

Bill No. CS for SB 2268

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Gutman moved the following amendment:		
12			
13	<b>Senate Amendment (with title amendment)</b>		
14	On page 6, between lines 18 and 19,		
15			
16	insert:		
17	Section 7. Paragraph (c) of subsection (2) of section		
18	468.609, Florida Statutes, 1998 Supplement, is amended to		
19	read:		
20	468.609 Administration of this part; standards for		
21	certification; additional categories of certification.--		
22	(2) A person shall be entitled to take the examination		
23	for certification as an inspector or plans examiner pursuant		
24	to this part if the person:		
25	(c) Meets eligibility requirements according to one of		
26	the following criteria:		
27	1. Demonstrates 5 years' combined experience in the		
28	field of construction or <u>a related field, building inspection,</u>		
29	or plans review corresponding to the certification category		
30	sought;		
31	2. Demonstrates a combination of postsecondary		

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1 education in the field of construction or a related field and  
2 experience which totals 4 years, with at least 1 year of such  
3 total being experience in construction, building inspection,  
4 or plans review; ~~or~~

5 3. Demonstrates a combination of technical education  
6 in the field of construction or a related field and experience  
7 which totals 4 years, with at least 1 year of such total being  
8 experience in construction, building inspection, or plans  
9 review; or

10 ~~4.3.~~ Currently holds a standard certificate as issued  
11 by the board and satisfactorily completes an inspector or  
12 plans examiner training program of not less than 200 hours in  
13 the certification category sought. The board shall establish  
14 by rule criteria for the development and implementation of the  
15 training programs.

16 Section 8. Paragraph (h) is added to subsection (1) of  
17 section 468.621, Florida Statutes, 1998 Supplement, to read:

18 468.621 Disciplinary proceedings.--

19 (1) The following acts constitute grounds for which  
20 the disciplinary actions in subsection (2) may be taken:

21 (h) Issuing a building permit to a contractor, or any  
22 person representing himself or herself as a contractor,  
23 without obtaining the contractor's certificate or registration  
24 number, where such a certificate or registration is required.

25 Section 9. Paragraph (a) of subsection (4) of section  
26 20.165, Florida Statutes, is amended to read:

27 20.165 Department of Business and Professional  
28 Regulation.--There is created a Department of Business and  
29 Professional Regulation.

30 (4)(a) The following boards are established within the  
31 Division of Professions:

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- 1           1. Board of Architecture and Interior Design, created
- 2 under part I of chapter 481.
- 3           2. Florida Board of Auctioneers, created under part VI
- 4 of chapter 468.
- 5           3. Barbers' Board, created under chapter 476.
- 6           4. Florida Building Code Administrators and Inspectors
- 7 Board, created under part XII ~~XIII~~ of chapter 468.
- 8           5. Construction Industry Licensing Board, created
- 9 under part I of chapter 489.
- 10          6. Board of Cosmetology, created under chapter 477.
- 11          7. Electrical Contractors' Licensing Board, created
- 12 under part II of chapter 489.
- 13          8. Board of Employee Leasing Companies, created under
- 14 part XI of chapter 468.
- 15          9. Board of Funeral Directors and Embalmers, created
- 16 under chapter 470.
- 17          10. Board of Landscape Architecture, created under
- 18 part II of chapter 481.
- 19          11. Board of Pilot Commissioners, created under
- 20 chapter 310.
- 21          12. Board of Professional Engineers, created under
- 22 chapter 471.
- 23          13. Board of Professional Geologists, created under
- 24 chapter 492.
- 25          14. Board of Professional Surveyors and Mappers,
- 26 created under chapter 472.
- 27          15. Board of Veterinary Medicine, created under
- 28 chapter 474.
- 29          Section 10. Section 471.045, Florida Statutes, 1998
- 30 Supplement, is amended to read:
- 31          471.045 Professional engineers performing building

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

20 Section 11. Section 481.222, Florida Statutes, 1998  
21 Supplement, is amended to read:

22 481.222 Architects performing building code inspector  
23 duties.--Notwithstanding any other provision of law, a person  
24 who is currently licensed to practice as an architect under  
25 this part may provide building inspection services described  
26 in s. 468.603(6) and (7) to a local government or state agency  
27 upon its request, without being certified by the Florida Board  
28 ~~of~~ Building Code Administrators and Inspectors Board under  
29 part XII ~~XIII~~ of chapter 468. With respect to the performance  
30 of such building inspection services, the architect is subject  
31 to the disciplinary guidelines of this part and s.

