

1
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; amending s. 468.609, F.S.;
21 revising eligibility requirements for
22 certification as a building inspector or plans
23 examiner; amending s. 468.621, F.S.; providing
24 a ground for disciplinary action relating to
25 the issuance of a building permit without
26 obtaining a contractor certificate or
27 registration number, where such a certificate
28 or registration is required; providing
29 penalties; amending ss. 20.165, 471.045,
30 481.222, 489.109, and 489.519, F.S.; correcting
31 references, to conform; amending s. 469.001,

1 F.S.; defining the term "ASHARA"; revising
2 terminology in a reference; amending s.
3 469.002, F.S.; revising references relating to
4 training required of certain persons exempt
5 from regulation under ch. 469, F.S., relating
6 to asbestos abatement; amending s. 469.004,
7 F.S.; providing for biennial renewal of
8 licenses of asbestos consultants and asbestos
9 contractors and providing continuing education
10 requirements therefor; amending s. 469.005,
11 F.S.; eliminating a course requirement for
12 licensure as an asbestos consultant; amending
13 s. 469.006, F.S.; revising requirements to
14 qualify additional business organizations for
15 licensure; amending s. 469.011, F.S.; providing
16 rulemaking authority for implementation of the
17 chapter; requiring consideration of certain
18 federal regulations in developing such rules;
19 amending s. 469.012, F.S.; revising course
20 requirements for onsite supervisors and
21 asbestos abatement workers; correcting
22 terminology; amending s. 469.013, F.S.;
23 revising course requirements for asbestos
24 surveyors, management planners, and project
25 monitors, and providing course requirements for
26 project designers; correcting terminology;
27 creating s. 489.13, F.S.; prohibiting any
28 person from performing any activity requiring
29 licensure as a construction contractor under
30 pt. I, ch. 489, F.S., unless the person holds a
31 valid active certificate or registration to

1 perform such activity issued under such part;
2 providing penalties; prohibiting any local
3 building department from issuing a building
4 permit to any person who does not hold an
5 active valid certificate or registration in the
6 applicable construction category issued under
7 such part; amending s. 489.503, F.S.;
8 clarifying an existing utilities exemption from
9 regulation under pt. II, ch. 489, F.S.,
10 relating to electrical and alarm system
11 contracting; amending s. 489.511, F.S.;
12 requiring certain work experience for an alarm
13 system contractor I to be in certain types of
14 fire alarm systems; revising provisions
15 relating to designation and certification of
16 specialty contractors; providing for the
17 voiding of previously issued registered
18 licenses upon issuance of certification in the
19 same classification; amending s. 489.513, F.S.,
20 and repealing subsection (7), relating to
21 tracking registration and discipline related
22 thereto; revising requirements for registration
23 as an electrical contractor, alarm system
24 contractor I or II, or registered alarm system
25 contractor; amending s. 489.537, F.S.;
26 authorizing certain persons to install
27 residential smoke or heat detectors; amending
28 s. 489.129, F.S.; providing certain legal
29 protection to a contractor relying on a
30 building code interpretation rendered by
31 certain officials; amending s. 633.061, F.S.;

1 providing for biennial licensure of persons
2 servicing, recharging, repairing, testing,
3 marking, inspecting, or installing fire
4 extinguishers and systems; providing license
5 and permit fees; providing for prorated license
6 fee; providing for continuing education;
7 providing effective dates.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsection (5) is added to section 489.117,
12 Florida Statutes, 1998 Supplement, to read:

13 489.117 Registration; specialty contractors.--

14 (5) In order to establish uniformity among the job
15 scopes established by local jurisdictions, the board shall, by
16 rule, establish the job scope for any licensure category
17 registered by the board under this part. The board shall not
18 arbitrarily limit such scopes and shall restrict the job
19 scopes only to the minimum extent necessary to ensure
20 uniformity.

