate valid for multiple inspection classes, as
25 deemed appropriate by the board.

26 (10)~~(9)~~ Certification and training classes may be
27 developed in coordination with degree career education
28 centers, community colleges, the State University System, or
29 other entities offering certification and training classes.

30 (11)~~(10)~~ The board may by rule create categories of
31 certification in addition to those defined in s. 468.603(6)

1 and (7). Such certification categories shall not be mandatory
2 and shall not act to diminish the scope of any certificate
3 created by statute.

4 Section 6. Subsections (2) and (3) of section 468.617,
5 Florida Statutes, are amended to read:

6 468.617 Joint inspection department; other
7 arrangements.--

8 (2) Nothing in this part shall prohibit local
9 governments from contracting ~~employing~~ persons certified
10 pursuant to this part to perform inspections or plans review
11 ~~on a contract basis~~. However, an individual or entity may not
12 inspect or examine plans on any project designed or permitted
13 by the individual or entity.

14 (3) Nothing in this part shall prohibit any county or
15 municipal government from entering into any contract with any
16 person or entity for the provision of services regulated under
17 this part, ~~and notwithstanding any other statutory provision,~~
18 ~~such county or municipal governments may enter into contracts~~
19 ~~which provide for payment of inspection or review fees~~
20 ~~directly to the contract provider.~~

21 Section 7. Section 468.627, Florida Statutes, is
22 amended to read:

23 468.627 Application; examination; renewal; fees.--

24 (1) The board shall establish by rule fees to be paid
25 for application, examination, reexamination, certification and
26 certification renewal, inactive status application, and
27 reactivation of inactive certificates. The board may establish
28 by rule a late renewal penalty. The board shall establish fees
29 which are adequate, when combined with revenue generated by
30 the provisions of s. 468.631, to ensure the continued
31

1 operation of this part. Fees shall be based on department
2 estimates of the revenue required to implement this part.

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

5 (3) The ~~initial~~ examination fee may not exceed \$150
6 ~~\$50~~ for building code administrators, plans examiners, or
7 inspectors.

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

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

14 (4)~~(6)~~ Employees of local government agencies having
15 responsibility for inspection, regulation, and enforcement of
16 building, plumbing, mechanical, electrical, gas, fire
17 prevention, energy, accessibility, and other construction
18 codes shall pay no application, certification, certification
19 renewal, or examination fees, ~~and shall pay not more than \$5~~
20 ~~each for initial certification and biennial certification~~
21 ~~renewal fees.~~

22 (5)~~(7)~~ The certificateholder shall provide proof, in a
23 form established by board rule, that the certificateholder has
24 completed at least 14 classroom hours of at least 50 minutes
25 each of continuing education courses during each biennium
26 since the issuance or renewal of the certificate. The board
27 shall by rule establish criteria for approval of continuing
28 education courses and providers, and may by rule establish
29 criteria for accepting alternative nonclassroom continuing
30 education on an hour-for-hour basis.

31

1 Section 8. Subsection (1) of section 468.629, Florida
2 Statutes, is amended to read:

3 468.629 Prohibitions; penalties.--

4 (1) No person may:

5 (a) Falsely hold himself or herself out as a
6 certificateholder.

7 (b) Falsely impersonate a certificateholder.

8 (c) Present as his or her own the certificate of
9 another.

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

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

15 (f) Threaten, coerce, trick, persuade, or otherwise
16 influence, or attempt to threaten, coerce, trick, persuade, or
17 otherwise influence, any certificateholder to violate any
18 provision of this part or a local or state building code.

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

22 (h) Engage in the practice or act in the capacity of a
23 building code administrator or building official, building
24 code inspector, or plans examiner without being an active
25 certificateholder for that position.

26 Section 9. Section 468.631, Florida Statutes, is
27 amended to read:

28 468.631 Building Code Administrators and Inspectors
29 Fund.--The provisions of this part shall be funded through a
30 surcharge, to be assessed pursuant to s. 125.56(4) or s.
31 166.201 at the rate of one-half cent per square foot of

1 under-roof floor space permitted, including new construction,
2 renovations, alterations, and additions. The unit of
3 government responsible for collecting permit fees pursuant to
4 s. 125.56(4) or s. 166.201 shall collect such surcharge and
5 shall remit the funds to the department on a quarterly
6 calendar basis ~~beginning not later than December 31, 1993, for~~
7 ~~the preceding quarter, and continuing each third month~~
8 ~~thereafter~~; and such unit of government may retain an amount
9 up to 25 ~~10~~ percent of the surcharge collected to fund
10 projects and activities intended to improve the quality of
11 building code enforcement. Twenty-five percent of all
12 surcharge funds collected shall be retained by the board for
13 the development and implementation of continuing education and
14 other training programs as determined by board rule. Employees
15 of local government agencies having responsibility for
16 inspection, regulation, and enforcement of building, plumbing,
17 mechanical, electrical, gas, fire prevention, energy,
18 accessibility, and other construction codes shall not pay for
19 any continuing education courses or training programs
20 developed using these funds. There is created within the
21 Professional Regulation Trust Fund a separate account to be
22 known as the Building Code Administrators and Inspectors Fund,
23 which shall deposit and disburse funds as necessary for the
24 implementation of this part. The department shall annually
25 establish the amount needed to fund the certification and
26 regulation of building code administrators, plans examiners,
27 and inspectors. Any funds collected in excess of the amount
28 needed to ~~adequately~~ fund the certification and regulation of
29 building code administrators, plans examiners, and inspectors
30 and the continuing education and training programs provided
31 for in this section shall be deposited into the Construction

1 Industries Recovery Fund established by s. 489.140. If the
2 Construction Industries Recovery Fund is fully funded as
3 provided by s. 489.140, any remaining funds shall be
4 distributed to the Construction Industry Licensing Board for
5 use in the regulation of certified and registered contractors.

6 Section 10. Subsection (1) of section 469.001, Florida
7 Statutes, is amended, present subsections (20) and (22) are
8 renumbered as subsections (21) and (23), respectively, present
9 subsection (21) is renumbered as subsection (22) and amended,
10 and a new subsection (20) is added to said section, to read:

11 469.001 Definitions.--As used in this chapter:

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

14 (20) "Project designer" means a person who works under
15 the direction of a licensed asbestos consultant and engages in
16 the design of project specifications for asbestos abatement
17 projects.

18 (22)~~(21)~~ "Survey" means the process of inspecting a
19 facility for the presence of asbestos-containing materials to
20 determine the location and condition of asbestos-containing
21 materials prior to transfer of property, renovation,
22 demolition, or maintenance projects which may disturb
23 asbestos-containing materials.

24 Section 11. Section 469.002, Florida Statutes, is
25 amended to read:

26 469.002 Exemptions.--

27 (1) This chapter does not apply to:

28 (a) An authorized employee of the United States, this
29 state, or any municipality, county, or other political
30 subdivision, public or private school, or private entity who
31 has completed all training required by NESHAP and OSHA or by

1 AHERA for the activities described in this paragraph and who
2 is conducting abatement work solely for maintenance purposes
3 within the scope of the person's employment involving less
4 than 160 square feet of asbestos-containing materials or less
5 than 260 linear feet of asbestos-containing material on pipe,
6 so long as the employee is not available for hire or does not
7 otherwise engage in asbestos abatement, contracting, or
8 consulting.

9 (b) Asbestos-related activities which disturb
10 asbestos-containing materials within manufacturing, utility,
11 or military facilities and which are undertaken by regular
12 full-time employees of the owner or operator who have
13 completed all training required by this chapter or NESHAP and
14 OSHA for conducting such activities in areas where access is
15 restricted to authorized personnel who are carrying out
16 specific assignments.

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

22 (d) Moving, removal, or disposal of
23 asbestos-containing materials on a residential building where
24 the owner occupies the building, the building is not for sale
25 or lease, and the work is performed according to the
26 owner-builder limitations provided in this paragraph. To
27 qualify for exemption under this paragraph, an owner must
28 personally appear and sign the building permit application.
29 The permitting agency shall provide the person with a
30 disclosure statement in substantially the following form:
31

1 Disclosure Statement

2
3 State law requires asbestos abatement to be done by
4 licensed contractors. You have applied for a permit under an
5 exemption to that law. The exemption allows you, as the owner
6 of your property, to act as your own asbestos abatement
7 contractor even though you do not have a license. You must
8 supervise the construction yourself. You may move, remove, or
9 dispose of asbestos-containing materials on a residential
10 building where you occupy the building and the building is not
11 for sale or lease, or the building is a farm outbuilding on
12 your property. If you sell or lease such building within 1
13 year after the asbestos abatement is complete, the law will
14 presume that you intended to sell or lease the property at the
15 time the work was done, which is a violation of this
16 exemption. You may not hire an unlicensed person as your
17 contractor. Your work must be done according to all local,
18 state, and federal laws and regulations which apply to
19 asbestos abatement projects. It is your responsibility to make
20 sure that people employed by you have licenses required by
21 state law and by county or municipal licensing ordinances.
22

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

1 or otherwise engage in asbestos abatement, contracting, or
2 consulting.

3 (2) Licensure as an asbestos contractor is not
4 required for the moving, removal, or disposal of
5 asbestos-containing roofing material by a roofing contractor
6 certified or registered under part I of chapter 489, if all
7 such activities are performed under the direction of an onsite
8 roofing supervisor trained as provided in s. 469.012.

9 (3) Licensure as an asbestos contractor or asbestos
10 consultant is not required for the moving, removal, repair,
11 maintenance, or disposal, or related inspections, of
12 asbestos-containing resilient floor covering or its adhesive,
13 if:

14 (a) The resilient floor covering is a Category I
15 nonfriable material as defined in NESHAP and remains a
16 Category I nonfriable material during removal activity.

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

21 (c) The removal is not subject to asbestos licensing
22 or accreditation requirements under federal asbestos NESHAP
23 regulations of the United States Environmental Protection
24 Agency.

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

1
2 The department may inspect removal sites to determine
3 compliance with this subsection and shall adopt rules
4 governing inspections.

5 (4) Licensure as an asbestos consultant or contractor
6 is not required for the repair, maintenance, removal, or
7 disposal of 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 (5)(2) Nothing in this section shall be construed to
18 alter or affect otherwise applicable Florida Statutes and
19 rules promulgated thereunder, or Environmental Protection
20 Agency or OSHA regulations regarding asbestos activities.

21 Section 12. Section 469.004, Florida Statutes, is
22 amended to read:

23 469.004 License; asbestos consultant; asbestos
24 contractor; ~~exceptions.~~--

25 (1) All asbestos consultants must be licensed by the
26 department. An asbestos consultant's license may be issued
27 only to an applicant who holds a current, valid, active
28 license as an architect issued under chapter 481; holds a
29 current, valid, active license as a professional engineer
30 issued under chapter 471; holds a current, valid, active
31 license as a professional geologist issued under chapter 492;

1 is a diplomat of the American Board of Industrial Hygiene; or
2 has been awarded designation as a Certified Safety
3 Professional by the Board of Certified Safety Professionals.