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1 468.621(1)(c)-(h)(c)-(g). Any complaint processing,  
2 investigation, and discipline that arise out of an architect's  
3 performance of building inspection services shall be conducted  
4 by the Board of Architecture and Interior Design rather than  
5 the Florida Board of Building Code Administrators and  
6 Inspectors Board. An architect may not perform plans review as  
7 an employee of a local government upon any job that the  
8 architect or the architect's company designed.

9 Section 12. Paragraph (e) of subsection (1) of section  
10 489.109, Florida Statutes, is amended to read:

11 489.109 Fees.--

12 (1) The board, by rule, shall establish reasonable  
13 fees to be paid for applications, certification and renewal,  
14 registration and renewal, and recordmaking and recordkeeping.  
15 The fees shall be established as follows:

16 (e) The board, by rule, shall impose a renewal fee for  
17 an inactive status certificate or registration, not to exceed  
18 the renewal fee for an active status certificate or  
19 registration. Neither the inactive certification fee nor the  
20 inactive registration fee may exceed \$50. The board, by rule,  
21 may provide for a different fee for inactive status where such  
22 status is sought by a building code administrator, plans  
23 examiner, or inspector certified pursuant to part XII ~~XIII~~ of  
24 chapter 468 who is employed by a local government and is not  
25 allowed by the terms of such employment to maintain a  
26 certificate on active status issued pursuant to this part.

27 Section 13. Subsection (3) of section 489.519, Florida  
28 Statutes, 1998 Supplement, is amended to read:

29 489.519 Inactive status.--

30 (3) The board shall impose, by rule, continuing  
31 education requirements for inactive certificateholders, when

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1 inactive status is sought by certificateholders who are also  
2 building code administrators, plans examiners, or inspectors  
3 certified pursuant to part XII ~~XIII~~ of chapter 468.

4 Section 14. Section 469.001, Florida Statutes, 1998  
5 Supplement, is amended to read:

6 469.001 Definitions.--As used in this chapter:

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

9 (2) "AHERA" means the Asbestos Hazard Emergency  
10 Response Act of 1986, 15 U.S.C. s. 2601, and any rules adopted  
11 thereunder.

12 (3) "Asbestos" means the asbestiform varieties of  
13 chrysotile, crocidolite, amosite, anthophyllite, tremolite,  
14 and actinolite.

15 (4) "Asbestos abatement worker" means a person who  
16 works as an employee under the direction of a licensed  
17 asbestos contractor, and includes any person directly engaged  
18 in abatement activities.

19 (5) "Asbestos consultant" means a person who offers  
20 to, undertakes to, submits a bid to, or does, individually or  
21 by employing others, conduct surveys for asbestos-containing  
22 materials, develop operation and maintenance plans, monitor  
23 and evaluate asbestos abatement, prepare asbestos abatement  
24 specifications, or perform related tasks.

25 (6) "Asbestos-containing material" means any material  
26 which contains more than 1 percent asbestos as determined by  
27 polarized light microscopy.

28 (7) "Asbestos contractor" means the person who is  
29 qualified and responsible for the contracted project and who  
30 offers to, undertakes to, submits a bid to, or does,  
31 individually or by employing others, remove, encapsulate, or

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1 enclose asbestos-containing materials or dispose of  
2 asbestos-containing waste in the course of activities  
3 including, but not limited to, construction, renovation,  
4 maintenance, or demolition.

5 (8) "Asbestos surveyor" means a person who works under  
6 the direction of a licensed asbestos consultant and engages in  
7 the survey and assessment of asbestos-containing materials.  
8 This term is synonymous with "inspector" under AHERA.

9 (9) "ASHARA" means the Asbestos School Hazard  
10 Reauthorization Act.

11 (10)(~~9~~) "Department" means the Department of Business  
12 and Professional Regulation.