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

23 489.513 Registration; application; requirements.--

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

31

1 Section 3. Section 489.118, Florida Statutes, is
2 created to read:

3 489.118 Certification of registered contractors;
4 grandfathering provisions.--The board shall, upon receipt of a
5 completed application and appropriate fee, issue a certificate
6 in the appropriate category to any contractor registered under
7 this part who makes application to the board and can show that
8 he or she meets each of the following requirements:

9 (1) Currently holds a valid registered local license
10 in one of the contractor categories defined in s.
11 489.105(3)(a)-(p).

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

21 (3) Has at least 5 years of experience as a contractor
22 in that contracting category, or as an inspector or building
23 administrator with oversight over that category, at the time
24 of application. For contractors, only time periods in which
25 the contractor license is active and the contractor is not on
26 probation shall count toward the 5 years required by this
27 subsection.

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

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

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

5 489.514 Certification for registered contractors;
6 grandfathering provisions.--The board shall, upon receipt of a
7 completed application and appropriate fee, issue a
8 certification in the appropriate category to any contractor
9 registered under this part who makes application to the board
10 and can show that he or she meets each of the following
11 requirements:

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

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

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

30 (4) Has not had his or her contractor's license
31 revoked at any time, had his or her contractor's license

1 suspended in the last 5 years, or been assessed a fine in
2 excess of \$500 in the last 5 years.

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

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

19 (2)(a) The study required by this section shall
20 include:

21 1. A survey of local governments to identify the
22 licensing revenues and associated expenditures by those
23 jurisdictions that issue local construction and electrical and
24 alarm system contractor licenses.

25 2. An analysis of the projected impact upon the
26 licensure and disciplinary departments of such jurisdictions
27 caused by ending local construction and electrical and alarm
28 system contractor licensure.

29 3. An analysis of the extent to which revenues raised
30 from licensees are being used to fund activities other than
31 the discipline of such licensees.

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

7 (3) A report on the findings of the study, including
8 the results of the survey and analyses required, shall be
9 presented to the chairs of the appropriate substantive
10 committees of the Legislature by December 1, 1999.

11 (4) This section shall take effect upon this act
12 becoming a law.

13 Section 6. Section 205.065, Florida Statutes, is
14 amended to read:

15 205.065 Exemption; nonresident persons regulated by
16 the Department of Business and Professional Regulation.--If
17 any person engaging in or managing a business, profession, or
18 occupation regulated by the Department of Business and
19 Professional Regulation has paid an occupational license tax
20 for the current year to the county or municipality in the
21 state where the person's permanent business location or branch
22 office is maintained, no other local governing authority may
23 levy an occupational license tax, or any registration or
24 regulatory fee equivalent to the occupational license tax, on
25 the person for performing work or services on a temporary or
26 transitory basis in another municipality or county. In no
27 event shall any work or services performed in a place other
28 than the county or municipality where the permanent business
29 location or branch office is maintained be construed as
30 creating a separate business location or branch office of that
31 person for the purposes of this chapter. Any properly licensed

1 contractor asserting an exemption under this section who is
2 unlawfully required by the local governing authority to pay an
3 occupational license tax, or any registration or regulatory
4 fee equivalent to the occupational license tax, shall have
5 standing to challenge the propriety of the local government's
6 actions, and the prevailing party in such a challenge is
7 entitled to recover a reasonable attorney's fee.

8 Section 7. Paragraph (c) of subsection (2) of section
9 468.609, Florida Statutes, 1998 Supplement, is amended to
10 read:

11 468.609 Administration of this part; standards for
12 certification; additional categories of certification.--

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

16 (c) Meets eligibility requirements according to one of
17 the following criteria:

18 1. Demonstrates 5 years' combined experience in the
19 field of construction or a related field, building inspection,
20 or plans review corresponding to the certification category
21 sought;

22 2. Demonstrates a combination of postsecondary
23 education in the field of construction or a related field and
24 experience which totals 4 years, with at least 1 year of such
25 total being experience in construction, building inspection,
26 or plans review; ~~or~~

27 3. Demonstrates a combination of technical education
28 in the field of construction or a related field and experience
29 which totals 4 years, with at least 1 year of such total being
30 experience in construction, building inspection, or plans
31 review; or

1 ~~4.3.~~ Currently holds a standard certificate as issued
2 by the board and satisfactorily completes an inspector or
3 plans examiner training program of not less than 200 hours in
4 the certification category sought. The board shall establish
5 by rule criteria for the development and implementation of the
6 training programs.