4 (2) All asbestos contractors must be licensed by the
5 department. An asbestos contractor may not perform abatement
6 activities involving work that affects building structures or
7 systems. Work on building structures or systems may be
8 performed only by a contractor licensed under chapter 489.

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

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

19 ~~(a) The resilient floor covering is a Category I
20 nonfriable material as defined in NESHAP and remains a
21 Category I nonfriable material during removal activity.~~

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

26 ~~(c) The removal is not subject to asbestos licensing
27 or accreditation requirements under federal asbestos NESHAP
28 regulations of the United States Environmental Protection
29 Agency.~~

30 ~~(d) Written notice of the time, place, and company
31 performing the removal and certification that all conditions~~

1 ~~required under this subsection are met are provided to the~~
2 ~~Department of Business and Professional Regulation at least 3~~
3 ~~days prior to such removal. The contractor removing such~~
4 ~~flooring materials is responsible for maintaining proof that~~
5 ~~all the conditions required under this subsection are met.~~

6
7 ~~The department may inspect removal sites to determine~~
8 ~~compliance with this subsection and shall adopt rules~~
9 ~~governing inspections.~~

10 ~~(5) Prior to the department's issuance of an asbestos~~
11 ~~consultant's license or an asbestos contractor's license, the~~
12 ~~applicant must provide evidence, as provided by the department~~
13 ~~by rule, that the applicant has met the requirements of s.~~
14 ~~469.005.~~

15 ~~(6) A license issued under this section must be~~
16 ~~renewed every 2 years. Before renewing a contractor's license,~~
17 ~~the department shall require proof that the licensee has~~
18 ~~completed a 1-day course of continuing education during each~~
19 ~~of the preceding 2 years. Before renewing a consultant's~~
20 ~~license, the department shall require proof that the licensee~~
21 ~~has completed a 2-day course of continuing education during~~
22 ~~each of the preceding 2 years.~~

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

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

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

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

31

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

5 Section 13. Section 469.005, Florida Statutes, is
6 amended to read:

7 469.005 License requirements.--All applicants for
8 licensure as either asbestos consultants or asbestos
9 contractors shall:

10 (1) Pay the initial licensing fee.

11 (2) When applying for licensure as an asbestos
12 consultant, successfully complete the following
13 department-approved courses, ~~as approved by the department:~~

14 (a) An asbestos contractor/supervisor abatement
15 ~~project management and supervision~~ course. Such course shall
16 consist of not less than 5 ~~4~~ days of instruction ~~and shall~~
17 ~~cover the nature of the health risks, the medical effects of~~
18 ~~exposure, federal and state asbestos laws and regulations,~~
19 ~~legal and insurance considerations, contract specifications,~~
20 ~~sampling and analytical methodology, worker protection, and~~
21 ~~work area protection.~~

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

25 (c) An ~~A course in~~ asbestos management planning
26 course. Such course shall consist of not less than 2 days of
27 instruction.

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

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

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

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

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

8 ~~(4)(3)~~ Provide evidence of satisfactory work on 10
9 asbestos projects within the last 5 years.

10 ~~(5)(4)~~ Provide evidence of financial stability.

11 ~~(6)(5)~~ Pass a department-approved examination of
12 qualifications and knowledge relating to asbestos.

13 Section 14. Subsection (2) and paragraph (a) of
14 subsection (5) of section 469.006, Florida Statutes, are
15 amended to read:

16 469.006 Licensure of business organizations;
17 qualifying agents.--

18 (2)(a) If the applicant proposes to engage in
19 consulting or contracting as a partnership, corporation,
20 business trust, or other legal entity, or in any name other
21 than the applicant's legal name, the legal entity must apply
22 for licensure through a qualifying agent or the individual
23 applicant must apply for licensure under the fictitious name.

24 (b)~~(a)~~ The application must state the name of the
25 partnership and of each of its partners, the name of the
26 corporation and of each of its officers and directors and the
27 name of each of its stockholders who is also an officer or
28 director, the name of the business trust and of each of its
29 trustees, or the name of such other legal entity and of each
30 of its members.

31

1 1. The application for primary qualifying agent must
2 include an affidavit on a form provided by the department
3 attesting that the applicant's signature is required on all
4 checks, drafts, or payments, regardless of the form of
5 payment, made by the entity, and that the applicant has final
6 approval authority for all construction work performed by the
7 entity.

8 2. The application for financially responsible officer
9 must include an affidavit on a form provided by the department
10 attesting that the applicant's signature is required on all
11 checks, drafts, or payments, regardless of the form of
12 payment, made by the entity, and that the applicant has
13 authority to act for the business organization in all
14 financial matters.

15 3. The application for secondary qualifying agent must
16 include an affidavit on a form provided by the department
17 attesting that the applicant has authority to supervise all
18 construction work performed by the entity as provided in s.
19 489.1195(2).

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

22 1. An affidavit on a form provided by the department
23 attesting that the applicant has obtained workers'
24 compensation insurance as required by chapter 440, public
25 liability insurance, and property damage insurance, in amounts
26 determined by department rule. The department shall establish
27 by rule a procedure to verify the accuracy of such affidavits
28 based upon a random sample method.

29 2. Evidence of financial responsibility. The
30 department shall adopts rules to determine financial
31 responsibility which shall specify grounds on which the

1 department may deny licensure. Such criteria shall include,
2 but not be limited to, credit history and limits of
3 bondability and credit.

4 (d)~~(b)~~ A joint venture, including a joint venture
5 composed of qualified business organizations, is itself a
6 separate and distinct organization that must be qualified in
7 accordance with department rules.

8 (e)~~(c)~~ The license, when issued upon application of a
9 business organization, must be in the name of the business
10 organization, and the name of the qualifying agent must be
11 noted thereon. If there is a change in any information that is
12 required to be stated on the application, the business
13 organization shall, within 45 days after such change occurs,
14 mail the correct information to the department.

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

18 (5)(a) Each asbestos consultant or contractor shall
19 affix the consultant's or contractor's signature ~~seal, if any,~~
20 and license number to each construction document, plan, or any
21 other document prepared or approved for use by the licensee
22 which is related to any asbestos abatement project and filed
23 for public record with any governmental agency, and to any
24 offer, bid, or contract submitted to a client.

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

27 469.013 Course requirements for asbestos surveyors,
28 management planners, and project monitors.--

29 (1) All asbestos surveyors, management planners, and
30 project monitors must comply with the requirements set forth
31 in this section prior to commencing such activities and must

1 also complete the a 1-day course of continuing education
2 necessary to maintain certification each year ~~thereafter~~.

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

5 (b) Asbestos surveyors must complete all requirements
6 of s. 469.005(2)(b).

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

10 Section 16. Section 469.014, Florida Statutes, is
11 amended to read:

12 469.014 Approval of asbestos training courses and
13 providers.--

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

20 ~~(2)(1)~~ The department shall, by rule, prescribe
21 criteria for approving training courses and course providers
22 and may by rule modify the training required by this chapter.

23 ~~(3)(2)~~ The department may enter into agreements with
24 other states for the reciprocal approval of training courses
25 or training-course providers.

26 ~~(4)(3)~~ The department shall, by rule, establish
27 reasonable fees in an amount not to exceed the cost of
28 evaluation, approval, and recordmaking and recordkeeping of
29 training courses and training-course providers.

30 ~~(5)(4)~~ The department may impose against a
31 training-course provider any penalty that it may impose

1 against a licensee under this chapter or s. 455.227, may
2 decline to approve courses, and may withdraw approval of
3 courses proposed by a provider who has, or whose agent has,
4 been convicted of, or pled guilty or nolo contendere to, or
5 entered into a stipulation or consent agreement relating to,
6 without regard to adjudication, any crime or administrative
7 violation in any jurisdiction which involves fraud, deceit, or
8 false or fraudulent representations made in the course of
9 seeking approval of or providing training courses.

10 Section 17. Section 469.015, Florida Statutes, is
11 repealed.

12 Section 18. Subsection (1) of section 255.551, Florida
13 Statutes, is amended to read:

14 255.551 Definitions; ss. 255.551-255.565.--As used in
15 ss. 255.551-255.565:

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

21 Section 19. Section 376.60, Florida Statutes, is
22 amended to read:

23 376.60 Asbestos removal program inspection and
24 notification fee.--The Department of Environmental Protection
25 shall charge an inspection and notification fee, not to exceed
26 \$300 for a small business as defined in s. 288.703(1), or
27 \$1,000 for any other project, for any asbestos removal
28 project. Schools, colleges, universities, residential
29 dwellings, and those persons otherwise exempted from licensure
30 under s. 469.002(4)~~469.004(7)~~are exempt from the fees. Any
31 fee collected must be deposited in the asbestos program

1 account in the Air Pollution Control Trust Fund to be used by
2 the department to administer its asbestos removal program.

3 (1) In those counties with approved local air
4 pollution control programs, the department shall return 80
5 percent of the asbestos removal program inspection and
6 notification fees collected in that county to the local
7 government quarterly, if the county requests it.

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

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

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

18 (5) If an approved local air pollution control program
19 that is providing asbestos notification and inspection
20 services according to 40 C.F.R. part 61, subpart M, and is
21 collecting fees sufficient to support the requirements of 40
22 C.F.R. part 61, subpart M, opts not to receive the
23 state-generated asbestos notification fees, the state may
24 discontinue collection of the state asbestos notification fees
25 in that county.

26 Section 20. Section 471.026, Florida Statutes, is
27 created to read:

28 471.026 Engineers performing building code inspector
29 duties.--Notwithstanding any other provision of this part, a
30 person currently licensed to practice as an engineer pursuant
31 to chapter 471 may provide building inspection services

1 described in s. 468.603(6) and (7) to a local government or
2 state agency upon their request, without being certified by
3 the Board of Building Code Administrators and Inspectors
4 pursuant to part XIII of chapter 468. When performing these
5 building inspection services, the engineer shall be subject to
6 the disciplinary guidelines of this part, as well as
7 paragraphs (c) through (g) of s. 468.621(1). However, the
8 complaint processing, investigation, and discipline shall be
9 conducted by the Board of Professional Engineers rather than
10 by the Board of Building Code Administrators and Inspectors.
11 No engineer shall perform plans review as an employee of a
12 local government upon any job that he or his company designed.

13 Section 21. Section 475.276, Florida Statutes, is
14 amended to read:

15 475.276 Notice of nonrepresentation.--

16 (1) APPLICABILITY.--

17 (a) Residential sales.--The real estate licensee
18 disclosure requirements of this section and s. 475.278 apply
19 to all residential sales. As used in this section, the term
20 "residential sales" means the sale of improved residential
21 property of four units or fewer, the sale of unimproved
22 residential property intended for use of four units or fewer,
23 or the sale of agricultural property of 10 acres or fewer.

