

Amendment No. 03 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) J. Miller, Brown, and Ogles offered the
12 following:

14 **Amendment (with title amendment)**

15 On page 24, line 19
16 remove from the bill: all of said line

18 and insert in lieu thereof:

19 Section 19. Subsection (7) is added to section
20 471.015, Florida Statutes, to read:

21 471.015 Licensure.--

22 (7) The board shall, by rule, establish qualifications
23 for certification of licensees as special inspectors of the
24 threshold buildings, as defined in sections 553.71 and 553.79,
25 and shall compile a list of persons so certified. Special
26 inspectors shall not be required to meet standards for
27 certification other than those established by the board, nor
28 shall the fee owner of a threshold building be prohibited from
29 selecting any person certified by the board to be a special
30 inspector. The board shall, by rule, further develop the
31 minimum qualifications for the special inspector's authorized

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1 representative who is authorized to perform inspections of
2 threshold buildings on behalf of the special inspector,
3 pursuant to section 553.79.

4 Section 20. Subsections (1) and (3) of section
5 471.025, Florida Statutes, are amended to read:

6 471.025 Seals.--

7 (1) The board shall prescribe, by rule, a form of seal
8 to be used by registrants holding valid certificates of
9 registration. Each registrant shall obtain an impression-type
10 metal seal in the form aforesaid and may, in addition,
11 register his or her seal electronically in accordance with ss.
12 282.70-282.75. All final drawings, specifications, plans,
13 reports, or documents prepared or issued by the registrant and
14 being filed for public record and all final bid documents
15 provided to the owner or the owner's representative shall be
16 signed by the registrant, dated, and stamped with said seal.
17 Such signature, date, and seal shall be evidence of the
18 authenticity of that to which they are affixed. Drawings,
19 specifications, plans, reports, final bid documents, or
20 documents prepared or issued by a registrant may be
21 transmitted electronically and may be signed by the
22 registrant, dated, and stamped electronically with said seal
23 in accordance with ss. 282.70-282.75.

24 (3) No registrant shall affix or permit to be affixed
25 his or her seal, name, or digital signature to any plan,
26 specification, drawing, final bid document, or other document
27 that ~~which~~ depicts work which he or she is not licensed to
28 perform or which is beyond his or her profession or specialty
29 therein.

30 Section 21. Subsection (7) is added to section
31 481.213, Florida Statutes, to read:

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1 481.213 Licensure.--
2 (7) The board shall, by rule, establish qualifications
3 for certification of licensees as special inspectors of
4 threshold buildings, as defined in section 553.71 and 553.79,
5 and shall compile a list of persons so certified. Special
6 inspectors shall not be required to meet standards for
7 certification other than those established by the board, nor
8 shall the fee owner of a threshold building be prohibited from
9 selecting any person certified by the board to be a special
10 inspector. The board shall, by rule, further develop the
11 minimum qualifications for the special inspector's authorized
12 representative who is authorized, pursuant to section 553.79,
13 to perform inspections of threshold buildings on behalf of the
14 special inspector.

15 Section 22. Section 489.13, Florida Statutes, is
16 amended to read:

17 489.13 Unlicensed contracting; notice of
18 noncompliance; fine; authority to issue or receive a building
19 permit; web page.--

20 (1) Any person performing an activity requiring
21 licensure under this part as a construction contractor is
22 guilty of unlicensed contracting if he or she does not hold a
23 valid active certificate or registration authorizing him or
24 her to perform such activity, regardless of whether he or she
25 holds a local construction contractor license or local
26 certificate of competency. Persons working outside the
27 geographical scope of their registration are guilty of
28 unlicensed activity for purposes of this part.

29 (2) For a first offense, any person who holds a state
30 or local construction license and is found guilty of
31 unlicensed contracting under this section shall be issued a