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

9 468.621 Disciplinary proceedings.--

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

12 (h) Issuing a building permit to a contractor, or any
13 person representing himself or herself as a contractor,
14 without obtaining the contractor's certificate or registration
15 number, where such a certificate or registration is required.

16 Section 9. Paragraph (a) of subsection (4) of section
17 20.165, Florida Statutes, is amended to read:

18 20.165 Department of Business and Professional
19 Regulation.--There is created a Department of Business and
20 Professional Regulation.

21 (4)(a) The following boards are established within the
22 Division of Professions:

23 1. Board of Architecture and Interior Design, created
24 under part I of chapter 481.

25 2. Florida Board of Auctioneers, created under part VI
26 of chapter 468.

27 3. Barbers' Board, created under chapter 476.

28 4. Florida Building Code Administrators and Inspectors
29 Board, created under part XII ~~XIII~~ of chapter 468.

30 5. Construction Industry Licensing Board, created
31 under part I of chapter 489.

1 6. Board of Cosmetology, created under chapter 477.

2 7. Electrical Contractors' Licensing Board, created
3 under part II of chapter 489.

4 8. Board of Employee Leasing Companies, created under
5 part XI of chapter 468.

6 9. Board of Funeral Directors and Embalmers, created
7 under chapter 470.

8 10. Board of Landscape Architecture, created under
9 part II of chapter 481.

10 11. Board of Pilot Commissioners, created under
11 chapter 310.

12 12. Board of Professional Engineers, created under
13 chapter 471.

14 13. Board of Professional Geologists, created under
15 chapter 492.

16 14. Board of Professional Surveyors and Mappers,
17 created under chapter 472.

18 15. Board of Veterinary Medicine, created under
19 chapter 474.

20 Section 10. Section 471.045, Florida Statutes, 1998
21 Supplement, is amended to read:

22 471.045 Professional engineers performing building
23 code inspector duties.--Notwithstanding any other provision of
24 law, a person who is currently licensed under this chapter to
25 practice as a professional engineer may provide building
26 inspection services described in s. 468.603(6) and (7) to a
27 local government or state agency upon its request, without
28 being certified by the Florida Board of Building Code
29 Administrators and Inspectors Board under part XII ~~XIII~~ of
30 chapter 468. When performing these building inspection
31 services, the professional engineer is subject to the

1 disciplinary guidelines of this chapter and s.
2 468.621(1)(c)-(h)(c)-(g). Any complaint processing,
3 investigation, and discipline that arise out of a professional
4 engineer's performing building inspection services shall be
5 conducted by the Board of Professional Engineers rather than
6 the Florida Board of Building Code Administrators and
7 Inspectors Board. A professional engineer may not perform
8 plans review as an employee of a local government upon any job
9 that the professional engineer or the professional engineer's
10 company designed.

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

13 481.222 Architects performing building code inspector
14 duties.--Notwithstanding any other provision of law, a person
15 who is currently licensed to practice as an architect under
16 this part may provide building inspection services described
17 in s. 468.603(6) and (7) to a local government or state agency
18 upon its request, without being certified by the Florida Board
19 ~~of~~ Building Code Administrators and Inspectors Board under
20 part XII ~~XIII~~ of chapter 468. With respect to the performance
21 of such building inspection services, the architect is subject
22 to the disciplinary guidelines of this part and s.

23 468.621(1)(c)-(h)(c)-(g). Any complaint processing,
24 investigation, and discipline that arise out of an architect's
25 performance of building inspection services shall be conducted
26 by the Board of Architecture and Interior Design rather than
27 the Florida Board of Building Code Administrators and
28 Inspectors Board. An architect may not perform plans review as
29 an employee of a local government upon any job that the
30 architect or the architect's company designed.