24 (b) Disclosure limitations.--The real estate licensee
25 disclosure requirements of this section and s. 475.278 do not
26 apply to: nonresidential transactions; the rental or leasing
27 of real property, unless an option to purchase all or a
28 portion of the property improved with four or fewer
29 residential units is given; auctions; appraisals; and
30 dispositions of any interest in business enterprises or

31

1 business opportunities, except for property with four or fewer
2 residential units.

3 (2) NOTICE REQUIREMENT.--Unless otherwise exempted by
4 this part, all real estate licensees are required to provide
5 to any potential seller or buyer at first contact the notice
6 of nonrepresentation as outlined in subsection (3), except in
7 situations where:

8 (a) A licensee knows that the potential seller or
9 buyer is represented by a single agent or a transaction
10 broker; or

11 (b) An owner is selling new residential units built by
12 the owner, and the circumstances or setting of the first
13 contact should reasonably inform the potential buyer that the
14 owner's employee or single agent is acting on behalf of the
15 owner, whether by the location of the sales office, by office
16 signage, placards, or identification badges worn by the
17 owner's employee or single agent.

18
19 If first contact between a licensee and a customer occurs
20 during the course of a telephone conversation or any other
21 communication in which the licensee is unable to provide the
22 required notice of nonrepresentation, the licensee shall
23 provide an oral notice and thereafter provide the required
24 notice of nonrepresentation at the time of the first
25 face-to-face contact, execution of a brokerage relationship
26 agreement, or execution of a contractual agreement for
27 purchase and sale, whichever occurs first.

28 (3) CONTENTS OF NOTICE.--

29 (a) Required information.--The notice required under
30 subsection (2) must contain the following information:

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NOTICE OF NONREPRESENTATION

FLORIDA LAW REQUIRES THAT REAL ESTATE LICENSEES PROVIDE THIS NOTICE AT FIRST CONTACT TO ALL POTENTIAL SELLERS AND BUYERS OF REAL ESTATE.

You are hereby notified that (insert name of brokerage firm) and I do not represent you in any capacity. You should not assume that any real estate broker or salesperson represents you unless you agree to engage a real estate licensee in an authorized brokerage relationship, either as a single agent or as a transaction broker. You are advised not to disclose any information you want to be held in confidence until you make a decision on representation. Your signature below acknowledges receipt of this form and does not establish a brokerage relationship.

.....
Date
(Signature Optional)

.....
(Signature Optional)

(b) Required format.--The notice required under subsection (2) must be printed as a separate and distinct form on paper no smaller than 8 1/2 inches by 11 inches. Nothing may be added to the form except a brokerage firm logo containing only the firm name, address, and relevant phone numbers. The form title and first sentence are to be in bold

1 typeface of no less than 16-point type. The remainder of the
2 form must be of 12-point type or larger.

3 Section 22. Section 481.222, Florida Statutes, is
4 created to read:

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

21 Section 23. Subsections (17), (18), and (19) are added
22 to section 489.103, Florida Statutes, to read:

23 489.103 Exemptions.--This part does not apply to:

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

30 (18) Any one-family, two-family, or three-family
31 residence constructed by Habitat for Humanity International,

1 Inc., or its local affiliates. Habitat for Humanity
2 International, Inc., or its local affiliates, must obtain all
3 necessary building permits and all required building
4 inspections.

5 (19) Contracting for maintenance, repair, remodeling,
6 or improvement by any person licensed under part I of chapter
7 475 while acting as the owner's agent pursuant to that
8 license, where all work requiring a contractor is performed by
9 a contractor who has a current, valid certificate or
10 registration issued under this part to perform such work, and
11 where the aggregate contract for labor, materials, and all
12 other items is less than \$5,000; however, this exemption does
13 not apply:

14 (a) If the maintenance, repair, remodeling, or
15 improvement is a part of a larger or major operation, whether
16 undertaken by the same or a different contractor, or in which
17 a division of the operation is made in contracts of amounts
18 less than \$5,000 for the purpose of evading this part or
19 otherwise.

20 (b) To a person who advertises that he or she is
21 qualified to engage in contracting.

22 Section 24. Paragraphs (a), (d), (f), (g), (h), (i),
23 (l), and (n) of subsection (3) of section 489.105, Florida
24 Statutes, are amended, and subsection (19) is added to said
25 section, to read:

26 489.105 Definitions.--As used in this part:

27 (3) "Contractor" means the person who is qualified
28 for, and shall only be responsible for, the project contracted
29 for and means, except as exempted in this part, the person
30 who, for compensation, undertakes to, submits a bid to, or
31 does himself or herself or by others construct, repair, alter,

1 remodel, add to, demolish, subtract from, or improve any
 2 building or structure, including related improvements to real
 3 estate, for others or for resale to others; and whose job
 4 scope is substantially similar to the job scope described in
 5 one of the subsequent paragraphs of this subsection. For the
 6 purposes of regulation under this part, "demolish" applies
 7 only to demolition of steel tanks over 50 feet in height;
 8 towers over 50 feet in height; other structures over 50 feet
 9 in height, other than buildings or residences over three
 10 stories tall; and buildings or residences over three stories
 11 tall. Contractors are subdivided into two divisions, Division
 12 I, consisting of those contractors defined in paragraphs
 13 (a)-(c), and Division II, consisting of those contractors
 14 defined in paragraphs (d)-(q):

15 (a) "General contractor" means a contractor whose
 16 services are unlimited as to the type of work which he or she
 17 may do, who may contract for any activity requiring licensure
 18 under this part, and who may perform any work requiring
 19 licensure under this part, except as otherwise expressly
 20 provided in s. 489.113 ~~this part.~~

21 (d) "Sheet metal contractor" means a contractor whose
 22 services are unlimited in the sheet metal trade and who has
 23 the experience, knowledge, and skill necessary for the
 24 manufacture, fabrication, assembling, handling, erection,
 25 installation, dismantling, conditioning, adjustment,
 26 insulation, alteration, repair, servicing, or design, when not
 27 prohibited by law, of ferrous or nonferrous metal work of U.S.
 28 No. 10 gauge or its equivalent or lighter gauge and of other
 29 materials, including, but not limited to, fiberglass, used in
 30 lieu thereof and of air-handling systems, including the
 31 setting of air-handling equipment and reinforcement of same,

1 ~~and including~~ the balancing of air-handling systems, and any
 2 duct cleaning and equipment sanitizing which requires at least
 3 a partial disassembling of the system.

4 (f) "Class A air-conditioning contractor" means a
 5 contractor whose services are unlimited in the execution of
 6 contracts requiring the experience, knowledge, and skill to
 7 install, maintain, repair, fabricate, alter, extend, or
 8 design, when not prohibited by law, central air-conditioning,
 9 refrigeration, heating, and ventilating systems, including
 10 duct work in connection with a complete system only to the
 11 extent such duct work is performed by the contractor as is
 12 necessary to make complete an air-distribution system, boiler
 13 and unfired pressure vessel systems, and all appurtenances,
 14 apparatus, or equipment used in connection therewith, and any
 15 duct cleaning and equipment sanitizing which requires at least
 16 a partial disassembling of the system; to install, maintain,
 17 repair, fabricate, alter, extend, or design, when not
 18 prohibited by law, piping, insulation of pipes, vessels and
 19 ducts, pressure and process piping, and pneumatic control
 20 piping; to replace, disconnect, or reconnect power wiring on
 21 the load side of the dedicated existing electrical disconnect
 22 switch; to install, disconnect, and reconnect low voltage
 23 heating, ventilating, and air-conditioning control wiring; and
 24 to install a condensate drain from an air-conditioning unit to
 25 an existing safe waste or other approved disposal other than a
 26 direct connection to a sanitary system. The scope of work for
 27 such contractor shall also include any excavation work
 28 incidental thereto, but shall not include any work such as
 29 liquefied petroleum or natural gas fuel lines within
 30 buildings, potable water lines or connections thereto,
 31

1 sanitary sewer lines, swimming pool piping and filters, or
 2 electrical power wiring.

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

31

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

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

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

17 (1) "Swimming pool/spa servicing contractor" means a
18 contractor whose scope of work involves the servicing and
19 repair of any swimming pool or hot tub or spa, whether public
20 or private. The scope of such work may include any necessary
21 piping and repairs, replacement and repair of existing
22 equipment, or installation of new additional equipment as
23 necessary. The scope of such work includes the reinstallation
24 of tile and coping, repair and replacement of all piping,
25 filter equipment, and chemical feeders of any type,
26 replastering, reconstruction of decks, and reinstallation or
27 addition of pool heaters. The installation, construction,
28 modification, substantial or complete disassembly, or
29 replacement of equipment permanently attached to and
30 associated with the pool or spa for the purpose of water
31 treatment or cleaning of the pool or spa requires licensure;

1 however, the usage of such equipment for the purposes of water
2 treatment or cleaning shall not require licensure unless the
3 usage involves construction, modification, substantial or
4 complete disassembly, or replacement of such equipment. Water
5 treatment that does not require such equipment does not
6 require a license. In addition, a license shall not be
7 required for the cleaning of the pool or spa in any way that
8 does not affect the structural integrity of the pool or spa or
9 its associated equipment.

10 (n) "Underground utility and excavation contractor"
11 means a contractor whose services are limited to the
12 construction, installation, and repair, on public or private
13 property, whether accomplished through open excavations or
14 through other means, including, but not limited to,
15 directional drilling, auger boring, jacking and boring,
16 trenchless technologies, wet and dry taps, grouting, and slip
17 lining, of: main sanitary sewer collection systems, main water
18 distribution systems, storm sewer collection systems, and the
19 continuation of utility lines from the main systems to a point
20 of termination up to and including the meter location for the
21 individual occupancy, sewer collection systems at property
22 line on residential or single-occupancy commercial properties,
23 or on multioccupancy properties at manhole or wye lateral
24 extended to an invert elevation as engineered to accommodate
25 future building sewers, water distribution systems, or storm
26 sewer collection systems at storm sewer structures. However,
27 an underground utility and excavation contractor may install
28 empty underground conduits in rights-of-way, easements,
29 platted rights-of-way in new site development, and sleeves for
30 parking lot crossings no smaller than 2 inches in diameter,
31 provided that each conduit system installed is designed by a

1 licensed professional engineer or an authorized employee of a
2 municipality, county, or public utility and that the
3 installation of any such conduit does not include installation
4 of any conductor wiring or connection to an energized
5 electrical system. An underground utility and excavation
6 contractor shall not install any piping that is an integral
7 part of a fire protection system as defined in s. 633.021(7)
8 beginning at the point where the piping is used exclusively
9 for such system.

10 (19) "Initial issuance" means the first time a
11 certificate or registration is granted to an individual or
12 business organization, including the first time an individual
13 becomes a qualifying agent for that business organization and
14 the first time a business organization is qualified by that
15 individual.