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1 notice of noncompliance pursuant to s. 489.131(7).
2 (3) Notwithstanding s. 455.228, the department may
3 impose an administrative fine of up to \$10,000 on any
4 unlicensed person guilty of unlicensed contracting. In
5 addition, the department may assess reasonable investigative
6 and legal costs for prosecution of the violation against the
7 unlicensed contractor. The department may waive up to one-half
8 of any fine imposed if the unlicensed contractor complies with
9 certification or registration within 1 year after imposition
10 of the fine under this subsection.
11 (4)(a) Any fines collected under this section shall be
12 first used to cover the investigative and legal costs of
13 prosecution.
14 (b) Any local governing body that forwards information
15 relating to any person who is an unlicensed contractor shall
16 collect 30 percent of the fine collected, after deduction of
17 the investigative and legal costs of prosecution.
18 (c) The balance of any fines collected under this
19 section shall be used to maintain the department's unlicensed
20 contractor website page, as specified in subsection (6), and
21 to fund the Construction Industries Recovery Fund. Nothing in
22 this paragraph shall be construed to permit recovery from the
23 Construction Industries Recovery Fund if the contractor is
24 unlicensed.
25 (5)(2) A local building department shall not issue a
26 building permit to any contractor, or to any person
27 representing himself or herself as a contractor, who does not
28 hold a valid active certificate or registration in the
29 appropriate category. Possession of a local certificate of
30 competency or local construction license is not sufficient to
31 lawfully obtain a building permit as a construction contractor

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1 if the activity in question requires licensure under this
2 part. Nothing in this section shall be construed as
3 prohibiting a local building department from issuing a
4 building permit to a locally licensed or certified contractor
5 for an activity that does not require licensure under this
6 part.

7 (6) The department shall create a web page, accessible
8 through its Internet website, dedicated solely to listing any
9 known information on unlicensed contractors. The information
10 shall be provided in such a way that any person with computer
11 on-line capabilities can access information on unlicensed
12 contractors by name or by county. The department shall
13 recognize that persons found guilty of unlicensed contracting
14 do not have the same rights and privileges as licensees, and
15 the department shall not restrict the quality or quantity of
16 information on the web page required by this subsection,
17 unless otherwise required by law.

18 (7) The remedies set forth in this section are not
19 exclusive and may be imposed in addition to the remedies set
20 forth in s. 489.127(2). In addition, nothing in this section
21 is intended to prohibit the department or any local governing
22 body from filing a civil action or seeking criminal penalties
23 against an unlicensed contractor.

24 Section 23. Paragraphs (j), (k), and (l) of subsection
25 (3) of section 489.105, Florida Statutes, are amended to read:

26 489.105 Definitions.--As used in this part:

27 (3) "Contractor" means the person who is qualified
28 for, and shall only be responsible for, the project contracted
29 for and means, except as exempted in this part, the person
30 who, for compensation, undertakes to, submits a bid to, or
31 does himself or herself or by others construct, repair, alter,

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1 remodel, add to, demolish, subtract from, or improve any
2 building or structure, including related improvements to real
3 estate, for others or for resale to others; and whose job
4 scope is substantially similar to the job scope described in
5 one of the subsequent paragraphs of this subsection. For the
6 purposes of regulation under this part, "demolish" applies
7 only to demolition of steel tanks over 50 feet in height;
8 towers over 50 feet in height; other structures over 50 feet
9 in height, other than buildings or residences over three
10 stories tall; and buildings or residences over three stories
11 tall. Contractors are subdivided into two divisions, Division
12 I, consisting of those contractors defined in paragraphs
13 (a)-(c), and Division II, consisting of those contractors
14 defined in paragraphs (d)-(g):

15 (j) "Commercial pool/spa contractor" means a
16 contractor whose scope of work involves, but is not limited
17 to, the construction, repair, and servicing of any swimming
18 pool, or hot tub or spa, whether public, private, or
19 otherwise, regardless of use. The scope of work includes,
20 ~~including~~ the installation, repair, or replacement of existing
21 equipment, any cleaning or equipment sanitizing which requires
22 at least a partial disassembling, excluding filter changes,
23 and or the installation of new pool/spa equipment, interior
24 finishes, the installation of package pool heaters, the
25 installation of all perimeter piping and filter piping, and
26 the construction of equipment rooms or housing for pool/spa
27 equipment, as necessary. ~~The scope of such work includes~~
28 ~~layout, excavation, operation of construction pumps for~~
29 ~~dewatering purposes, steelwork, installation of light niches,~~
30 ~~construction of floors, guniting, fibreglassing, installation~~
31 ~~of tile and coping, installation of all perimeter and filter~~