13 (11)(~~10~~) "Encapsulation" means the application of any  
14 coating to asbestos-containing material to prevent fiber  
15 release.

16 (12)(~~11~~) "Enclosure" means the construction of an  
17 airtight barrier around asbestos-containing material to  
18 prevent fiber release.

19 (13)(~~12~~) "Friable" means the condition of any  
20 asbestos-containing materials which, when dry, may be  
21 crumbled, pulverized, or reduced to powder by hand pressure.

22 (14)(~~13~~) "Management planner" means a person who works  
23 under the direction of a licensed asbestos consultant and  
24 engages in the development of asbestos abatement schedules or  
25 operation and maintenance plans.

26 (15)(~~14~~) "NESHAP" means the National Emission  
27 Standards for Hazardous Air Pollutants, 40 C.F.R. part 61,  
28 subpart M.

29 (16)(~~15~~) "NIOSH" means the National Institute for  
30 Occupational Safety and Health.

31 (17)(~~16~~) "Onsite roofing supervisor" means a person

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1 who works under the direction of a roofing contractor  
2 certified pursuant to part I of chapter 489 and provides  
3 supervision of removal of asbestos-containing roofing  
4 materials at the project site at all times when such  
5 activities are being performed.

6 (18)~~(17)~~ "Onsite supervisor" means a person who works  
7 under the direction of a licensed asbestos contractor and  
8 provides supervision of abatement activities at the abatement  
9 project site at all times when such activities are being  
10 performed. This term is synonymous with "onsite  
11 representative" in the NESHAP asbestos standard rules.

12 (19)~~(18)~~ "Operation and maintenance plan" means a set  
13 of work practices and procedures undertaken to clean up  
14 previously released asbestos fibers, prevent future release of  
15 fibers by minimizing disturbance or damage to  
16 asbestos-containing materials, or monitor the condition of the  
17 asbestos-containing materials.

18 (20)~~(19)~~ "OSHA" means the Occupational Safety and  
19 Health Administration.

20 (21)~~(20)~~ "Project designer" means a person who works  
21 under the direction of a licensed asbestos consultant and  
22 engages in the design of project specifications for asbestos  
23 abatement projects.

24 (22)~~(21)~~ "Project monitor" means a person who monitors  
25 asbestos abatement projects for compliance with project  
26 specifications, applicable safety and health regulations, and  
27 other contract requirements under the direction of a licensed  
28 asbestos consultant.

29 (23)~~(22)~~ "Survey" means the process of inspecting a  
30 facility for the presence of asbestos-containing materials to  
31 determine the location and condition of asbestos-containing



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1 materials prior to transfer of property, renovation,  
2 demolition, or maintenance projects which may disturb  
3 asbestos-containing materials.

4 (24)~~(23)~~ "Training-course provider" means an entity or  
5 any of its agents engaged in providing training courses  
6 required by this chapter.

7 Section 15. Paragraphs (a) and (e) of subsection (1)  
8 of section 469.002, Florida Statutes, 1998 Supplement, are  
9 amended to read:

10 469.002 Exemptions.--

11 (1) This chapter does not apply to:

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

24 (e) An authorized employee of the United States, this  
25 state, or any municipality, county, or other political  
26 subdivision who has completed all training required by NESHAP  
27 and OSHA or by ASHARA ~~AHERA~~ for the activities described in  
28 this paragraph, while engaged in asbestos-related activities  
29 set forth in s. 255.5535 and asbestos-related activities  
30 involving the demolition of a building owned by that  
31 governmental unit, where such activities are within the scope

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1 of that employment and the employee does not hold out for hire  
2 or otherwise engage in asbestos abatement, contracting, or  
3 consulting.

4 Section 16. Subsection (3) is added to section  
5 469.004, Florida Statutes, 1998 Supplement, to read:

6 469.004 License; asbestos consultant; asbestos  
7 contractor.--

8 (3) A license issued under this chapter must be  
9 renewed every 2 years. Before an asbestos contractor's license  
10 may be renewed, the licensee must complete a 1-day course of  
11 continuing education during each of the preceding 2 years.  
12 Before an asbestos consultant's license may be renewed, the  
13 licensee must complete a 2-day course of continuing education  
14 during each of the preceding 2 years.

