

By the Committee on Regulated Industries and Senator Clary

315-1857-99

1 A bill to be entitled
 2 An act relating to contracting; amending ss.
 3 489.117 and 489.513, F.S.; requiring the
 4 Construction Industry Licensing Board and the
 5 Electrical Contractors' Licensing Board to
 6 establish the job scope for any licensure
 7 category registered by the respective board,
 8 for purposes of local uniformity; creating ss.
 9 489.118 and 489.514, F.S.; providing
 10 requirements for certification of registered
 11 contractors for grandfathering purposes;
 12 requiring a study to determine the fiscal
 13 impact on local governments of a single-tier
 14 regulatory system for construction and
 15 electrical and alarm system contractors;
 16 requiring a report; amending s. 205.065, F.S.;
 17 providing for recovery of attorney's fees for a
 18 prevailing party in any action brought by a
 19 contractor challenging an unlawful occupational
 20 license levy; providing effective dates.

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 22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Subsection (5) is added to section 489.117,
 25 Florida Statutes, 1998 Supplement, to read:
 26 489.117 Registration; specialty contractors.--
 27 (5) In order to establish uniformity among the job
 28 scopes established by local jurisdictions, the board shall
 29 establish the job scope for any licensure category registered
 30 by the board under this part. The board shall not arbitrarily
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1 limit such scopes and shall restrict the job scopes only to
2 the minimum extent necessary to ensure uniformity.

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

5 489.513 Registration; application; requirements.--

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

12 Section 3. Section 489.118, Florida Statutes, is
13 created to read:

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

20 (1) Currently holds a valid registered local license
21 in one of the contractor categories defined in s.
22 489.105(3)(a)-(p).

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 an 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 by 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 within the last 5 years, or been assessed a fine in
11 excess of \$500 within the last 5 years.

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

14 Section 4. Section 489.514, Florida Statutes, is
15 created to read:

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

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

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

1 the examination required to be licensed as a certified
2 contractor.

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

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

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

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

30 (2)(a) The study required by this section shall
31 include:

1 1. A survey of local governments to identify the
2 licensing revenues and associated expenditures by those
3 jurisdictions that issue local construction and electrical and
4 alarm system contractor licenses.

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

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

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

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

22 (4) This section shall take effect upon this act
23 becoming a law.

24 Section 6. Section 205.065, Florida Statutes, is
25 amended to read:

26 205.065 Exemption; nonresident persons regulated by
27 the Department of Business and Professional Regulation.--If
28 any person engaging in or managing a business, profession, or
29 occupation regulated by the Department of Business and
30 Professional Regulation has paid an occupational license tax
31 for the current year to the county or municipality in the

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

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

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 SB 2268

25 Deletes the prohibition against issuing new local licenses to
26 construction contractors and electrical contractors by local
jurisdictions after July 1, 1999.

27 Provides standing to properly licensed contractors to legally
28 challenge any local governing authority's unlawful levy of an
occupational license tax, arising from an improper rejection
29 of the contractor's claim of an exemption under s. 205.065,
F.S., and provides that the prevailing party in such a
30 challenge is awarded attorney's fees.

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