16 Section 25. Subsection (6) of section 489.107, Florida
17 Statutes, is amended to read:

18 489.107 Construction Industry Licensing Board.--

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

23 Section 26. Subsection (10) of section 489.113,
24 Florida Statutes, is amended to read:

25 489.113 Qualifications for practice; restrictions.--

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

31

1 Section 27. Section 489.1135, Florida Statutes, is
2 repealed.

3 Section 28. Section 489.1136, Florida Statutes, is
4 created to read:

5 489.1136 Medical gas certification.--

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Section 29. Subsection (4) is added to section 553.06,
10 Florida Statutes, to read:

11 553.06 State Plumbing Code.--

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

20 Section 30. Paragraph (b) of subsection (4) of section
21 489.115, Florida Statutes, is amended, and subsection (7) is
22 added to said section, to read:

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

25 (4)

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

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

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

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

1 Section 31. Paragraph (a) of subsection (3) of section
2 489.119, Florida Statutes, is amended to read:

3 489.119 Business organizations; qualifying agents.--

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

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

4 Section 32. Section 489.140, Florida Statutes, is
5 amended to read:

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

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

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

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

31

1 Section 33. Section 489.141, Florida Statutes, is
2 amended to read:

3 489.141 Conditions for recovery; eligibility.--

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

17 Section 34. Section 489.142, Florida Statutes, is
18 amended to read:

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

28 Section 35. Section 489.143, Florida Statutes, is
29 amended to read:

30 489.143 Payment from the fund.--
31

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

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

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

31

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

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

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

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

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

31

1 Section 36. Subsection (14) of section 489.503,
2 Florida Statutes, is amended, and subsections (17), (18),
3 (19), and (20) are added to said section, to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (20) Contracting for maintenance, repair, remodeling,
18 or improvement by any person licensed under part I of chapter
19 475 while acting as the owner's agent pursuant to that
20 license, where all work requiring a contractor is performed by
21 a contractor who has a current, valid certificate or
22 registration issued under this part to perform such work, and
23 where the aggregate contract for labor, materials, and all
24 other items is less than \$5,000; however, this exemption does
25 not apply:

26 (a) If the maintenance, 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
2 qualified to engage in contracting.

3 Section 37. Subsection (24) of section 489.505,
4 Florida Statutes, is repealed, subsections (1), (7), (19), and
5 (23) are amended, present subsections (25), (26), and (27) are
6 renumbered as subsections (24), (25), and (26), respectively,
7 and new subsections (27) and (28) are added to said section,
8 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 (28) "Fire alarm system agent" means a person:
2 (a) Who is employed by a licensed fire alarm
3 contractor or certified unlimited electrical contractor;
4 (b) Who is performing duties which are an element of
5 an activity that constitutes fire alarm system contracting
6 requiring certification under this part; and
7 (c) Whose specific duties include any of the
8 following: altering, installing, maintaining, moving,
9 repairing, replacing, servicing, selling onsite, or monitoring
10 a fire alarm system for compensation.

11 Section 38. Subsection (5) of section 489.507, Florida
12 Statutes, is amended to read:

13 489.507 Electrical Contractors' Licensing Board.--

14 (5) The Electrical Contractors' Licensing Board and
15 the Construction Industry Licensing Board shall each appoint a
16 committee to meet jointly in joint session at least twice a
17 year.

18 Section 39. Section 489.509, Florida Statutes, is
19 amended to read:

20 489.509 Fees.--

21 (1) The board, by rule, shall establish fees to be
22 paid for applications, examination, reexamination, transfers,
23 licensing and renewal, reinstatement, and recordmaking and
24 recordkeeping. The examination fee shall be in an amount that
25 covers the cost of obtaining and administering the examination
26 and shall be refunded if the applicant is found ineligible to
27 sit for the examination. The application fee is nonrefundable.
28 The fee for initial application and examination for
29 certification of electrical contractors may not exceed \$400.
30 The initial application fee for registration may not exceed
31 \$150. The biennial renewal fee may not exceed \$400 for

1 certificateholders and \$200 for registrants, ~~and shall be paid~~
 2 ~~by June 30 of each biennial period.~~ The fee for initial
 3 application and examination for certification of alarm system
 4 contractors may not exceed \$400. The biennial renewal fee for
 5 certified alarm system contractors may not exceed \$450. The
 6 board may establish a fee for a temporary certificate as an
 7 alarm system contractor not to exceed \$75. The board may also
 8 establish by rule a delinquency fee not to exceed \$50. ~~Failure~~
 9 ~~to renew an active or inactive certificate or registration~~
 10 ~~within 90 days after the date of renewal will result in the~~
 11 ~~certificate or registration becoming delinquent.~~ The fee to
 12 transfer a certificate or registration from one business
 13 organization to another may not exceed \$200. The fee for
 14 reactivation of an inactive license may not exceed \$50. The
 15 board shall establish fees that are adequate to ensure the
 16 continued operation of the board. Fees shall be based on
 17 department estimates of the revenue required to implement this
 18 part and the provisions of law with respect to the regulation
 19 of electrical contractors and alarm system contractors.

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

26 (3) Four dollars of each fee under subsection (1) paid
 27 to the department at the time of application or renewal shall
 28 be transferred at the end of each licensing period to the
 29 Department of Education to fund projects relating to the
 30 building construction industry or continuing education
 31 programs offered to persons engaged in the building

1 construction industry in Florida. The board shall, at the time
 2 the funds are transferred, advise the Department of Education
 3 on the most needed areas of research or continuing education
 4 based on significant changes in the industry's practices or on
 5 the most common types of consumer complaints or on problems
 6 costing the state or local governmental entities substantial
 7 waste. The board's advice is not binding on the Department of
 8 Education. The Department of Education must allocate 50
 9 percent of the funds to a graduate program in building
 10 construction in a Florida university and 50 percent of the
 11 funds to all accredited private and state universities and
 12 community colleges within the state offering approved courses
 13 in building construction, with each university or college
 14 receiving a pro rata share of such funds based upon the number
 15 of full-time building construction students enrolled at the
 16 institution. The Department of Education shall ensure the
 17 distribution of research reports and the availability of
 18 continuing education programs to all segments of the building
 19 construction industry to which they relate. The Department of
 20 Education shall report to the board in October of each year,
 21 summarizing the allocation of the funds by institution and
 22 summarizing the new projects funded and the status of
 23 previously funded projects. The Commissioner of Education is
 24 directed to appoint one electrical contractor and one
 25 certified alarm system contractor to the Building Construction
 26 Industry Advisory Committee.

27 Section 40. Paragraph (a) of subsection (2),
 28 subsection (3), and paragraph (b) of subsection (5) of section
 29 489.511, Florida Statutes, are amended to read:

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

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

5 1. Is at least 18 years of age;

6 2. Is of good moral character; and

7 3. Meets eligibility requirements according to one of
8 the following criteria:

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

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

18 c. Has, within the 12 years immediately preceding the
19 filing of the application, at least 6 years of comprehensive
20 training, technical education, or supervisory ~~broad~~ experience
21 associated with an electrical or alarm system contracting
22 business, or at least 6 years of technical experience in
23 electrical or alarm system work with the Armed Forces or a
24 governmental entity installation or servicing endeavor; or

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

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

31

1 (3) On or after October 1, 1998, every applicant who
 2 is qualified shall be allowed to take the examination three
 3 times, notwithstanding the number of times the applicant has
 4 previously failed the examination. If an applicant fails the
 5 examination three times after October 1, 1998, the board shall
 6 require the applicant to complete additional college-level or
 7 technical education courses in the areas of deficiency, as
 8 determined by the board, as a condition of future eligibility
 9 to take the examination. The applicant must also submit a new
 10 application that meets all certification requirements at the
 11 time of its submission and must pay all appropriate fees.~~Any~~
 12 ~~registered unlimited electrical contractor or certified or~~
 13 ~~registered specialty contractor who, prior to October 1, 1987,~~
 14 ~~passed an examination determined by the board to be~~
 15 ~~substantially equivalent to the examination required for~~
 16 ~~certification as either an unlimited electrical contractor or~~
 17 ~~an alarm system contractor and who has satisfied the other~~
 18 ~~requirements of this section shall be certified as an alarm~~
 19 ~~system contractor I without further examination.~~

20 (5)

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

1 performed the work required under this paragraph shall be
2 sufficient to demonstrate to the board that the applicant has
3 met the experience requirement.

4 Section 41. Subsection (3) of section 489.513, Florida
5 Statutes, is amended to read:

6 489.513 Registration; application; requirements.--

7 ~~(3)(a) To be registered as an electrical contractor,~~
8 ~~the applicant shall file evidence of holding a current~~
9 ~~occupational license or a current license issued by any~~
10 ~~municipality or county of the state for the type of work for~~
11 ~~which registration is desired, on a form provided by the~~
12 ~~department, together with evidence of successful compliance~~
13 ~~with the local examination and licensing requirements, if any,~~
14 ~~in the area for which registration is desired, accompanied by~~
15 ~~the registration fee fixed pursuant to this part. No~~
16 ~~examination may be required for registration as an electrical~~
17 ~~contractor except for any examination required by a local~~
18 ~~government to obtain the local licensure.~~

19 (b) To be registered as an electrical contractor, an
20 alarm system contractor I, an alarm system contractor II, or a
21 residential alarm system contractor, the applicant shall file
22 evidence of holding a current occupational license or a
23 current license issued by any municipality or county of the
24 state for the type of work for which registration is desired,
25 on a form provided by the department, if such a license is
26 required by that municipality or county, together with
27 evidence of having passed an appropriate local examination,
28 written or oral, designed to test skills and knowledge
29 relevant to the technical performance of the profession,
30 accompanied by the registration fee fixed pursuant to this
31 part. For any person working or wishing to work in any local

1 jurisdiction which does not issue a local license as an
 2 electrical or alarm system contractor or does not require an
 3 examination for its license, the applicant may apply and shall
 4 be considered qualified to be issued a registration in the
 5 appropriate electrical or alarm system category, provided that
 6 he or she shows that he or she has scored at least 75 percent
 7 on an examination which is substantially equivalent to the
 8 examination approved by the board for certification in the
 9 category and that he or she has had at least 3 years'
 10 technical experience in the trade. The requirement to take and
 11 pass an examination in order to obtain a registration shall
 12 not apply to persons making application prior to the effective
 13 date of this act.

14 Section 42. Subsections (4) and (5) are added to
 15 section 489.517, Florida Statutes, to read:

16 489.517 Renewal of certificate or registration;
 17 continuing education.--

18 (4)(a) If a certificateholder or registrant holds a
 19 license under both this part and part I and is required to
 20 have continuing education courses under s. 489.115(4)(b)1.,
 21 the certificateholder or registrant may apply those course
 22 hours for workers' compensation, workplace safety, and
 23 business practices obtained under part I to the requirements
 24 under this part.

25 (b) Of the 14 classroom hours of continuing education
 26 required, at least 7 hours must be on technical subjects, 1
 27 hour on workers' compensation, 1 hour on workplace safety, and
 28 1 hour on business practices.

