

By the Committees on Comprehensive Planning, Local and Military Affairs; Regulated Industries; and Senator Gutman

316-2094-99

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

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

1 same classification; amending s. 489.513, F.S.,
2 and repealing subsection (7), relating to
3 tracking registration and discipline related
4 thereto; revising requirements for registration
5 as an electrical contractor, alarm system
6 contractor I or II, or registered alarm system
7 contractor; amending s. 489.537, F.S.;
8 authorizing certain persons to install
9 residential smoke or heat detectors; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (c) of subsection (2) of section
15 468.609, Florida Statutes, 1998 Supplement, is amended to
16 read:

17 468.609 Administration of this part; standards for
18 certification; additional categories of certification.--

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

22 (c) Meets eligibility requirements according to one of
23 the following criteria:

24 1. Demonstrates 5 years' combined experience in the
25 field of construction or a related field, building inspection,
26 or plans review corresponding to the certification category
27 sought;

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

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

8 ~~4.3-~~ Currently holds a standard certificate as issued
9 by the board and satisfactorily completes an inspector or
10 plans examiner training program of not less than 200 hours in
11 the certification category sought. The board shall establish
12 by rule criteria for the development and implementation of the
13 training programs.

14 Section 2. Paragraph (h) is added to subsection (1) of
15 section 468.621, Florida Statutes, 1998 Supplement, to read:

16 468.621 Disciplinary proceedings.--

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

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

23 Section 3. Paragraph (a) of subsection (4) of section
24 20.165, Florida Statutes, is amended to read:

25 20.165 Department of Business and Professional
26 Regulation.--There is created a Department of Business and
27 Professional Regulation.

28 (4)(a) The following boards are established within the
29 Division of Professions:

30 1. Board of Architecture and Interior Design, created
31 under part I of chapter 481.

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

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

18 Section 5. Section 481.222, Florida Statutes, 1998
19 Supplement, is amended to read:

20 481.222 Architects performing building code inspector
21 duties.--Notwithstanding any other provision of law, a person
22 who is currently licensed to practice as an architect under
23 this part may provide building inspection services described
24 in s. 468.603(6) and (7) to a local government or state agency
25 upon its request, without being certified by the Florida Board
26 ~~of~~ Building Code Administrators and Inspectors Board under
27 part XII ~~XIII~~ of chapter 468. With respect to the performance
28 of such building inspection services, the architect is subject
29 to the disciplinary guidelines of this part and s.
30 468.621(1)(c)-(h)(c)-(g). Any complaint processing,
31 investigation, and discipline that arise out of an architect's

1 performance of building inspection services shall be conducted
2 by the Board of Architecture and Interior Design rather than
3 the Florida Board of Building Code Administrators and
4 Inspectors Board. An architect may not perform plans review as
5 an employee of a local government upon any job that the
6 architect or the architect's company designed.

7 Section 6. Paragraph (e) of subsection (1) of section
8 489.109, Florida Statutes, is amended to read:

9 489.109 Fees.--

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

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

25 Section 7. Subsection (3) of section 489.519, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 489.519 Inactive status.--

28 (3) The board shall impose, by rule, continuing
29 education requirements for inactive certificateholders, when
30 inactive status is sought by certificateholders who are also

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1 building code administrators, plans examiners, or inspectors
2 certified pursuant to part XII ~~XIII~~ of chapter 468.

3 Section 8. Section 469.001, Florida Statutes, 1998
4 Supplement, is amended to read:

5 469.001 Definitions.--As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

12 (11)~~(10)~~ "Encapsulation" means the application of any
13 coating to asbestos-containing material to prevent fiber
14 release.

15 (12)~~(11)~~ "Enclosure" means the construction of an
16 airtight barrier around asbestos-containing material to
17 prevent fiber release.

18 (13)~~(12)~~ "Friable" means the condition of any
19 asbestos-containing materials which, when dry, may be
20 crumbled, pulverized, or reduced to powder by hand pressure.

21 (14)~~(13)~~ "Management planner" means a person who works
22 under the direction of a licensed asbestos consultant and
23 engages in the development of asbestos abatement schedules or
24 operation and maintenance plans.

25 (15)~~(14)~~ "NESHAP" means the National Emission
26 Standards for Hazardous Air Pollutants, 40 C.F.R. part 61,
27 subpart M.

28 (16)~~(15)~~ "NIOSH" means the National Institute for
29 Occupational Safety and Health.

30 (17)~~(16)~~ "Onsite roofing supervisor" means a person
31 who works under the direction of a roofing contractor

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

5 (18)~~(17)~~ "Onsite supervisor" means a person who works
6 under the direction of a licensed asbestos contractor and
7 provides supervision of abatement activities at the abatement
8 project site at all times when such activities are being
9 performed. This term is synonymous with "onsite
10 representative" in the NESHAP asbestos standard rules.

11 (19)~~(18)~~ "Operation and maintenance plan" means a set
12 of work practices and procedures undertaken to clean up
13 previously released asbestos fibers, prevent future release of
14 fibers by minimizing disturbance or damage to
15 asbestos-containing materials, or monitor the condition of the
16 asbestos-containing materials.