15 Section 17. Subsection (2) of section 469.005, Florida  
16 Statutes, 1998 Supplement, is amended to read:

17 469.005 License requirements.--All applicants for  
18 licensure as either asbestos consultants or asbestos  
19 contractors shall:

20 (2) When applying for licensure as an asbestos  
21 consultant, successfully complete the following  
22 department-approved courses:

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

25 (a)(b) A building asbestos surveys and mechanical  
26 systems course. Such course shall consist of not less than 3  
27 days of instruction.

28 (b)(c) An asbestos management planning course. Such  
29 course shall consist of not less than 2 days of instruction.

30 (c)(d) A respiratory protection course. Such course  
31 shall consist of not less than 3 days of instruction.

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1            ~~(d)(e)~~ A project designer course. Such course shall  
2 consist of not less than 3 days of instruction.

3            Section 18. Subsection (6) of section 469.006, Florida  
4 Statutes, 1998 Supplement, is amended to read:

5            469.006 Licensure of business organizations;  
6 qualifying agents.--

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

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1 ~~department.~~

2 Section 19. Section 469.011, Florida Statutes, is  
3 amended to read:

4 469.011 Authority to make rules.--The department shall  
5 adopt ~~such~~ rules pursuant to ss. 120.536(1) and 120.54, ~~not~~  
6 ~~inconsistent with law, as may be necessary~~ to implement the  
7 provisions of this chapter. In developing the rules, the  
8 department shall consider related Florida Statutes and the  
9 rules promulgated thereunder, the criteria established in the  
10 Environmental Protection Agency Guidelines, and AHERA, ASHARA,  
11 NESHAP, and OSHA regulations.

12 Section 20. Subsections (1), (2), and (4) of section  
13 469.012, Florida Statutes, are amended to read:

14 469.012 Course requirements for onsite supervisors and  
15 asbestos abatement workers.--

16 (1) Each asbestos contractor's onsite supervisor must  
17 complete an asbestos contractor/supervisor project management  
18 ~~and supervision~~ course of not less than 5 ~~4~~ days prior to  
19 engaging in onsite supervision. Such training shall cover the  
20 nature of the health risks, the medical effects of exposure,  
21 federal and state asbestos laws and regulations, worker  
22 protection, and work area protection. Each onsite supervisor  
23 must also complete a continuing education course of not less  
24 than 1 day in length each year.

25 (2) All asbestos abatement workers, including onsite  
26 supervisors, must complete a department-approved course of not  
27 less than 4 ~~3~~ days in abatement prior to removing,  
28 encapsulating, enclosing, or disposing of asbestos-containing  
29 materials.

30 (4) All asbestos abatement workers, including onsite  
31 supervisors, must complete, as a condition of renewal of

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1 accreditation licensure, such courses of continuing education  
 2 each year as are approved and required by the department.

3 Section 21. Section 469.013, Florida Statutes, 1998  
 4 Supplement, is amended to read:

5 469.013 Course requirements for asbestos surveyors,  
 6 management planners, ~~and~~ project monitors, and project  
 7 designers.--

8 (1) All asbestos surveyors, management planners, and  
 9 project monitors must comply with the requirements set forth  
 10 in this section prior to commencing such activities and must  
 11 also complete the continuing education necessary to maintain  
 12 accreditation certification each year.

13 (a) Management planners must complete all requirements  
 14 of s. 469.005(2)(~~b~~)(~~c~~)and(~~d~~)(~~e~~).

15 (b) Asbestos surveyors must complete all requirements  
 16 of s. 469.005(2)(~~a~~)(~~b~~).

17 (c) Project monitors must complete all requirements of  
 18 s. 469.005(~~3~~)(~~2~~)(a) and must also complete an asbestos  
 19 sampling course which is equivalent to NIOSH Course 582.

20 (d) Project designers must complete all requirements  
 21 of s. 469.005(2)(d).

22 (2) Each asbestos consultant shall be responsible for  
 23 securing and retaining all records in order to verify that all  
 24 surveyors, planners, ~~and~~ monitors, and designers working under  
 25 that consultant's direction have completed all required  
 26 courses. Such records shall be produced upon the department's  
 27 request.