31

1 Section 12. Paragraph (e) of subsection (1) of section
2 489.109, Florida Statutes, is amended to read:

3 489.109 Fees.--

4 (1) The board, by rule, shall establish reasonable
5 fees to be paid for applications, certification and renewal,
6 registration and renewal, and recordmaking and recordkeeping.
7 The fees shall be established as follows:

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

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

21 489.519 Inactive status.--

22 (3) The board shall impose, by rule, continuing
23 education requirements for inactive certificateholders, when
24 inactive status is sought by certificateholders who are also
25 building code administrators, plans examiners, or inspectors
26 certified pursuant to part XII ~~XIII~~ of chapter 468.

27 Section 14. Section 469.001, Florida Statutes, 1998
28 Supplement, is amended to read:

29 469.001 Definitions.--As used in this chapter:

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

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

4 (3) "Asbestos" means the asbestiform varieties of
5 chrysotile, crocidolite, amosite, anthophyllite, tremolite,
6 and actinolite.

7 (4) "Asbestos abatement worker" means a person who
8 works as an employee under the direction of a licensed
9 asbestos contractor, and includes any person directly engaged
10 in abatement activities.

11 (5) "Asbestos consultant" means a person who offers
12 to, undertakes to, submits a bid to, or does, individually or
13 by employing others, conduct surveys for asbestos-containing
14 materials, develop operation and maintenance plans, monitor
15 and evaluate asbestos abatement, prepare asbestos abatement
16 specifications, or perform related tasks.

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

20 (7) "Asbestos contractor" means the person who is
21 qualified and responsible for the contracted project and who
22 offers to, undertakes to, submits a bid to, or does,
23 individually or by employing others, remove, encapsulate, or
24 enclose asbestos-containing materials or dispose of
25 asbestos-containing waste in the course of activities
26 including, but not limited to, construction, renovation,
27 maintenance, or demolition.

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

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

3 ~~(10)~~~~(9)~~ "Department" means the Department of Business
4 and Professional Regulation.

5 ~~(11)~~~~(10)~~ "Encapsulation" means the application of any
6 coating to asbestos-containing material to prevent fiber
7 release.

8 ~~(12)~~~~(11)~~ "Enclosure" means the construction of an
9 airtight barrier around asbestos-containing material to
10 prevent fiber release.

11 ~~(13)~~~~(12)~~ "Friable" means the condition of any
12 asbestos-containing materials which, when dry, may be
13 crumbled, pulverized, or reduced to powder by hand pressure.

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

18 ~~(15)~~~~(14)~~ "NESHAP" means the National Emission
19 Standards for Hazardous Air Pollutants, 40 C.F.R. part 61,
20 subpart M.

21 ~~(16)~~~~(15)~~ "NIOSH" means the National Institute for
22 Occupational Safety and Health.

23 ~~(17)~~~~(16)~~ "Onsite roofing supervisor" means a person
24 who works under the direction of a roofing contractor
25 certified pursuant to part I of chapter 489 and provides
26 supervision of removal of asbestos-containing roofing
27 materials at the project site at all times when such
28 activities are being performed.

29 ~~(18)~~~~(17)~~ "Onsite supervisor" means a person who works
30 under the direction of a licensed asbestos contractor and
31 provides supervision of abatement activities at the abatement

1 project site at all times when such activities are being
2 performed. This term is synonymous with "onsite
3 representative" in the NESHAP asbestos standard rules.

4 (19)~~(18)~~ "Operation and maintenance plan" means a set
5 of work practices and procedures undertaken to clean up
6 previously released asbestos fibers, prevent future release of
7 fibers by minimizing disturbance or damage to
8 asbestos-containing materials, or monitor the condition of the
9 asbestos-containing materials.

10 (20)~~(19)~~ "OSHA" means the Occupational Safety and
11 Health Administration.

12 (21)~~(20)~~ "Project designer" means a person who works
13 under the direction of a licensed asbestos consultant and
14 engages in the design of project specifications for asbestos
15 abatement projects.

16 (22)~~(21)~~ "Project monitor" means a person who monitors
17 asbestos abatement projects for compliance with project
18 specifications, applicable safety and health regulations, and
19 other contract requirements under the direction of a licensed
20 asbestos consultant.

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

27 (24)~~(23)~~ "Training-course provider" means an entity or
28 any of its agents engaged in providing training courses
29 required by this chapter.