17 (20)~~(19)~~ "OSHA" means the Occupational Safety and
18 Health Administration.

19 (21)~~(20)~~ "Project designer" means a person who works
20 under the direction of a licensed asbestos consultant and
21 engages in the design of project specifications for asbestos
22 abatement projects.

23 (22)~~(21)~~ "Project monitor" means a person who monitors
24 asbestos abatement projects for compliance with project
25 specifications, applicable safety and health regulations, and
26 other contract requirements under the direction of a licensed
27 asbestos consultant.

28 (23)~~(22)~~ "Survey" means the process of inspecting a
29 facility for the presence of asbestos-containing materials to
30 determine the location and condition of asbestos-containing
31 materials prior to transfer of property, renovation,

1 demolition, or maintenance projects which may disturb
2 asbestos-containing materials.

3 (24)~~(23)~~ "Training-course provider" means an entity or
4 any of its agents engaged in providing training courses
5 required by this chapter.

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

9 469.002 Exemptions.--

10 (1) This chapter does not apply to:

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

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

1 or otherwise engage in asbestos abatement, contracting, or
2 consulting.

3 Section 10. Subsection (3) is added to section
4 469.004, Florida Statutes, 1998 Supplement, to read:

5 469.004 License; asbestos consultant; asbestos
6 contractor.--

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

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

16 469.005 License requirements.--All applicants for
17 licensure as either asbestos consultants or asbestos
18 contractors shall:

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

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

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

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

29 (c)~~(d)~~ A respiratory protection course. Such course
30 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 12. 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~~

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1 ~~such additional licensure is discretionary with the~~
2 ~~department.~~

3 Section 13. Section 469.011, Florida Statutes, is
4 amended to read:

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

13 Section 14. Subsections (1), (2), and (4) of section
14 469.012, Florida Statutes, are amended to read:

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

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

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

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

5 Section 15. Section 469.013, Florida Statutes, 1998
6 Supplement, is amended to read:

7 469.013 Course requirements for asbestos surveyors,
8 management planners, and project monitors, and project
9 designers.--

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

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

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

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

22 (d) Project designers must complete all requirements
23 of s. 469.005(2)(d).

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

30 Section 16. Section 489.13, Florida Statutes, is
31 created to read:

1 489.13 Unlicensed contracting; authority to issue or
2 receive a building permit.--

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

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

25 Section 17. Subsection (14) of section 489.503,
26 Florida Statutes, 1998 Supplement, is amended to read:

27 489.503 Exemptions.--This part does not apply to:

28 (Substantial rewording of subsection. See s.

29 489.503(14), F.S., 1998 Supp., for present text.)

30 (14)(a) The installation of, repair of, alteration of,
31 addition to, or design of electrical wiring, fixtures,

1 appliances, thermostats, apparatus, raceways, and conduit, or
2 any part thereof, when those items are for the purpose of
3 transmitting data, voice communications, or commands as part
4 of a cable television, community antenna television, or radio
5 distribution system. The scope of this exemption is limited to
6 electrical circuits and equipment governed by the applicable
7 provisions of Articles 725 (Classes 2 and 3 circuits only),
8 770, 800, 810, and 820 of the National Electrical Code,
9 current edition, or 47 C.F.R. part 68.

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

1 Section 18. Paragraph (c) is added to subsection (2)
2 of section 489.511, Florida Statutes, 1998 Supplement,
3 subsection (5) of that section is amended, and subsection (7)
4 is added to that section, to read:

5 489.511 Certification; application; examinations;
6 endorsement.--

7 (2)

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

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

28 ~~(b)~~ ~~For those specialty electrical or alarm system~~
29 ~~contractors applying for certification under this part who~~
30 ~~work in jurisdictions that do not require local licensure for~~
31 ~~those activities for which the applicant desires to be~~

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

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

15 Section 19. Subsection (3) of section 489.513, Florida
16 Statutes, 1998 Supplement, is amended, and subsection (7) of
17 that section is repealed, to read:

18 489.513 Registration; application; requirements.--

19 (3) To be registered as an electrical contractor, an
20 alarm system contractor I, an alarm system contractor II, or a
21 residential alarm system contractor, the applicant shall file
22 evidence of holding a current certificate of competency
23 ~~occupational license or a current license~~ issued by any
24 municipality or county of the state for the type of work for
25 which registration is desired, on a form provided by the
26 department, ~~if such a license is required by that municipality~~
27 ~~or county,~~ together with evidence of having passed an
28 appropriate local examination, written or oral, designed to
29 test skills and knowledge relevant to the technical
30 performance of the profession, accompanied by the registration
31 fee fixed pursuant to this part. For any person working or

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

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

24 Section 20. Subsection (10) is added to section
25 489.537, Florida Statutes, 1998 Supplement, to read:

26 489.537 Application of this part.--

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

31 Section 21. This act shall take effect July 1, 1999.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 2444

CS for SB 2444 differs from the bill in the following ways:

Clarifies that locally licensed contractors may obtain building permits for activities that do not require a license under chapter 489, F.S.; and

Specifies that persons working outside the geographical scope of their registration are guilty of unlicensed activity.