28 Section 22. Section 489.13, Florida Statutes, is  
 29 created to read:

30 489.13 Unlicensed contracting; authority to issue or  
 31 receive a building permit.--

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1           (1) Any person performing an activity requiring  
2 licensure under this part as a construction contractor is  
3 guilty of unlicensed contracting if he or she does not hold a  
4 valid active certificate or registration authorizing him or  
5 her to perform such activity, regardless of whether he or she  
6 holds a local construction contractor license or local  
7 certificate of competency. Persons working outside the  
8 geographical scope of their registration are guilty of  
9 unlicensed activity for purposes of this part.

10           (2) A local building department shall not issue a  
11 building permit to any contractor, or to any person  
12 representing himself or herself as a contractor, who does not  
13 hold a valid active certificate or registration in the  
14 appropriate category. Possession of a local certificate of  
15 competency or local construction license is not sufficient to  
16 lawfully obtain a building permit as a construction contractor  
17 if the activity in question requires licensure under this  
18 part. Nothing in this section shall be construed as  
19 prohibiting a local building department from issuing a  
20 building permit to a locally licensed or certified contractor  
21 for an activity that does not require licensure under this  
22 part.

23           Section 23. Subsection (14) of section 489.503,  
24 Florida Statutes, 1998 Supplement, is amended to read:

25           489.503 Exemptions.--This part does not apply to:

26           (Substantial rewording of subsection. See s.

27           489.503(14), F.S., 1998 Supp., for present text.)

28           (14)(a) The installation of, repair of, alteration of,  
29 addition to, or design of electrical wiring, fixtures,  
30 appliances, thermostats, apparatus, raceways, and conduit, or  
31 any part thereof, when those items are for the purpose of

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1 transmitting data, voice communications, or commands as part  
2 of a cable television, community antenna television, or radio  
3 distribution system. The scope of this exemption is limited to  
4 electrical circuits and equipment governed by the applicable  
5 provisions of Articles 725 (Classes 2 and 3 circuits only),  
6 770, 800, 810, and 820 of the National Electrical Code,  
7 current edition, or 47 C.F.R. part 68.

8 (b) The installation of, repair of, alteration of,  
9 addition to, or design of electrical wiring, fixtures,  
10 appliances, thermostats, apparatus, raceways, and conduit, or  
11 any part thereof, when those items are for the purpose of  
12 transmitting data, voice communications, or commands as part  
13 of a system of telecommunications, including computers,  
14 telephone customer premises equipment, or premises wiring. The  
15 scope of this exemption is limited to electrical circuits and  
16 equipment governed by the applicable provisions of Articles  
17 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of  
18 the National Electrical Code, current edition, or 47 C.F.R.  
19 part 68. A company certified under chapter 364 is not  
20 subject to any local ordinance that requires a permit for work  
21 performed by its employees related to low voltage electrical  
22 work, including related technical codes and regulations. The  
23 exemption in this paragraph shall apply only if such work is  
24 requested by the company's customer, is required in order to  
25 complete phone service, is incidental to provision of  
26 telecommunication service as required by chapter 364, and is  
27 not the subject of a competitive bid. The definition of  
28 "employee" established in subsection (1) applies to this  
29 exemption and does not include subcontractors.

30 Section 24. Paragraph (c) is added to subsection (2)  
31 of section 489.511, Florida Statutes, 1998 Supplement,

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1 subsection (5) of that section is amended, and subsection (7)  
2 is added to that section, to read:

3           489.511 Certification; application; examinations;  
4 endorsement.--

5           (2)

6           (c) For purposes of this subsection, at least 40  
7 percent of the work experience for an alarm system contractor  
8 I must be in the types of fire alarm systems typically used in  
9 a commercial setting.