29 (5) By applying for renewal, each certificateholder or
 30 registrant certifies that he or she has continually maintained
 31 the required amounts of public liability and property damage

1 insurance as specified by board rule. The board shall
2 establish by rule a procedure to verify the public liability
3 and property damage insurance for a specified period, based
4 upon a random sampling method.

5 Section 43. Effective January 1, 1999, section
6 489.5185, Florida Statutes, is created to read:

7 489.5185 Fire alarm system agents.--

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

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

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

28 (c) Has not been convicted within the last 3 years of
29 a crime that directly relates to the business for which
30 employment is being sought. Although the employee is barred
31 from operating as a fire alarm system agent for 3 years

1 subsequent to his or her conviction, the employer shall be
 2 supplied the information regarding any convictions occurring
 3 prior to that time, and the employer may at his or her
 4 discretion consider an earlier conviction to be a bar to
 5 employment as a fire alarm system agent. To ensure that this
 6 requirement has been met, a certified unlimited electrical
 7 contractor or licensed fire alarm contractor must obtain from
 8 the Florida Department of Law Enforcement a completed
 9 fingerprint and criminal background check for each applicant
 10 for employment as a fire alarm system agent or for each
 11 individual currently employed on the effective date of this
 12 act as a fire alarm system agent.

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

23 (2)(a) Any applicant for employment as a fire alarm
 24 system agent, or any individual employed as a fire alarm
 25 system agent on the effective date of this act, who has
 26 completed alarm system agent or burglar alarm system agent
 27 training prior to the effective date of this act in a
 28 board-certified program is not required to take additional
 29 training in order to comply with the initial training
 30 requirements of this section.

31

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

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

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

29 (3) An applicant for employment as a fire alarm system
 30 agent may commence employment, or an individual employed as a
 31 fire alarm system agent on the effective date of this act may

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

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

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

28 (c) Each person to whom an identification card has
 29 been issued is responsible for the safekeeping thereof, and
 30 may not loan, or allow any other person to use or display, the
 31 identification card.

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

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

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

12 Section 44. Section 489.519, Florida Statutes, is
13 amended to read:

14 489.519 Inactive status.--

15 (1) A certificate or registration that has become
16 inactive may be reactivated under s. 489.517 upon application
17 to the department. The board may prescribe, by rule,
18 continuing education requirements as a condition of
19 reactivating a certificate or registration. The continuing
20 education requirements for reactivating a certificate or
21 registration may not exceed 12 classroom hours for each year
22 the certificate or registration was inactive.

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

27 (3)~~(2)~~ The board shall impose, by rule, continuing
28 education requirements for ~~voluntary~~ inactive
29 certificateholders, when ~~voluntary~~ inactive status is sought
30 by certificateholders who are also building code
31

1 administrators, plans examiners, or inspectors certified
2 pursuant to part XIII of chapter 468.

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

7 Section 45. Section 489.521, Florida Statutes, is
8 amended to read:

9 489.521 Business organizations; qualifying agents.--

10 (1) If an individual proposes to engage in contracting
11 as a sole proprietorship, certification, ~~when granted,~~ shall
12 be issued ~~only~~ in the name of that individual. If a fictitious
13 name is used, the applicant shall furnish evidence of
14 statutory compliance.

15 (2)(a)1. If the applicant proposing to engage in
16 contracting is a partnership, corporation, business trust, or
17 other legal entity, other than a sole proprietorship, the
18 application shall state the name of the partnership and its
19 partners; the name of the corporation and its officers and
20 directors and the name of each of its stockholders who is also
21 an officer or director; the name of the business trust and its
22 trustees; or the name of such other legal entity and its
23 members. In addition, the applicant shall furnish evidence of
24 statutory compliance if a fictitious name is used. ~~Such~~
25 ~~application shall also show that the qualifying agent is~~
26 ~~legally qualified to act for the business organization in all~~
27 ~~matters connected with its electrical or alarm system~~
28 ~~contracting business and that he or she has authority to~~
29 ~~supervise electrical or alarm system contracting undertaken by~~
30 ~~such business organization.~~A joint venture, including a joint
31 venture composed of qualified business organizations, is

1 itself a separate and distinct organization that shall be
2 qualified in accordance with board rules. The registration or
3 certification, when issued upon application of a business
4 organization, shall be in the name of the qualifying agent,
5 and the name of the business organization shall be noted
6 thereon. If there is a change in any information that is
7 required to be stated on the application, the business
8 organization shall, within 45 days after such change occurs,
9 mail the correct information to the department.

10 2. Any person certified or registered pursuant to this
11 part who has had his or her license revoked shall not be
12 eligible for a 5-year period to be a partner, officer,
13 director, or trustee of a business organization as defined by
14 this section. Such person shall also be ineligible to reapply
15 for certification or registration under this part for a period
16 of 5 years.

17 (b) The applicant ~~application~~ shall also show that the
18 proposed qualifying agent is legally qualified to act for the
19 business organization in all matters connected with its
20 electrical or alarm system contracting business and concerning
21 regulations by the board and that he or she has authority to
22 supervise electrical or alarm system contracting ~~work~~
23 undertaken by the business organization.

24 (c) The proposed qualifying agent shall demonstrate
25 that he or she possesses the required skill, knowledge, and
26 experience to qualify the business organization in the
27 following manner:

28 1. Having met the qualifications provided in s.
29 489.511 and been issued a certificate of competency pursuant
30 to the provisions of s. 489.511; or
31

1 2. Having demonstrated that he or she possesses the
2 required experience and education requirements provided in s.
3 489.511 which would qualify him or her as eligible to take the
4 certification examination.

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

15 (b) In the event a qualifying agent must take the
16 certification examination, the board shall, within 60 days
17 from the date of the examination, inform the business
18 organization in writing whether or not its qualifying agent
19 has qualified.

20 (c) If the qualifying agent of a business organization
21 applying to engage in contracting, after having been notified
22 to do so, does not appear for examination within 1 year from
23 the date of filing of the application, the examination fee
24 paid by it shall be credited as an earned fee to the
25 department. A new application to engage in contracting shall
26 be accompanied by another application fee fixed pursuant to
27 this act. Forfeiture of a fee may be waived by the board for
28 good cause.

29 (d) Once the board has determined that the business
30 organization's proposed qualifying agent has qualified, the
31 business organization shall be authorized to engage in the

1 contracting business. The certificate, when issued, shall be
2 in the name of the qualifying agent, and the name of the
3 business organization shall be noted thereon.

4 (4) As a prerequisite to the initial issuance ~~or the~~
5 ~~renewal~~ of a certificate, the applicant ~~certificateholder~~ or
6 the business organization he or she qualifies shall submit
7 evidence ~~an affidavit on a form provided by the board~~
8 ~~attesting to the fact~~ that he or she or the business
9 organization has obtained public liability and property damage
10 insurance for the safety and welfare of the public in an
11 amount to be determined by board rule ~~by the board~~. ~~The board~~
12 ~~shall by rule establish a procedure to verify the accuracy of~~
13 ~~such affidavits based upon a random sample method. In addition~~
14 ~~to the affidavit of insurance, as a prerequisite to the~~
15 ~~initial issuance of a certificate, the applicant shall furnish~~
16 ~~evidence of financial responsibility, credit, and business~~
17 ~~reputation of either himself or herself or the business~~
18 ~~organization he or she desires to qualify. The board shall~~
19 ~~adopt rules defining financial responsibility based upon the~~
20 ~~credit history, ability to be bonded, and any history of~~
21 ~~bankruptcy or assignment of receivers. Such rules shall~~
22 ~~specify the financial responsibility grounds on which the~~
23 ~~board may refuse to qualify an applicant to engage in the~~
24 ~~contracting business. If, within 60 days from the date the~~
25 ~~certificateholder or business organization is notified that he~~
26 ~~or she has qualified, he or she does not provide the evidence~~
27 ~~required, he or she shall apply to the department for an~~
28 ~~extension of time which shall be granted upon a showing of~~
29 ~~just cause. Thereupon, the board shall certify to the~~
30 ~~department that the certificateholder or the business~~
31 ~~organization is competent and qualified to engage in~~

1 ~~contracting. However, the provisions of this subsection do not~~
 2 ~~apply to inactive certificates.~~

3 (5) At least one officer member or supervising
 4 employee of the business organization must be qualified under
 5 this act in order for the business organization to be
 6 qualified to engage in contracting in the category of the
 7 business conducted ~~for which the member or supervising~~
 8 ~~employee is qualified.~~ If any individual so qualified on
 9 behalf of the business organization ceases to qualify ~~be~~
 10 ~~affiliated with~~ the business organization, he or she shall
 11 notify the board and the department thereof within 30 days
 12 after such occurrence. In addition, if the individual is the
 13 only ~~qualified~~ individual who qualifies ~~affiliated with~~ the
 14 business organization, the business organization shall notify
 15 the board and the department of the individual's termination,
 16 and it shall have a period of 60 days from the termination of
 17 the individual ~~individual's affiliation with the business~~
 18 ~~organization in which~~ to qualify another person under the
 19 provision of this act, failing which, the board shall
 20 determine that the business organization is no longer
 21 qualified to engage in contracting. The individual shall also
 22 inform the board in writing when he or she proposes to engage
 23 in contracting in his or her own name or in affiliation with
 24 another business organization, and the individual, or such new
 25 business organization, shall supply the same information to
 26 the board as required for applicants under this act. After an
 27 investigation of the financial responsibility, credit, and
 28 business reputation of the individual or the new business
 29 organization and upon a favorable determination, the board
 30 shall certify the business organization as qualified, and the
 31 department shall issue, without examination, a new certificate

1 in the individual's name, which shall include the name of the
2 new business organization, as provided in this section.

3 (6) When a business organization qualified to engage
4 in contracting makes application for an occupational license
5 in any municipality or county of this state, the application
6 shall be made with the tax collector in the name of the
7 business organization, and the license, when issued, shall be
8 issued to the business organization upon payment of the
9 appropriate licensing fee and exhibition to the tax collector
10 of a valid certificate issued by the department.

11 (7)(a) Each registered or certified contractor shall
12 affix the number of his or her registration or certification
13 to each application for a building permit and to each building
14 permit issued and recorded. Each city or county building
15 department shall require, as a precondition for the issuance
16 of a building permit, that the contractor applying for the
17 permit provide verification giving the number of his or her
18 registration or certification under this part.

19 (b) The registration or certification number of a
20 contractor shall be stated in each offer of services, business
21 proposal, or advertisement, regardless of medium, used by that
22 contractor. For the purposes of this part, the term
23 "advertisement" does not include business stationery or any
24 promotional novelties such as balloons, pencils, trinkets, or
25 articles of clothing. The board shall assess a fine of not
26 less than \$100 or issue a citation to any contractor who fails
27 to include that contractor's certification or registration
28 number when submitting an advertisement for publication,
29 broadcast, or printing. In addition, any person who claims in
30 any advertisement to be a certified or registered contractor,
31 but who does not hold a valid state certification or

1 registration, commits a misdemeanor of the second degree,
2 punishable as provided in s. 775.082 or s. 775.083.