30
31

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

4 469.002 Exemptions.--

5 (1) This chapter does not apply to:

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

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

29 Section 16. Subsection (3) is added to section
30 469.004, Florida Statutes, 1998 Supplement, to read:

31

1 469.004 License; asbestos consultant; asbestos
2 contractor.--

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

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

12 469.005 License requirements.--All applicants for
13 licensure as either asbestos consultants or asbestos
14 contractors shall:

15 (2) When applying for licensure as an asbestos
16 consultant, successfully complete the following
17 department-approved courses:

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

20 (a)(b) A building asbestos surveys and mechanical
21 systems course. Such course shall consist of not less than 3
22 days of instruction.

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

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

27 (d)(e) A project designer course. Such course shall
28 consist of not less than 3 days of instruction.

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

31

1 469.006 Licensure of business organizations;
2 qualifying agents.--
3 (6) Each qualifying agent shall pay the department an
4 amount equal to the original fee for licensure of a new
5 business organization. If the qualifying agent for a business
6 organization desires to qualify additional business
7 organizations, the department shall require the agent to
8 present evidence of supervisory ability and financial
9 responsibility of each such organization. Allowing a licensee
10 to qualify more than one business organization shall be
11 conditioned upon the licensee showing that the licensee has
12 both the capacity and intent to adequately supervise each
13 business organization. The department shall not limit the
14 number of business organizations which the licensee may
15 qualify except upon the licensee's failure to provide such
16 information as is required under this subsection or upon a
17 finding that such information or evidence as is supplied is
18 incomplete or unpersuasive in showing the licensee's capacity
19 and intent to comply with the requirements of this subsection.
20 A qualification for an additional business organization may be
21 revoked or suspended upon a finding by the department that the
22 licensee has failed in the licensee's responsibility to
23 adequately supervise the operations of the business
24 organization. Failure to adequately supervise the operations
25 of a business organization shall be grounds for denial to
26 qualify additional business organizations.~~The issuance of~~
27 ~~such additional licensure is discretionary with the~~
28 ~~department.~~

29 Section 19. Section 469.011, Florida Statutes, is
30 amended to read:
31

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

9 Section 20. Subsections (1), (2), and (4) of section
10 469.012, Florida Statutes, are amended to read:

11 469.012 Course requirements for onsite supervisors and
12 asbestos abatement workers.--

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

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

27 (4) All asbestos abatement workers, including onsite
28 supervisors, must complete, as a condition of renewal of
29 accreditation ~~licensure~~, such courses of continuing education
30 each year as are approved and required by the department.

31

1 Section 21. Section 469.013, Florida Statutes, 1998
2 Supplement, is amended to read:

3 469.013 Course requirements for asbestos surveyors,
4 management planners, ~~and project monitors,~~ and project
5 designers.--

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

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

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

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

18 (d) Project designers must complete all requirements
19 of s. 469.005(2)(d).

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

26 Section 22. Section 489.13, Florida Statutes, is
27 created to read:

28 489.13 Unlicensed contracting; authority to issue or
29 receive a building permit.--

30 (1) Any person performing an activity requiring
31 licensure under this part as a construction contractor is

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

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

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

23 (Substantial rewording of subsection. See s.

24 489.503(14), F.S., 1998 Supp., for present text.)

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

26 (14)(a) The installation of, repair of, alteration of,
27 addition to, or design of electrical wiring, fixtures,
28 appliances, thermostats, apparatus, raceways, and conduit, or
29 any part thereof, when those items are for the purpose of
30 transmitting data, voice communications, or commands as part
31 of a cable television, community antenna television, or radio

1 distribution system. The scope of this exemption is limited to
2 electrical circuits and equipment governed by the applicable
3 provisions of Articles 725 (Classes 2 and 3 circuits only),
4 770, 800, 810, and 820 of the National Electrical Code,
5 current edition, or 47 C.F.R. part 68.

