

By Senator Clary

7-1136-99

See HB

1 A bill to be entitled
2 An act relating to contracting; amending ss.
3 489.117 and 489.513, F.S.; prohibiting the
4 issuance after a specified date of new local
5 licenses in any specialty category unless such
6 a specialty certification category exists in
7 statute or has been adopted by rule; requiring
8 the Construction Industry Licensing Board and
9 the Electrical Contractors' Licensing Board to
10 establish the job scope for any licensure
11 category registered by the respective board,
12 for purposes of local uniformity; creating ss.
13 489.118 and 489.514, F.S.; providing
14 requirements for certification of registered
15 contractors for grandfathering purposes;
16 requiring a study to determine the fiscal
17 impact on local governments of a single-tier
18 regulatory system for construction and
19 electrical and alarm system contractors;
20 requiring a report; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Subsections (5) and (6) are added to
26 section 489.117, Florida Statutes, 1998 Supplement, to read:

27 489.117 Registration; specialty contractors.--
28 (5) New local licenses may not be issued by any local
29 jurisdiction after July 1, 1999, in any specialty category
30 which is composed of an activity or activities contained in
31 the job scope of any licensure category defined in s.

1 489.105(3)(d)-(p), unless such a specialty certification
2 category exists in statute or has been adopted by rule by the
3 board. However, any person currently holding such a specialty
4 license shall be allowed to renew that license.

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

11 Section 2. Subsections (8) and (9) are added to
12 section 489.513, Florida Statutes, 1998 Supplement, to read:

13 489.513 Registration; application; requirements.--

14 (8) New local licenses may not be issued by any local
15 jurisdiction after July 1, 1999, in any specialty category
16 which is composed of an activity or activities contained in
17 the job scope of any electrical or alarm system contractor,
18 unless such a speciality certification category exists in
19 statute or has been adopted by rule by the board. However, any
20 person currently holding such a specialty license shall be
21 allowed to renew that license.

22 (9) In order to establish uniformity among the job
23 scopes established by local jurisdictions, the board shall
24 establish the job scope for any licensure category registered
25 by the board under this part. The board shall not arbitrarily
26 limit such scopes and shall restrict the job scopes only to
27 the minimum extent necessary to ensure uniformity.

28 Section 3. Section 489.118, Florida Statutes, is
29 created to read:

30 489.118 Certification of registered contractors;
31 grandfathering provisions.--The board shall, upon receipt of a

1 completed application and appropriate fee, issue a certificate
2 in the appropriate category to any contractor registered under
3 this part who makes application to the board and can show that
4 he or she meets each of the following requirements:

5 (1) Currently holds a valid registered local license
6 in one of the contractor categories defined in s.
7 489.105(3)(a)-(p).

8 (2) Has, for that category, passed a written
9 examination that the board finds to be substantially similar
10 to the examination required to be licensed as a certified
11 contractor under this part. For purposes of this subsection, a
12 written, proctored examination such as that produced by the
13 National Assessment Institute, Block and Associates, or
14 NAI/Block shall be considered to be substantially similar to
15 the examination required to be licensed as a certified
16 contractor.

17 (3) Has at least 5 years of experience as a contractor
18 in that contracting category, at the time of application. Only
19 time periods in which the contractor license is active and the
20 contractor is not on probation shall count toward the 5 years
21 required by this subsection.

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

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

28 Section 4. Section 489.514, Florida Statutes, is
29 created to read:

30 489.514 Certification for registered contractors;
31 grandfathering provisions.--The board shall, upon receipt of a

1 completed application and appropriate fee, issue a
2 certification in the appropriate category to any contractor
3 registered under this part who makes application to the board
4 and can show that he or she meets each of the following
5 requirements:

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

8 (2) Has, for that category, passed a written
9 examination that the board finds to be substantially similar
10 to the examination required to be licensed as a certified
11 contractor under this part. For purposes of this subsection, a
12 written, proctored examination such as that produced by the
13 National Assessment Institute, Block and Associates, or
14 NAI/Block shall be considered to be substantially similar to
15 the examination required to be licensed as a certified
16 contractor.

17 (3) Has at least 5 years of experience as a contractor
18 in that contracting category, at the time of application. Only
19 time periods in which the contractor license is active and the
20 contractor is not on probation shall count toward the 5 years
21 required under this subsection.

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

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

28 Section 5. (1) The Legislative Committee on
29 Intergovernmental Relations, in consultation with the Office
30 of Program Policy Analysis and Government Accountability,
31 shall conduct a study to determine the fiscal impact on local

1 governments of instituting a single-tier regulatory system for
2 construction and electrical and alarm system contractors in
3 Florida. Such a system would be established by prohibiting, on
4 a date certain, issuance of new local licenses in any category
5 set forth in section 489.105(3)(a)-(p), Florida Statutes, 1998
6 Supplement, or in the category of electrical or alarm system
7 contracting, while allowing existing locally licensed
8 construction and electrical and alarm system contractors the
9 option of continuing and concluding their careers as locally
10 licensed, registered contractors.

11 (2)(a) The study required by this section shall
12 include:

13 1. A survey of local governments to identify the
14 licensing revenues and associated expenditures by those
15 jurisdictions that issue local construction and electrical and
16 alarm system contractor licenses.

17 2. An analysis of the projected impact upon the
18 licensure and disciplinary departments of such jurisdictions
19 caused by ending local construction and electrical and alarm
20 system contractor licensure.

21 3. An analysis of the extent to which revenues raised
22 from licensees are being used to fund activities other than
23 the discipline of such licensees.

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

30 (3) A report on the findings of the study, including
31 the results of the survey and analyses required, shall be

1 presented to the chairs of the appropriate substantive
2 committees of the Legislature by December 1, 1999.

3 Section 6. This act shall take effect July 1, 1999.

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6 LEGISLATIVE SUMMARY

7 Prohibits the issuance after a specified date of new
8 local licenses in any specialty construction or
9 electrical or alarm system contractor category unless
10 such a specialty certification category exists in statute
11 or has been adopted by rule. Requires the Construction
12 Industry Licensing Board and the Electrical Contractors'
13 Licensing Board to establish the job scope for any
14 licensure category registered by the respective board,
15 for purposes of local uniformity. Provides requirements
16 for certification of registered contractors for
17 grandfathering purposes. Requires the Legislative
18 Committee on Intergovernmental Relations, in consultation
19 with the Office of Program Policy Analysis and Government
20 Accountability, to conduct a study to determine the
21 fiscal impact on local governments of a single-tier
22 regulatory system for construction and electrical and
23 alarm system contractors. Requires a report thereon to
24 the chairs of the appropriate substantive committees of
25 the Legislature.
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