3 (8) Each qualifying agent shall pay the department an
4 amount equal to the original fee for certification or
5 registration to qualify any additional business organizations.
6 If the qualifying agent for a business organization desires to
7 qualify additional business organizations, the board shall
8 require him or her to present evidence of supervisory ability
9 and financial responsibility of each such organization.
10 Allowing a licensee to qualify more than one business
11 organization shall be conditioned upon the licensee showing
12 that the licensee has both the capacity and intent to
13 adequately supervise each business organization in accordance
14 with s. 489.522(1). The board shall not limit the number of
15 business organizations which the licensee may qualify except
16 upon the licensee's failing to provide such information as is
17 required under this subsection or upon a finding that such
18 information or evidence as is supplied is incomplete or
19 unpersuasive in showing the licensee's capacity and intent to
20 comply with the requirements of this subsection. A
21 qualification for an additional business organization may be
22 revoked or suspended upon a finding by the board that the
23 licensee has failed in the licensee's responsibility to
24 adequately supervise the operations of that business
25 organization in accordance with s. 489.522(1). Failure of the
26 responsibility to adequately supervise the operations of a
27 business organization in accordance with s. 489.522(1) shall
28 be grounds for denial to qualify additional business
29 organizations.~~The issuance of such certification or~~
30 ~~registration is discretionary with the board.~~
31

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

6 Section 46. Section 489.525, Florida Statutes, is
7 amended to read:

8 489.525 Reports of certified contractors to local
9 building officials.--

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

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

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

18 (b) the contents of the rules of the board ~~and the~~
19 ~~contents of the rules of the department which affect local~~
20 ~~government as determined by the department. Any information~~
21 ~~that is available through the Internet or other electronic~~
22 ~~means may be excluded from the report.~~

23 Section 47. Subsections (1) and (2) of section
24 489.533, Florida Statutes, are amended to read:

25 489.533 Disciplinary proceedings.--

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

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

30 (b) Attempting to procure a certificate or
31 registration to practice electrical or alarm system

1 contracting by bribery or fraudulent or willful
2 misrepresentations.

3 (c) Having a certificate or registration to practice
4 contracting revoked, suspended, or otherwise acted against,
5 including the denial of licensure, by the licensing authority
6 of another state, territory, or country.

7 (d) Being convicted or found guilty of, or entering a
8 plea of nolo contendere to, regardless of adjudication, ~~of~~ a
9 crime in any jurisdiction which directly relates to the
10 practice of electrical or alarm system contracting or the
11 ability to practice electrical or alarm system contracting.

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

20 (f) Committing fraud or deceit, or negligence,
21 incompetency, or misconduct in the practice of electrical or
22 alarm system contracting.

23 (g) Violating chapter 633 or the rules of the State
24 Fire Marshal.

25 (h) Practicing on a revoked, suspended, inactive, or
26 delinquent certificate or registration.

27 (i) Willfully or deliberately disregarding and
28 violating the applicable building codes or laws of the state
29 or any municipality or county thereof.

30 (j) Performing any act which assists a person or
31 entity in engaging in the prohibited uncertified and

1 unregistered practice of contracting, if the certificateholder
2 or registrant knows or has reasonable grounds to know that the
3 person or entity was uncertified and unregistered.

4 (k) Knowingly combining or conspiring with any person
5 by allowing one's certificate to be used by any uncertified
6 person with intent to evade the provisions of this part. When
7 a certificateholder allows his or her certificate to be used
8 by one or more companies without having any active
9 participation in the operations or management of said
10 companies, such act constitutes prima facie evidence of an
11 intent to evade the provisions of this part.

12 (l) Acting in the capacity of a contractor under any
13 certificate or registration issued hereunder except in the
14 name of the certificateholder or registrant as set forth on
15 the issued certificate or registration or in accordance with
16 the personnel of the certificateholder or registrant as set
17 forth in the application for the certificate or registration
18 or as later changed as provided in this part.

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

22 1. A valid lien has been recorded against the property
23 of a contractor's customer for supplies or services ordered by
24 the contractor for the customer's job, the contractor has
25 received funds from the customer to pay for the supplies or
26 services, and the contractor has not had the lien removed from
27 the property, by payment or by bond, within 75 days after the
28 date of the lien;

29 2. A contractor has abandoned a customer's job and the
30 percentage of completion is less than the percentage of the
31 total contract price that had been paid to the contractor as

1 of the time of abandonment, unless the contractor is entitled
2 to retain the excess funds under the terms of the contract or
3 refunds the excess funds within 30 days after the date of
4 abandonment; ~~or~~

5 3. The contractor's job has been completed and it is
6 shown that the customer has had to pay more for the contracted
7 job than the original contract price, as adjusted for
8 subsequent change orders, unless such increase in cost was the
9 result of circumstances beyond the control of the contractor,
10 was the result of circumstances caused by the customer, or was
11 otherwise permitted by the terms of the contract between the
12 contractor and the customer; or

13 4. The contractor fails, within 18 months, to pay or
14 comply with a repayment schedule of a judgment obtained
15 against the contractor or a business qualified by the
16 contractor and relating to the practice of contracting.

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

19 (o) Failing in any material respect to comply with the
20 provisions of this part and the rules adopted pursuant
21 thereto.

22 (p) Abandoning a project which the contractor is
23 engaged in or is under contractual obligation to perform. A
24 project is to be considered abandoned after 90 days if the
25 contractor terminates the project without just cause or
26 without proper notification to the prospective owner,
27 including the reason for termination, or fails to perform work
28 without just cause for 90 consecutive days.

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

31

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

3 (s) Practicing beyond the scope of a certification or
4 registration.

5
6 For the purposes of this subsection, construction is
7 considered to be commenced when the contract is executed and
8 the contractor has accepted funds from the customer or lender.

9 (2) When the board finds any applicant, contractor, or
10 business organization for which the contractor is a primary
11 qualifying agent or secondary qualifying agent responsible
12 under s. 489.522 guilty of any of the grounds set forth in
13 subsection (1), it may enter an order imposing one or more of
14 the following penalties:

15 (a) Denial of an application for certification or
16 registration.

17 (b) Revocation or suspension of a certificate or
18 registration.

19 (c) Imposition of an administrative fine not to exceed
20 \$5,000 for each count or separate offense.

21 (d) Issuance of a reprimand.

22 (e) Placement of the contractor on probation for a
23 period of time and subject to such conditions as the board may
24 specify, including requiring the contractor to attend
25 continuing education courses or to work under the supervision
26 of another contractor.

27 (f) Restriction of the authorized scope of practice by
28 the contractor.

29 (g) Require financial restitution to a consumer.

30 Section 48. For the purpose of incorporating the
31 amendment to section 489.533, Florida Statutes, in a reference

1 thereto, subsection (5) of section 489.518, Florida Statutes,
2 is reenacted to read:

3 489.518 Alarm system agents.--

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

7 Section 49. Paragraph (b) of subsection (2) of section
8 489.537, Florida Statutes, is amended, and subsection (9) is
9 added to said section, to read:

10 489.537 Application of this part.--

11 (2)

12 (b) A registered electrical contractor may bid on
13 electrical contracts which include alarm systems contracting
14 as a part of the contract, provided that the individual shall
15 subcontract such alarm systems contracting, except raceway
16 systems, to a properly certified or registered alarm system
17 contractor. Registered electrical contractors may install
18 raceways for alarm systems. However, if the registered
19 electrical contractor is properly certified or registered as
20 an alarm system contractor, the individual is not required to
21 subcontract out the alarm system contracting.

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

24 Section 50. Subsection (1) of section 205.0535,
25 Florida Statutes, is amended to read:

26 205.0535 Reclassification and rate structure
27 revisions.--

28 (1) By October 1, 1995, any municipality or county
29 may, by ordinance, reclassify businesses, professions, and
30 occupations and may establish new rate structures, if the
31 conditions specified in subsections (2) and (3) are met. A

1 person who is engaged in the business of providing local
2 exchange telephone service or a pay telephone service in a
3 municipality or in the unincorporated area of a county and who
4 pays the occupational license tax under the category
5 designated for telephone companies or a pay telephone service
6 provider certified pursuant to s. 364.3375 is deemed to have
7 but one place of business or business location in each
8 municipality or unincorporated area of a county and may not be
9 assessed an occupational license tax on a per-instrument
10 basis.

11 Section 51. Section 553.19, Florida Statutes, is
12 amended to read:

13 553.19 Adoption of electrical and alarm
14 standards.--For the purpose of establishing minimum electrical
15 and alarm standards in this state, the current edition of the
16 following standards are adopted:

17 (1) "National Electrical Code ~~1990~~," NFPA No. 70
18 ~~70-1990~~.

19 (2) Underwriters' Laboratories, Inc., "Standards for
20 Safety, Electrical Lighting Fixtures, and Portable Lamps," UL
21 57 ~~57-1982~~ and UL 153 ~~153-1983~~.

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

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

26 (a) NFPA No. 56A ~~56A-1978~~, "Inhalation Anesthetics
27 ~~1978~~."

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

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

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

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

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

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

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

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

13 Section 52. Section 501.935, Florida Statutes, is
14 created to read:

15 501.935 Home-inspection reports; required disclosures
16 prior to inspection; report on inspection results; prohibited
17 acts; failure to comply.--

18 (1) INTENT.--The Legislature recognizes that the
19 performance of a home inspection requires certain skills and
20 that a home inspection should not be confused with an
21 engineering analysis. Therefore, it is necessary in the
22 interest of the public health, safety, and welfare to require
23 the disclosure of information useful to assist consumers in
24 choosing a qualified home inspector, to inform them of the
25 limitations of a home inspection, and to prohibit actions that
26 conflict with the best interests of a home inspector's client.

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

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

31

1 (b) "Home inspection" means an examination of the
2 mechanical and physical components of residential real
3 property through visual means and operation of normal user
4 controls, without necessarily the use of any mathematical or
5 engineering science. The inspection may include, but is not
6 limited to, examination of the electrical, heating, and
7 central air-conditioning systems; the interior plumbing; the
8 roof and visible insulation therefor; walls, ceilings, floors,
9 windows, and doors; the foundation; and the basement or crawl
10 space.

11 (3) EXEMPTIONS.--A person licensed as a construction
12 contractor under chapter 489, an architect under chapter 481,
13 or an engineer under chapter 471 shall not be required to
14 comply with this section with regard to any report, survey,
15 evaluation, or estimate rendered within the scope of practice
16 authorized by such license.

17 (4) DISCLOSURE.--Prior to performing any home
18 inspection, a home inspector shall provide the following to
19 any person who has entered into a contract to have a home
20 inspection and who, as a client of the inspector, has
21 requested the inspection:

22 (a) A written list of the home inspector's
23 credentials.