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

28 Section 24. Paragraph (c) is added to subsection (2)
29 of section 489.511, Florida Statutes, 1998 Supplement,
30 subsection (5) of that section is amended, and subsection (7)
31 is added to that section, to read:

1 489.511 Certification; application; examinations;
2 endorsement.--

3 (2)

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

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

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

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

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

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

14 489.513 Registration; application; requirements.--

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

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

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

20 Section 26. Subsection (10) is added to section
21 489.537, Florida Statutes, 1998 Supplement, to read:

22 489.537 Application of this part.--

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

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

29 489.129 Disciplinary proceedings.--

30 (1) The board may take any of the following actions
31 against any certificateholder or registrant: place on

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

13 (a) Obtaining a certificate, registration, or
14 certificate of authority by fraud or misrepresentation.

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

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

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

26 (e) Knowingly combining or conspiring with an
27 uncertified or unregistered person by allowing his or her
28 certificate, registration, or certificate of authority to be
29 used by the uncertified or unregistered person with intent to
30 evade the provisions of this part. When a certificateholder
31 or registrant allows his or her certificate or registration to

1 be used by one or more business organizations without having
2 any active participation in the operations, management, or
3 control of such business organizations, such act constitutes
4 prima facie evidence of an intent to evade the provisions of
5 this part.

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

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

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

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

30 3. The contractor's job has been completed, and it is
31 shown that the customer has had to pay more for the contracted

1 job than the original contract price, as adjusted for
2 subsequent change orders, unless such increase in cost was the
3 result of circumstances beyond the control of the contractor,
4 was the result of circumstances caused by the customer, or was
5 otherwise permitted by the terms of the contract between the
6 contractor and the customer.

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

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

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

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

26 (l) Committing fraud or deceit in the practice of
27 contracting.

28 (m) Committing incompetency or misconduct in the
29 practice of contracting.

30
31

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 Section 28. Subsections (1) and (2) and paragraph (a)
27 of subsection (3) of section 633.061, Florida Statutes, 1998
28 Supplement, are amended to read:

29 633.061 License or permit required of organizations
30 and individuals servicing, recharging, repairing, testing,
31

1 marking, inspecting, installing, or hydrotesting fire
2 extinguishers and preengineered systems.--

3 (1) It is unlawful for any organization or individual
4 to engage in the business of servicing, repairing, recharging,
5 testing, marking, inspecting, installing, or hydrotesting any
6 fire extinguisher or preengineered system in this state except
7 in conformity with the provisions of this chapter. Each
8 organization or individual that engages in such activity must
9 possess a valid and subsisting license issued by the State
10 Fire Marshal. All fire extinguishers and preengineered
11 systems required by statute or by rule must be serviced by an
12 organization or individual licensed under the provisions of
13 this chapter. The licensee is legally qualified to act for
14 the business organization in all matters connected with its
15 business, and the licensee must supervise all activities
16 undertaken by such business organization. Each licensee shall
17 maintain a specific business location. A further requirement,
18 in the case of multiple locations where such servicing or
19 recharging is taking place, is that each licensee who
20 maintains more than one place of business where actual work is
21 carried on must possess an additional license, as set forth in
22 this section, for each location, except that a licensed
23 individual may not qualify for more than five locations. A
24 licensee is limited to a specific type of work performed
25 depending upon the class of license held. Licenses and license
26 fees are required for the following:

27 (a) Class A.....\$250~~\$150~~
28 To service, recharge, repair, install, or inspect all types of
29 fire extinguishers and to conduct hydrostatic tests on all
30 types of fire extinguishers.

31 (b) Class B.....\$150~~\$100~~

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 types of fire
 4 extinguishers, except carbon dioxide units.

5 (c) Class C.....\$150~~\$100~~

6 To service, recharge, repair, install, or inspect all types of
 7 fire extinguishers, except recharging carbon dioxide units,
 8 and to conduct hydrostatic tests on all types of fire
 9 extinguishers, except carbon dioxide units.

10 (d) Class D.....\$200~~\$125~~

11 To service, repair, recharge, hydrotest, install, or inspect
 12 all types of preengineered fire extinguishing systems.