10           (5)~~(a)~~ The board shall, by rule, designate those types  
11 of specialty electrical or alarm system contractors who may be  
12 certified under this part. The limit of the scope of work and  
13 responsibility of a certified specialty contractor shall be  
14 established by ~~the board by rule. However,~~A certified  
15 specialty contractor category exists as an optional a  
16 voluntary statewide licensing category. Qualification for  
17 certification in a specialty category created by rule shall be  
18 the same as set forth in paragraph (2)(a). The existence of a  
19 specialty category created by rule does not itself create any  
20 licensing requirement; however, neither does its optional  
21 nature remove any licensure requirement established elsewhere  
22 in this part and does not create a mandatory licensing  
23 requirement. Any mandatory statewide electrical or alarm  
24 system contracting licensure requirement may only be  
25 established through specific statutory provision.

26           ~~(b) For those specialty electrical or alarm system~~  
27 ~~contractors applying for certification under this part who~~  
28 ~~work in jurisdictions that do not require local licensure for~~  
29 ~~those activities for which the applicant desires to be~~  
30 ~~certified, the experience requirement may be met by~~  
31 ~~demonstrating at least 6 years of comprehensive training,~~



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1 ~~technical education, or supervisory experience, within the 12~~  
2 ~~years immediately preceding the filing of the application, in~~  
3 ~~the type of specialty electrical or alarm system filing of the~~  
4 ~~application, in the type of specialty electrical or alarm~~  
5 ~~system work for which certification is desired. An affidavit~~  
6 ~~signed by the applicant's employer stating that the applicant~~  
7 ~~performed the work required under this paragraph shall be~~  
8 ~~sufficient to demonstrate to the board that the applicant has~~  
9 ~~met the experience requirement.~~

10 (7) Upon the issuance of a certificate, any previously  
11 issued registered licenses for the classification in which the  
12 certification is issued are rendered void.

13 Section 25. Subsection (3) of section 489.513, Florida  
14 Statutes, 1998 Supplement, is amended, and subsection (7) of  
15 that section is repealed, to read:

16 489.513 Registration; application; requirements.--

17 (3) To be registered as an electrical contractor, an  
18 alarm system contractor I, an alarm system contractor II, or a  
19 residential alarm system contractor, the applicant shall file  
20 evidence of holding a current certificate of competency  
21 ~~occupational license or a current license~~ issued by any  
22 municipality or county of the state for the type of work for  
23 which registration is desired, on a form provided by the  
24 department, ~~if such a license is required by that municipality~~  
25 ~~or county,~~ together with evidence of having passed an  
26 appropriate local examination, written or oral, designed to  
27 test skills and knowledge relevant to the technical  
28 performance of the profession, accompanied by the registration  
29 fee fixed pursuant to this part. For any person working or  
30 wishing to work in any local jurisdiction that ~~which does not~~  
31 ~~issue a local license as an electrical or alarm system~~

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

12 ~~(7) Neither the board nor the department assumes any~~  
13 ~~responsibility for providing discipline pursuant to having~~  
14 ~~provided the tracking registration. Providing discipline to~~  
15 ~~such locally licensed individuals shall be the responsibility~~  
16 ~~of the local jurisdiction. Failure to obtain a tracking~~  
17 ~~registration shall not be considered a violation of this~~  
18 ~~chapter. However, a local jurisdiction requiring such~~  
19 ~~tracking registration may levy such penalties for failure to~~  
20 ~~obtain the tracking registration as the local jurisdiction~~  
21 ~~chooses to provide through local ordinance.~~

22 Section 26. Subsection (10) is added to section  
23 489.537, Florida Statutes, 1998 Supplement, to read:

24 489.537 Application of this part.--

25 (10) A registered electrical contractor, an alarm  
26 system contractor II certificateholder, and a registered alarm  
27 system contractor II shall be allowed to install residential  
28 smoke detectors or residential heat detectors.

29 Section 27. Subsection (1) of section 489.129, Florida  
30 Statutes, 1998 Supplement, is amended to read:

31 489.129 Disciplinary proceedings.--

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1           (1) The board may take any of the following actions  
2 against any certificateholder or registrant: place on  
3 probation or reprimand the licensee, revoke, suspend, or deny  
4 the issuance or renewal of the certificate, registration, or  
5 certificate of authority, require financial restitution to a  
6 consumer for financial harm directly related to a violation of  
7 a provision of this part, impose an administrative fine not to  
8 exceed \$5,000 per violation, require continuing education, or  
9 assess costs associated with investigation and prosecution, if  
10 the contractor, financially responsible officer, or business  
11 organization for which the contractor is a primary qualifying  
12 agent, a financially responsible officer, or a secondary  
13 qualifying agent responsible under s. 489.1195 is found guilty  
14 of any of the following acts:

15           (a) Obtaining a certificate, registration, or  
16 certificate of authority by fraud or misrepresentation.