24 (b) A caveat in 10-point or larger boldfaced type that
25 states: AN INSPECTION IS INTENDED TO ASSIST IN EVALUATION OF
26 THE OVERALL CONDITION OF A BUILDING. THE INSPECTION IS BASED
27 ON OBSERVATION OF THE VISIBLE AND APPARENT CONDITION OF THE
28 BUILDING AND ITS COMPONENTS ON THE DATE OF THE INSPECTION.
29 THE RESULTS OF THIS HOME INSPECTION ARE NOT INTENDED TO MAKE
30 ANY REPRESENTATION REGARDING LATENT OR CONCEALED DEFECTS THAT
31 MAY EXIST, AND NO WARRANTY OR GUARANTEE IS EXPRESSED OR

1 IMPLIED. IF YOUR HOME INSPECTOR IS NOT A LICENSED STRUCTURAL
2 ENGINEER OR OTHER PROFESSIONAL WHOSE LICENSE AUTHORIZES THE
3 RENDERING OF AN OPINION AS TO THE STRUCTURAL INTEGRITY OF A
4 BUILDING OR ITS OTHER COMPONENT PARTS, YOU MIGHT BE WELL
5 ADVISED TO SEEK A PROFESSIONAL OPINION AS TO ANY DEFECTS OR
6 CONCERNS MENTIONED IN THIS REPORT.

7 (c) A written disclosure to the client of any conflict
8 of interest or relationship of the home inspector which may
9 affect the client.

10 (d) A written statement or agreement declaring the
11 home inspector's scope, limitations, terms, and conditions
12 regarding the home inspection.

13 (5) REPORT.--A home inspector shall provide to the
14 client, within 3 working days after the date of the home
15 inspection or at any other time agreed upon by both parties, a
16 written report of the results of the home inspection.

17 (6) PROHIBITIONS.--A home inspector is prohibited
18 from:

19 (a) Accepting commissions or allowances from another
20 party dealing with a client of the inspector which relate to
21 the inspection.

22 (b) Offering commissions or allowances to another
23 party dealing with a client of the inspector which relate to
24 the inspection.

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

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

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

1 Section 53. Section 501.937, Florida Statutes, is
2 created to read:

3 501.937 Industrial hygienists and safety
4 professionals; use of professional titles; failure to
5 comply.--

6 (1) Any person representing himself or herself as a
7 "safety professional" or "industrial hygienist" must
8 accurately disclose his or her credentials.

9 (2) A person may not represent himself or herself as a
10 "certified safety professional," "associate safety
11 professional," "certified occupational health and safety
12 technologist," "industrial hygienist in training," or
13 "certified industrial hygienist" unless he or she holds a
14 current valid certificate in the field of safety or industrial
15 hygiene from either the American Board of Industrial Hygiene
16 or the Board of Certified Safety Professionals, or unless the
17 Department of Business and Professional Regulation has, upon
18 request, examined another certification program and has
19 formally concluded that the certification standards of that
20 certification program are substantially equivalent to the
21 standards for certificates issued by those organizations; nor
22 may the person mislead or deceive anyone by the unauthorized
23 use of any certification mark that has been awarded by the
24 United States Patent and Trademark Office.

25 (3)(a) A "safety professional" is a person having a
26 baccalaureate degree in safety, engineering, chemistry,
27 physics, or a closely related physical or biological science
28 who has acquired competency in the field of safety. The
29 studies and training necessary to acquire such competency
30 should have been sufficient in all of the above cognate
31 sciences to provide the abilities to anticipate, identify, and

1 evaluate hazardous conditions and practices; to develop hazard
2 control designs, methods, procedures, and programs; to
3 implement, administer, and advise others on hazard controls
4 and hazard control programs; and to measure, audit, and
5 evaluate the effectiveness of hazard controls and hazard
6 control programs.

7 (b) An "industrial hygienist" is a person having a
8 baccalaureate degree in engineering, chemistry, physics, or a
9 closely related physical or biological science who has
10 acquired competency in the field of industrial hygiene. The
11 studies and training necessary to acquire such competency
12 should have been sufficient in all of the above cognate
13 sciences to provide the abilities to anticipate and recognize
14 the environmental factors and stresses associated with work
15 and work operations and to understand their effects on people
16 and their well-being; to evaluate, on the basis of training
17 and experience and with the aid of quantitative measurement
18 techniques, the magnitude of these factors and stresses in
19 terms of ability to impair human health and well-being; and to
20 prescribe methods to eliminate, control, or reduce such
21 factors and stresses when necessary to alleviate their
22 effects.

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

25 Section 54. Effective upon this act becoming a law,
26 and applicable to all contracts, agreements, and
27 understandings entered into on or after the effective date of
28 this act, section 715.15, Florida Statutes, is created to
29 read:

30 715.15 Real property improvement contract
31 provisions.--Any provision of a contract for improving real

1 property which makes a contract subject to the laws of another
2 state or requires that any litigation, arbitration, or other
3 dispute resolution process arising out of the contract occur
4 in another state is void and against public policy regardless
5 of whether the property is owned by the state, a political
6 subdivision of the state, or a private owner.

7 Section 55. Effective October 1, 1998, present
8 subsections (7) through (25) of section 633.021, Florida
9 Statutes, are redesignated as subsections (8) through (26),
10 respectively, and a new subsection (7) is added to that
11 section, to read:

12 633.021 Definitions.--As used in this chapter:

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

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

15 (b) Is manually operated.

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

18 (d) Is rechargeable or nonrechargeable.

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

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

25 Section 56. Effective October 1, 1998, section
26 633.061, Florida Statutes, is amended to read:

27 633.061 License or permit required of organizations
28 and individuals servicing, recharging, repairing, testing,
29 marking, inspecting, ~~or~~ installing, or hydrottesting fire
30 extinguishers and preengineered systems.--
31

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

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

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

31

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

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

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

15 (e) Licenses issued as duplicates or to reflect a
16 change of address.....\$10
17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (f)~~(d)~~ No permit of any class shall be issued or
2 renewed to a person by the State Fire Marshal, and no permit
3 of any class shall remain operative, unless the person has:

4 1. Submitted a nonrefundable examination fee in the
5 amount of \$50;

6 2. Successfully completed a training course offered by
7 the State Fire College or an equivalent course approved by the
8 State Fire Marshal; and

9 3. Passed, with a grade of at least 70 percent, a
10 written examination testing his or her knowledge of the rules
11 and statutes regulating the activities authorized by the
12 permit and demonstrating his or her knowledge and ability to
13 perform those tasks in a competent, lawful, and safe manner.
14 Such examination shall be developed and administered by the
15 State Fire Marshal. An examination fee shall be paid for each
16 examination scheduled. No reexamination shall be scheduled
17 sooner than 30 days after any administration of an examination
18 to an applicant. No applicant shall be permitted to take an
19 examination for any level of permit more than four times
20 during 1 year, regardless of the number of applications
21 submitted. As a prerequisite to taking the permit
22 examination, the applicant must be at least 16 years of age.

23 (g)~~(e)~~ An applicant who fails the examination may take
24 it three more times during the 1-year period after he or she
25 originally filed an application for the examination. If the
26 applicant fails the examination within 1 year after the
27 application date and he or she seeks to retake the
28 examination, he or she must file a new application, pay the
29 application and examination fees, and successfully complete a
30 prescribed training course offered by the State Fire College
31 or an equivalent course approved by the State Fire Marshal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 57. Effective October 1, 1998, paragraph (b)
24 of subsection (1) of section 633.065, Florida Statutes, is
25 amended to read:

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

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

30 (b) Equipment supplied shall be listed by a nationally
31 recognized testing laboratory, such as Underwriters

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

9 Section 58. Effective October 1, 1998, subsection (1)
 10 of section 633.071, Florida Statutes, is amended to read:

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

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

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

14 Section 59. Effective October 1, 1998, section
 15 633.162, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

12 Section 60. Effective October 1, 1998, section
13 633.171, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

10 Section 61. Effective October 1, 1998, present
11 subsections (4) and (5) of section 633.547, Florida Statutes,
12 are renumbered as subsections (6) and (7), respectively, and
13 new subsections (4) and (5) are added to that section, to
14 read:

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

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

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

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

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

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

14 Section 62. Effective October 1, 1998, paragraph (n)
15 of subsection (3) of section 489.105, Florida Statutes, is
16 amended to read:

17 489.105 Definitions.--As used in this part:

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

1 stories tall; and buildings or residences over three stories
2 tall. Contractors are subdivided into two divisions, Division
3 I, consisting of those contractors defined in paragraphs
4 (a)-(c), and Division II, consisting of those contractors
5 defined in paragraphs (d)-(q):

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

31

1 633.021 ~~s. 633.021(7)~~ beginning at the point where the piping
2 is used exclusively for such system.

3 Section 63. Subsections (4) and (6) of section
4 468.385, Florida Statutes, are amended to read:

5 468.385 Licenses required; qualifications;
6 examination; bond.--

7 (4) Any person seeking a license as an auctioneer
8 shall pass a written examination approved by the board and
9 certified ~~prepared and administered~~ by the department which
10 tests his or her general knowledge of the laws of this state
11 relating to the Uniform Commercial Code ~~bulk sales~~, auctions,
12 laws of agency brokerage, and the provisions of this act.

13 (6) No person shall be licensed as an auctioneer
14 unless he or she:

15 (a) Has held an apprentice license and has served as
16 an apprentice for 1 year or more, or has completed a course of
17 study, consisting of not less than 80 classroom hours of
18 instruction, that meets standards adopted by the board;

19 (b) Has passed the required ~~an~~ examination ~~conducted~~
20 ~~by the department~~; and

21 (c) Is approved by the board.

22 Section 64. Section 468.388, Florida Statutes, is
23 amended to read:

24 468.388 Conduct of an auction.--

25 (1) Prior to conducting an auction in this state, an
26 auctioneer or auction business shall execute a written
27 agreement with the owner, or the agent of the owner, of any
28 property to be offered for sale, stating:

29 (a) The name and address of the owner of the property;
30
31

1 (b) The name and address of the person employing the
2 auctioneer or auction business, if different from the owner;
3 and

4 (c) The terms or conditions upon which the auctioneer
5 or auction business will receive the property for sale and
6 remit the sales proceeds to the owner.

7 (2) The auctioneer or auction business shall give the
8 owner one copy of the agreement and shall keep one copy for 2
9 years after the date of the auction.

10 ~~(3) A written agreement shall not be required if:~~

11 ~~(a) The auction is to be conducted at an auction house~~
12 ~~or similar place where the public regularly offers property~~
13 ~~for sale;~~

14 ~~(b) There has been no prior negotiation between the~~
15 ~~owner or the owner's agent and the auctioneer or auction~~
16 ~~business involving terms or conditions pertaining to the~~
17 ~~property being offered for sale; and~~

18 ~~(c) The total estimated value of the property is \$500~~
19 ~~or less. If the actual sale price of the property exceeds~~
20 ~~\$550, the written agreement required by subsection (1) shall~~
21 ~~be executed after the sale.~~

22 (3)~~(4)~~ Each auctioneer or auction business shall
23 maintain a record book of all sales ~~for which a written~~
24 ~~agreement is required.~~ The record book shall be open to
25 inspection by the board at reasonable times.