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1 ~~pipng, installation of all filter equipment and chemical~~
2 ~~feeders of any type, plastering of the interior, construction~~
3 ~~of decks, construction of equipment rooms or housing for pool~~
4 ~~equipment, and installation of package pool heaters~~ and also
5 includes the scope of work of a swimming pool/spa servicing
6 contractor. ~~However,~~The scope of such work does not include
7 direct connections to a sanitary sewer system or to potable
8 water lines. The installation, construction, modification, or
9 replacement of equipment permanently attached to and
10 associated with the pool or spa for the purpose of water
11 treatment or cleaning of the pool or spa requires licensure;
12 however, the usage of such equipment for the purposes of water
13 treatment or cleaning shall not require licensure unless the
14 usage involves construction, modification, or replacement of
15 such equipment. Water treatment that does not require such
16 equipment does not require a license. In addition, a license
17 shall not be required for the cleaning of the pool or spa in
18 any way that does not affect the structural integrity of the
19 pool or spa or its associated equipment.

20 (k) "Residential pool/spa contractor" means a
21 contractor whose scope of work involves, but is not limited
22 to, the construction, repair, and servicing of any residential
23 swimming pool, or hot tub or spa, regardless of use. The scope
24 of work includes, including the installation, repair, or
25 replacement of existing equipment, any cleaning or equipment
26 sanitizing which requires at least a partial disassembling,
27 excluding filter changes, and or the installation of new
28 pool/spa equipment, interior finishes, the installation of
29 package pool heaters, the installation of all perimeter piping
30 and filter piping, and the construction of equipment rooms or
31 housing for pool/spa equipment, as necessary. ~~The scope of~~

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1 ~~such work includes layout, excavation, operation of~~
2 ~~construction pumps for dewatering purposes, steelwork,~~
3 ~~installation of light niches, construction of floors,~~
4 ~~guniting, fibreglassing, installation of tile and coping,~~
5 ~~installation of all perimeter and filter piping, installation~~
6 ~~of all filter equipment and chemical feeders of any type,~~
7 ~~plastering of the interior, construction of decks,~~
8 ~~installation of housing for pool equipment, and installation~~
9 ~~of package pool heaters and also includes the scope of work of~~
10 a swimming pool/spa servicing contractor. ~~However,~~The scope
11 of such work does not include direct connections to a sanitary
12 sewer system or to potable water lines. The installation,
13 construction, modification, or replacement of equipment
14 permanently attached to and associated with the pool or spa
15 for the purpose of water treatment or cleaning of the pool or
16 spa requires licensure; however, the usage of such equipment
17 for the purposes of water treatment or cleaning shall not
18 require licensure unless the usage involves construction,
19 modification, or replacement of such equipment. Water
20 treatment that does not require such equipment does not
21 require a license. In addition, a license shall not be
22 required for the cleaning of the pool or spa in any way that
23 does not affect the structural integrity of the pool or spa or
24 its associated equipment.

25 (1) "Swimming pool/spa servicing contractor" means a
26 contractor whose scope of work involves, but is not limited
27 to, the repair and the servicing and repair of any swimming
28 pool, or hot tub or spa, whether public or private, or
29 otherwise, regardless of use. The scope of ~~such work includes~~
30 the repair or may include any necessary piping and repairs,
31 replacement ~~and repair~~ of existing equipment, any cleaning or

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1 equipment sanitizing which requires at least a partial
2 disassembling, excluding filter changes, and the or
3 installation of new pool/spa additional equipment, interior
4 refinishing, the reinstallation or addition of pool heaters,
5 the as necessary. The scope of such work includes the
6 reinstallation of tile and coping, repair or and replacement
7 of all perimeter piping and filter piping, the repair of
8 equipment rooms or housing for pool/spa equipment, and the
9 substantial or complete draining of a swimming pool, or hot
10 tub or spa, for the purpose of any repair or renovation. The
11 scope of such work does not include direct connections to a
12 sanitary sewer system or to potable water lines filter
13 equipment, and chemical feeders of any type, replastering,
14 reconstruction of decks, and reinstallation or addition of
15 pool heaters. The installation, construction, modification,
16 substantial or complete disassembly, or replacement of
17 equipment permanently attached to and associated with the pool
18 or spa for the purpose of water treatment or cleaning of the
19 pool or spa requires licensure; however, the usage of such
20 equipment for the purposes of water treatment or cleaning
21 shall not require licensure unless the usage involves
22 construction, modification, substantial or complete
23 disassembly, or replacement of such equipment. Water treatment
24 that does not require such equipment does not require a
25 license. In addition, a license shall not be required for the
26 cleaning of the pool or spa in any way that does not affect
27 the structural integrity of the pool or spa or its associated
28 equipment.

