

1 Section 2. Subsection (8) is added to section 489.513,
2 Florida Statutes, 1998 Supplement, to read:

3 489.513 Registration; application; requirements.--

4 (8) In order to establish uniformity among the job
5 scopes established by local jurisdictions, the board shall
6 establish the job scope for any licensure category registered
7 by the board under this part. The board shall not arbitrarily
8 limit such scopes and shall restrict the job scopes only to
9 the minimum extent necessary to ensure uniformity.

10 Section 3. Section 489.118, Florida Statutes, is
11 created to read:

12 489.118 Certification of registered contractors;
13 grandfathering provisions.--The board shall, upon receipt of a
14 completed application and appropriate fee, issue a certificate
15 in the appropriate category to any contractor registered under
16 this part who makes application to the board and can show that
17 he or she meets each of the following requirements:

18 (1) Currently holds a valid registered local license
19 in one of the contractor categories defined in s.
20 489.105(3)(a)-(p).

21 (2) Has, for that category, passed a written
22 examination that the board finds to be substantially similar
23 to the examination required to be licensed as a certified
24 contractor under this part. For purposes of this subsection, a
25 written, proctored examination such as that produced by the
26 National Assessment Institute, Block and Associates, or
27 NAI/Block shall be considered to be substantially similar to
28 the examination required to be licensed as a certified
29 contractor.

30 (3) Has at least 5 years of experience as a contractor
31 in that contracting category, or as an inspector or building

1 administrator with oversight over that category, at the time
2 of application. For contractors, only time periods in which
3 the contractor license is active and the contractor is not on
4 probation shall count toward the 5 years required by this
5 subsection.

6 (4) Has not had his or her contractor's license
7 revoked at any time, had his or her contractor's license
8 suspended within the last 5 years, or been assessed a fine in
9 excess of \$500 within the last 5 years.

10 (5) Is in compliance with the insurance and financial
11 responsibility requirements in s. 489.115(5).

12 Section 4. Section 489.514, Florida Statutes, is
13 created to read:

14 489.514 Certification for registered contractors;
15 grandfathering provisions.--The board shall, upon receipt of a
16 completed application and appropriate fee, issue a
17 certification in the appropriate category to any contractor
18 registered under this part who makes application to the board
19 and can show that he or she meets each of the following
20 requirements:

21 (1) Currently holds a valid registered local license
22 in the category of electrical or alarm system contractor.

23 (2) Has, for that category, passed a written
24 examination that the board finds to be substantially similar
25 to the examination required to be licensed as a certified
26 contractor under this part. For purposes of this subsection, a
27 written, proctored examination such as that produced by the
28 National Assessment Institute, Block and Associates, or
29 NAI/Block shall be considered to be substantially similar to
30 the examination required to be licensed as a certified
31 contractor.

1 (3) Has at least 5 years of experience as a contractor
2 in that contracting category, or as a inspector or building
3 administrator with oversight over that category, at the time
4 of application. For contractors, only time periods in which
5 the contractor license is active and the contractor is not on
6 probation shall count toward the 5 years required under this
7 subsection.

8 (4) Has not had his or her contractor's license
9 revoked at any time, had his or her contractor's license
10 suspended in the last 5 years, or been assessed a fine in
11 excess of \$500 in the last 5 years.

12 (5) Is in compliance with the insurance and financial
13 responsibility requirements in s. 489.515(1)(b).

14 Section 5. (1) The Legislative Committee on
15 Intergovernmental Relations, in consultation with the Office
16 of Program Policy Analysis and Government Accountability,
17 shall conduct a study to determine the fiscal impact on local
18 governments of instituting a single-tier regulatory system for
19 construction and electrical and alarm system contractors in
20 Florida. Such a system would be established by prohibiting, on
21 a date certain, issuance of new local licenses in any category
22 set forth in s. 489.105(3)(a)-(p), Florida Statutes, 1998
23 Supplement, or in the category of electrical or alarm system
24 contracting, while allowing existing locally licensed
25 construction and electrical and alarm system contractors the
26 option of continuing and concluding their careers as locally
27 licensed, registered contractors.

28 (2)(a) The study required by this section shall
29 include:

30 1. A survey of local governments to identify the
31 licensing revenues and associated expenditures by those

1 jurisdictions that issue local construction and electrical and
2 alarm system contractor licenses.

3 2. An analysis of the projected impact upon the
4 licensure and disciplinary departments of such jurisdictions
5 caused by ending local construction and electrical and alarm
6 system contractor licensure.

7 3. An analysis of the extent to which revenues raised
8 from licensees are being used to fund activities other than
9 the discipline of such licensees.

10 (b) After the revenue and expenditure information for
11 all local jurisdictions that issue construction and electrical
12 and alarm system contractor licenses has been gathered under
13 subparagraph (a)1., the analysis portions of the study under
14 subparagraphs (a)2. and 3. may be limited to the 10 most
15 active jurisdictions.

16 (3) A report on the findings of the study, including
17 the results of the survey and analyses required, shall be
18 presented to the chairs of the appropriate substantive
19 committees of the Legislature by December 1, 1999.

20 (4) This section shall take effect upon this act
21 becoming a law.

22 Section 6. Section 205.065, Florida Statutes, is
23 amended to read:

24 205.065 Exemption; nonresident persons regulated by
25 the Department of Business and Professional Regulation.--If
26 any person engaging in or managing a business, profession, or
27 occupation regulated by the Department of Business and
28 Professional Regulation has paid an occupational license tax
29 for the current year to the county or municipality in the
30 state where the person's permanent business location or branch
31 office is maintained, no other local governing authority may

1 levy an occupational license tax, or any registration or
2 regulatory fee equivalent to the occupational license tax, on
3 the person for performing work or services on a temporary or
4 transitory basis in another municipality or county. In no
5 event shall any work or services performed in a place other
6 than the county or municipality where the permanent business
7 location or branch office is maintained be construed as
8 creating a separate business location or branch office of that
9 person for the purposes of this chapter. Any properly licensed
10 contractor asserting an exemption under this section who is
11 unlawfully required by the local governing authority to pay an
12 occupational license tax, or any registration or regulatory
13 fee equivalent to the occupational license tax, shall have
14 standing to challenge the propriety of the local government's
15 actions and shall be entitled to recover a reasonable
16 attorney's fee unless the court finds that the challenge was
17 frivolous.

18 Section 7. Except as otherwise provided herein, this
19 act shall take effect July 1, 1999.

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21 HOUSE SUMMARY

22
23 Requires the Construction Industry Licensing Board and
24 the Electrical Contractors' Licensing Board to establish
25 the job scope for any licensure category registered by
26 the respective board, for purposes of local uniformity.
27 Provides requirements for certification of registered
28 contractors for grandfathering purposes. Requires the
29 Legislative Committee on Intergovernmental Relations, in
30 consultation with the Office of Program Policy Analysis
31 and Government Accountability, to conduct a study to
determine the fiscal impact on local governments of a
single-tier regulatory system for construction and
electrical and alarm system contractors. Requires a
report thereon to the chairs of the appropriate
substantive committees of the Legislature. Provides for
recovery of attorney's fees for a contractor challenging
an unlawful occupational license levy.