26 (4)~~(5)~~ Each auctioneer or auction business shall
27 prominently display his or her license, or make it otherwise
28 available for inspection, at each auction in which he or she
29 participates.

30 (5)~~(6)~~ All advertising by an auctioneer or auction
31 business shall include the name and Florida license number of

1 such auctioneer and auction business. The term "advertising"
2 shall not include articles of clothing, directional signs, or
3 other promotional novelty items.

4 Section 65. Paragraph (c) of subsection (1) of section
5 468.389, Florida Statutes, is amended to read:

6 468.389 Prohibited acts; penalties.--

7 (1) The following acts shall be grounds for the
8 disciplinary activities provided in subsections (2) and (3):

9 (c) Failure to account for or to pay or pay for,
10 within a reasonable time not to exceed 30 days, money or
11 property belonging to another which has come into the control
12 of an auctioneer or auction business ~~through an auction~~.

13 Section 66. For the purpose of incorporating the
14 amendment to section 468.389, Florida Statutes, in references
15 thereto, paragraph (b) of subsection (3) of section 468.385
16 and section 468.391, Florida Statutes, are reenacted to read:

17 468.385 Licenses required; qualifications;
18 examination; bond.--

19 (3) No person shall be licensed as an auctioneer or
20 apprentice if he or she:

21 (b) Has committed any act or offense in this state or
22 any other jurisdiction which would constitute a basis for
23 disciplinary action under s. 468.389.

24 468.391 Penalty.--Any auctioneer, apprentice, or
25 auction business or any owner or manager thereof, or, in the
26 case of corporate ownership, any substantial stockholder of
27 the corporation owning the auction business, who operates
28 without an active license or violates any provision of the
29 prohibited acts listed under s. 468.389 commits a felony of
30 the third degree, punishable as provided in s. 775.082 or s.
31 775.083.

1 Section 67. Subsections (2) and (3) of section
2 468.393, Florida Statutes, are amended to read:

3 468.393 Surcharge to license fee; assessments.--

4 (2) If the total amount in the Auctioneer Recovery
5 Fund, including principal and interest, exceeds \$250,000
6 ~~\$500,000~~ at the end of the state fiscal year after the payment
7 of all claims and expenses, the amount in excess of \$250,000
8 ~~\$500,000~~ shall remain in the fund for benefit of the licensees
9 in tolling the surcharge until such time as the surcharge
10 shall need replenishing.

11 (3) After October 1, 1995, if the total amount in the
12 Auctioneer Recovery Fund, including principal and interest, is
13 less than \$200,000 at the end of the fiscal year after the
14 payment of all claims and expenses, the board shall assess, in
15 addition to any other fees under s. 468.3852, a surcharge
16 against a licensee at the time of initial licensure or at the
17 time of license renewal, according to the following formula in
18 order to maintain the fund at \$250,000 ~~\$500,000~~:

19 (a) Determine the amount remaining in the fund at the
20 end of the state fiscal year after all expenses and claims
21 have been paid.

22 (b) Subtract the amount determined under paragraph (a)
23 from \$250,000 ~~\$500,000~~.

24 (c) Determine the number of initial licenses and
25 license renewals in the fiscal year that precedes the current
26 fiscal year.

27 (d) Divide the amount determined under paragraph (b)
28 by the number determined under paragraph (c).

29 Section 68. For the purpose of incorporating the
30 amendment to section 468.393, Florida Statutes, in references
31

1 thereto, subsection (5) of section 468.392, Florida Statutes,
2 is reenacted to read:

3 468.392 Auctioneer Recovery Fund.--There is created
4 the Auctioneer Recovery Fund as a separate account in the
5 Professional Regulation Trust Fund. The fund shall be
6 administered by the Florida Board of Auctioneers.

7 (5) Moneys in the fund at the end of a fiscal year
8 shall be retained in the fund and shall accrue for the benefit
9 of auctioneers and auction businesses. When the fund exceeds
10 the amount as set forth in s. 468.393(2), all surcharges shall
11 be suspended until such time as the fund is reduced below the
12 amount as set forth in s. 468.393(3).

13 Section 69. Section 468.395, Florida Statutes, is
14 amended to read:

15 468.395 Conditions of recovery; eligibility.--

16 (1) Recovery from the Auctioneer Recovery Fund may be
17 obtained under either of the following circumstances:

18 (a) Any aggrieved person is eligible to receive
19 recovery from the Auctioneer Recovery Fund if the Florida
20 Board of Auctioneers has issued a final order directing an
21 offending licensee to pay restitution to the claimant as the
22 result of the licensee violating, within this state, any
23 provision of s. 468.389 or any rule adopted by the board and
24 the board determines that the order of restitution cannot be
25 enforced; or

26 (b) Any aggrieved person who obtains a final judgment
27 in any court against any licensee to recover damages for an
28 actual cash loss resulting from the violation, within this
29 state, by failure to meet the obligations of a licensee, of
30 any provision of s. 468.389 or any rule under this part and
31 the rules adopted by the board, with or without findings by

1 ~~the board, that results in an actual cash loss to the~~
 2 ~~aggrieved person~~ may, upon termination of all proceedings,
 3 including appeals and proceedings supplemental to judgment for
 4 collection purposes, file a verified application to the board
 5 ~~in the court in which the judgment was entered~~ for an order
 6 directing payment out of the Auctioneer Recovery Fund of the
 7 amount of actual and direct loss in the transaction that
 8 remains unpaid upon the judgment. ~~Notwithstanding subsection~~
 9 ~~(3), any application received by the court in which the~~
 10 ~~judgment was entered within 6 months of termination of all~~
 11 ~~proceedings, including appeals and proceedings supplemental to~~
 12 ~~judgment for collection purposes, shall be considered timely~~
 13 ~~filed.~~ The amount of actual and direct loss may include court
 14 costs, but shall not include attorney's fees or punitive
 15 damages awarded.

16 (2) The amount paid from the Auctioneer Recovery Fund
 17 may not exceed \$25,000 ~~\$50,000~~ per claim judgment or claims
 18 ~~judgments~~ arising out of the same transaction or auction nor
 19 ~~and~~ an aggregate lifetime limit of \$50,000 ~~\$100,000~~ with
 20 respect to any one licensee.

21 ~~(2) At the time the action is commenced, such person~~
 22 ~~shall give notice thereof to the board by certified mail,~~
 23 ~~except that, if no notice is given to the board, the claim may~~
 24 ~~still be honored if, in the opinion of the board, the claim is~~
 25 ~~otherwise valid.~~

26 (3) A claim for recovery from the Auctioneer Recovery
 27 Fund shall be made within 2 years from the time of the act
 28 giving rise to the claim or within 2 years from the time the
 29 act is discovered or should have been discovered with the
 30 exercise of due diligence; however, in no event may a claim
 31

1 for recovery be made more than 4 years after the date of the
2 act giving rise to the claim.

3 (4) The board ~~court~~ shall not issue an order for
4 payment of a claim from the Auctioneer Recovery Fund unless
5 the claimant has reasonably established for the board ~~court~~
6 that she or he has taken proper and reasonable action to
7 collect the amount of her or his claim from the licensee
8 ~~licensed auctioneer~~ responsible for the loss and that any
9 recovery made has been applied to reduce the amount of the
10 claim on the Auctioneer Recovery Fund.

11 (5) Notwithstanding any other provision of this part,
12 no claim based on any act or omission occurring outside this
13 state or occurring prior to October 1, 1995, shall be payable
14 ~~submitted for payment to or payment~~ from the Auctioneer
15 Recovery Fund ~~until after October 1, 1995.~~

16 (6) In case of payment of loss from the Auctioneer
17 Recovery Fund, the fund shall be subrogated, to the extent of
18 the amount of the payment, to all the rights of the claimant
19 against any licensee with respect to the loss.

20 Section 70. Section 468.396, Florida Statutes, is
21 amended to read:

22 468.396 Claims against a single licensee in excess of
23 dollar limitation; joinder of claims, ~~payment; insufficient~~
24 ~~funds.~~--

25 (1) If the payment in full of two or more pending
26 valid claims that have been filed by aggrieved persons against
27 a single licensee would exceed the \$25,000~~\$50,000~~ limit as
28 set forth in s. 468.395, the \$25,000~~\$50,000~~ shall be
29 distributed among the aggrieved persons in the ratio that
30 their respective claims bear to the aggregate of all valid
31 claims or in any other manner that a court of record may

1 determine to be equitable. Such money shall be distributed
2 among the persons entitled to share in it without regard to
3 the order of priority in which their respective judgments have
4 been obtained or their claims have been filed.

5 (2) Upon petition of the board, the court may require
6 all claimants and prospective claimants against one licensee
7 to be joined in one action, to the end that the respective
8 rights of all the claimants to the board may be equitably
9 adjudicated and settled.

10 (3) ~~On June 30 and December 31 of each year, The board~~
11 ~~shall identify each claim that the court orders to be paid and~~
12 ~~shall pay the claim as provided in s. 468.397 during the~~
13 ~~6-month period that ended on that day. The board shall pay the~~
14 ~~part of each claim that is so identified within 15 days after~~
15 ~~the end of the 6-month period in which the claim is ordered~~
16 ~~paid. However, if the balance in the fund is insufficient to~~
17 ~~pay the full payable amount of each claim that is ordered to~~
18 ~~be paid during a 6-month period, the board shall pay a~~
19 ~~prorated portion of each claim that is ordered to be paid~~
20 ~~during the period. Any part of the payable amount of a claim~~
21 ~~left unpaid due to the prorating of payments under this~~
22 ~~subsection shall be paid, subject to the \$50,000 limit~~
23 ~~described in s. 468.395, before the payment of claims ordered~~
24 ~~to be paid during the following 6 months.~~

25 Section 71. Section 468.397, Florida Statutes, is
26 amended to read:

27 468.397 Payment of claim.--Upon a final order of the
28 court directing that payment be made out of the Auctioneer
29 Recovery Fund, the board shall, subject to the provisions of
30 this part, make the payment out of ~~to~~ the Auctioneer Recovery
31 Fund as provided in s. 468.395.

1 Section 72. Section 205.195, Florida Statutes, is
2 created to read:

3 205.195 Real Estate Agents; exemption.--No
4 occupational license shall be required of any "real estate
5 salesperson" when he is operating under a registered broker.
6 However, such broker shall be required to obtain a local
7 occupational license for his or her permanent location or
8 branch office.

9 Section 73. Except as otherwise provided herein, this
10 act shall take effect July 1 of the year in which enacted.

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