17           (b) Being convicted or found guilty of, or entering a  
18 plea of nolo contendere to, regardless of adjudication, a  
19 crime in any jurisdiction which directly relates to the  
20 practice of contracting or the ability to practice  
21 contracting.

22           (c) Violating any provision of part I of chapter 455.

23           (d) Performing any act which assists a person or  
24 entity in engaging in the prohibited uncertified and  
25 unregistered practice of contracting, if the certificateholder  
26 or registrant knows or has reasonable grounds to know that the  
27 person or entity was uncertified and unregistered.

28           (e) Knowingly combining or conspiring with an  
29 uncertified or unregistered person by allowing his or her  
30 certificate, registration, or certificate of authority to be  
31 used by the uncertified or unregistered person with intent to

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1 evade the provisions of this part. When a certificateholder  
2 or registrant allows his or her certificate or registration to  
3 be used by one or more business organizations without having  
4 any active participation in the operations, management, or  
5 control of such business organizations, such act constitutes  
6 prima facie evidence of an intent to evade the provisions of  
7 this part.

8 (f) Acting in the capacity of a contractor under any  
9 certificate or registration issued hereunder except in the  
10 name of the certificateholder or registrant as set forth on  
11 the issued certificate or registration, or in accordance with  
12 the personnel of the certificateholder or registrant as set  
13 forth in the application for the certificate or registration,  
14 or as later changed as provided in this part.

15 (g) Committing mismanagement or misconduct in the  
16 practice of contracting that causes financial harm to a  
17 customer. Financial mismanagement or misconduct occurs when:

18 1. Valid liens have been recorded against the property  
19 of a contractor's customer for supplies or services ordered by  
20 the contractor for the customer's job; the contractor has  
21 received funds from the customer to pay for the supplies or  
22 services; and the contractor has not had the liens removed  
23 from the property, by payment or by bond, within 75 days after  
24 the date of such liens;

25 2. The contractor has abandoned a customer's job and  
26 the percentage of completion is less than the percentage of  
27 the total contract price paid to the contractor as of the time  
28 of abandonment, unless the contractor is entitled to retain  
29 such funds under the terms of the contract or refunds the  
30 excess funds within 30 days after the date the job is  
31 abandoned; or

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

9           (h) Being disciplined by any municipality or county  
 10 for an act or violation of this part.

11           (i) Failing in any material respect to comply with the  
 12 provisions of this part or violating a rule or lawful order of  
 13 the board.

14           (j) Abandoning a construction project in which the  
 15 contractor is engaged or under contract as a contractor. A  
 16 project may be presumed abandoned after 90 days if the  
 17 contractor terminates the project without just cause or  
 18 without proper notification to the owner, including the reason  
 19 for termination, or fails to perform work without just cause  
 20 for 90 consecutive days.

21           (k) Signing a statement with respect to a project or  
 22 contract falsely indicating that the work is bonded; falsely  
 23 indicating that payment has been made for all subcontracted  
 24 work, labor, and materials which results in a financial loss  
 25 to the owner, purchaser, or contractor; or falsely indicating  
 26 that workers' compensation and public liability insurance are  
 27 provided.

28           (l) Committing fraud or deceit in the practice of  
 29 contracting.

30           (m) Committing incompetency or misconduct in the  
 31 practice of contracting.

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1 (n) Committing gross negligence, repeated negligence,  
2 or negligence resulting in a significant danger to life or  
3 property.

4 (o) Proceeding on any job without obtaining applicable  
5 local building department permits and inspections.

6 (p) Intimidating, threatening, coercing, or otherwise  
7 discouraging the service of a notice to owner under part I of  
8 chapter 713 or a notice to contractor under chapter 255 or  
9 part I of chapter 713.