13 (e) Licenses issued as duplicates or to reflect a
 14 change of address.....\$10

15
 16 Any fire equipment dealer licensed pursuant to this subsection
 17 who does not want to engage in the business of servicing,
 18 inspecting, recharging, repairing, hydrotesting, or installing
 19 halon equipment must file an affidavit on a form provided by
 20 the division so stating. Licenses will be issued by the
 21 division to reflect the work authorized thereunder. It is
 22 unlawful, unlicensed activity for any person or firm to
 23 falsely hold himself or herself or a business organization out
 24 to perform any service, inspection, recharge, repair,
 25 hydrotest, or installation except as specifically described in
 26 the license.

27 (2) Each individual actually performing the work of
 28 servicing, recharging, repairing, hydrotesting, installing,
 29 testing, or inspecting fire extinguishers or preengineered
 30 systems must possess a valid and subsisting permit issued by
 31 the State Fire Marshal. Permittees are limited as to specific

1 type of work performed dependent upon the class of permit held
 2 which shall be a class allowing work no more extensive than
 3 the class of license held by the licensee under whom the
 4 permittee is working. Permits and fees therefor are required
 5 for the following:

6 (a) Class 1.....\$90~~\$50~~
 7 Servicing, recharging, repairing, installing, or inspecting
 8 all types of fire extinguishers and conducting hydrostatic
 9 tests on all types of fire extinguishers.

10 (b) Class 2.....\$90~~\$50~~
 11 Servicing, recharging, repairing, installing, or inspecting
 12 all types of fire extinguishers, including carbon dioxide
 13 units, and conducting hydrostatic tests on all types of fire
 14 extinguishers, except carbon dioxide units.

15 (c) Class 3.....\$90~~\$50~~
 16 Servicing, recharging, repairing, installing, or inspecting
 17 all types of fire extinguishers, except recharging carbon
 18 dioxide units, and conducting hydrostatic tests on all types
 19 of fire extinguishers, except carbon dioxide units.

20 (d) Class 4.....\$120~~\$65~~
 21 Servicing, repairing, hydrotesting, recharging, installing, or
 22 inspecting all types of preengineered fire extinguishing
 23 systems.

24 (e) Permits issued as duplicates or to reflect a
 25 change of address.....\$10

26
 27 Any fire equipment permittee licensed pursuant to this
 28 subsection who does not want to engage in servicing,
 29 inspecting, recharging, repairing, hydrotesting, or installing
 30 halon equipment must file an affidavit on a form provided by
 31 the division so stating. Permits will be issued by the

1 division to reflect the work authorized thereunder. It is
2 unlawful, unlicensed activity for any person or firm to
3 falsely hold himself or herself out to perform any service,
4 inspection, recharge, repair, hydrotest, or installation
5 except as specifically described in the permit.

6 (3)(a) Such licenses and permits shall be issued by
7 the State Fire Marshal for 2 years ~~each license year~~ beginning
8 January 1, 2000, and each 2-year period thereafter and
9 expiring ~~the following~~ December 31 of the second year. All
10 licenses or permits issued will expire on December 31 of each
11 odd-numbered year. The failure to renew a license or permit by
12 December 31 of the second year will cause the license or
13 permit to become inoperative. The holder of an inoperative
14 license or permit shall not engage in any activities for which
15 a license or permit is required by this section. A license or
16 permit which is inoperative because of the failure to renew it
17 shall be restored upon payment of the applicable fee plus a
18 penalty equal to the applicable fee, if the application for
19 renewal is filed no later than the following March 31. If the
20 application for restoration is not made before the March 31st
21 deadline, the fee for restoration shall be equal to the
22 original application fee and the penalty provided for herein,
23 and, in addition, the State Fire Marshal shall require
24 reexamination of the applicant. The fee for a license or
25 permit issued for 1 year or less shall be prorated at 50
26 percent of the applicable fee for a biennial license or
27 permit. Each licensee or permittee shall successfully complete
28 a course or courses of continuing education for fire equipment
29 technicians of at least 32 hours within 4 5 years of initial
30 issuance of a license or permit and within each 4-year ~~every~~
31 ~~5-year~~ period thereafter or no such license or permit shall be

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

3 Section 29. Except as otherwise provided herein, this
4 act shall take effect October 1, 1999.

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