10 (q) Failing to satisfy within a reasonable time, the  
11 terms of a civil judgment obtained against the licensee, or  
12 the business organization qualified by the licensee, relating  
13 to the practice of the licensee's profession.

14  
15 For the purposes of this subsection, construction is  
16 considered to be commenced when the contract is executed and  
17 the contractor has accepted funds from the customer or lender.  
18 A contractor does not commit a violation of this subsection  
19 when the contractor relies on a building code interpretation  
20 rendered by a building official or person authorized by s.  
21 553.80 to enforce the building code, absent a finding of fraud  
22 or deceit in the practice of contracting, or gross negligence,  
23 repeated negligence, or negligence resulting in a significant  
24 danger to life or property on the part of the building  
25 official, in a proceeding under chapter 120.

26  
27 (Redesignate subsequent sections.)  
28  
29

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1           On page 1, line 20,  
2  
3 insert:  
4           amending s. 468.609, F.S.; revising eligibility  
5 requirements for certification as a building  
6 inspector or plans examiner; amending s.  
7 468.621, F.S.; providing a ground for  
8 disciplinary action relating to the issuance of  
9 a building permit without obtaining a  
10 contractor certificate or registration number,  
11 where such a certificate or registration is  
12 required; providing penalties; amending ss.  
13 20.165, 471.045, 481.222, 489.109, and 489.519,  
14 F.S.; correcting references, to conform;  
15 amending s. 469.001, F.S.; defining the term  
16 "ASHARA"; revising terminology in a reference;  
17 amending s. 469.002, F.S.; revising references  
18 relating to training required of certain  
19 persons exempt from regulation under ch. 469,  
20 F.S., relating to asbestos abatement; amending  
21 s. 469.004, F.S.; providing for biennial  
22 renewal of licenses of asbestos consultants and  
23 asbestos contractors and providing continuing  
24 education requirements therefor; amending s.  
25 469.005, F.S.; eliminating a course requirement  
26 for licensure as an asbestos consultant;  
27 amending s. 469.006, F.S.; revising  
28 requirements to qualify additional business  
29 organizations for licensure; amending s.  
30 469.011, F.S.; providing rulemaking authority  
31 for implementation of the chapter; requiring

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1 consideration of certain federal regulations in  
2 developing such rules; amending s. 469.012,  
3 F.S.; revising course requirements for onsite  
4 supervisors and asbestos abatement workers;  
5 correcting terminology; amending s. 469.013,  
6 F.S.; revising course requirements for asbestos  
7 surveyors, management planners, and project  
8 monitors, and providing course requirements for  
9 project designers; correcting terminology;  
10 creating s. 489.13, F.S.; prohibiting any  
11 person from performing any activity requiring  
12 licensure as a construction contractor under  
13 pt. I, ch. 489, F.S., unless the person holds a  
14 valid active certificate or registration to  
15 perform such activity issued under such part;  
16 providing penalties; prohibiting any local  
17 building department from issuing a building  
18 permit to any person who does not hold an  
19 active valid certificate or registration in the  
20 applicable construction category issued under  
21 such part; amending s. 489.503, F.S.;  
22 clarifying an existing utilities exemption from  
23 regulation under pt. II, ch. 489, F.S.,  
24 relating to electrical and alarm system  
25 contracting; amending s. 489.511, F.S.;  
26 requiring certain work experience for an alarm  
27 system contractor I to be in certain types of  
28 fire alarm systems; revising provisions  
29 relating to designation and certification of  
30 specialty contractors; providing for the  
31 voiding of previously issued registered



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1 licenses upon issuance of certification in the  
2 same classification; amending s. 489.513, F.S.,  
3 and repealing subsection (7), relating to  
4 tracking registration and discipline related  
5 thereto; revising requirements for registration  
6 as an electrical contractor, alarm system  
7 contractor I or II, or registered alarm system  
8 contractor; amending s. 489.537, F.S.;  
9 authorizing certain persons to install  
10 residential smoke or heat detectors; amending  
11 s. 489.129, F.S.; providing certain legal  
12 protection to a contractor relying on a  
13 building code interpretation rendered by  
14 certain officials;

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