29 Section 24. Section 489.118, Florida Statutes, is
30 amended to read:

31 489.118 Certification of registered contractors;

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

6 (1) Currently holds a valid registered local license
7 in one of the contractor categories defined in s.
8 489.105(3)(a)-(p).

9 (2) Has, for that category, passed a written
10 examination that the board finds to be substantially similar
11 to the examination required to be licensed as a certified
12 contractor under this part. For purposes of this subsection, a
13 written, proctored examination such as that produced by the
14 National Assessment Institute, Block and Associates, ~~or~~
15 NAI/Block, Experior Assessments, Professional Testing, Inc.,
16 or Assessment Systems, Inc., shall be considered to be
17 substantially similar to the examination required to be
18 licensed as a certified contractor. The board may not impose
19 or make any requirements regarding the nature or content of
20 these cited examinations.

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.

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

3
4 Applicants wishing to obtain a certificate pursuant to this
5 section must make application by November 1, 2004.

6 Section 25. Section 489.128, Florida Statutes, is
7 amended to read:

8 489.128 Contracts performed by unlicensed contractors
9 unenforceable.--As a matter of public policy, contracts
10 entered into on or after October 1, 1990, and performed in
11 full or in part by any contractor who fails to obtain or
12 maintain a license in accordance with this part shall be
13 unenforceable in law or in equity. ~~However, in the event the~~
14 ~~contractor obtains or reinstates his or her license, the~~
15 ~~provisions of this section shall no longer apply.~~

16 Section 26. Subsections (12) and (15) of section
17 489.503, Florida Statutes, are amended to read:

18 489.503 Exemptions.--This part does not apply to:

19 (12) Any person as defined and licensed under chapter
20 527 while engaged in work regulated under that chapter.

21 (15) The provision, installation, testing, routine
22 maintenance, factory-servicing, or monitoring of a personal
23 emergency response system, as defined in s. 489.505, by an
24 authorized person who:

25 (a) Is an employee of, or a volunteer supervised by an
26 employee of, a health care facility licensed by the Agency for
27 Health Care Administration;

28 (b) Performs services for the Department of Elderly
29 Affairs;

30 (c) Performs services for the Department of Children
31 and Family Services under chapter 410; or

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1 (d) Is an employee of or an authorized representative
2 or distributor for the producer of the personal emergency
3 response system being monitored.

4 Section 27. Section 489.507, Florida Statutes, is
5 amended to read:

6 489.507 Electrical Contractors' Licensing Board.--

7 (1) There is created in the department the Electrical
8 Contractors' Licensing Board. The board shall consist of 11
9 members, 7 of whom shall be certified electrical contractors,
10 2 of whom shall be consumer members who are not, and have
11 never been, electrical contractors or members of any closely
12 related profession or occupation, and 2 of whom shall be
13 certified alarm system contractors I. Members shall be
14 appointed for 4-year terms.

15 (2) To be eligible to serve, each contractor member
16 must have been certified by the board to operate as a
17 contractor in the category with respect to which the member is
18 appointed, be actively engaged in the construction business,
19 and have been so engaged for a period of not less than 5
20 consecutive years before the date of appointment. Each
21 appointee must be a citizen and resident of the state.

22 (3) The board has authority to adopt rules pursuant to
23 ss. 120.536(1) and 120.54 to implement the provisions of this
24 part.

25 (4) It is the intent of the Legislature that the board
26 promulgate no rules and take no action to require that
27 applicants for certification as alarm system contractors serve
28 any type of apprenticeship before being allowed to sit for the
29 certification examination.

30 (5) Any proposed board rule which has not been
31 modified to meet proposed committee objections of the Joint

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1 Administrative Procedures Committee must receive concurrence
2 from the department prior to filing the rule with the
3 Department of State. The department may repeal any rule which
4 the board has enacted and which has taken effect without
5 having met proposed committee objections of the Joint
6 Administrative Procedures Committee.

7 (6)(5) The Electrical Contractors' Licensing Board and
8 the Construction Industry Licensing Board shall each appoint a
9 committee to meet jointly at least twice a year.

10 Section 28. Section 489.514, Florida Statutes, is
11 amended to read:

12 489.514 Certification for registered contractors;
13 grandfathering provisions.--

14 (1) The board shall, upon receipt of a completed
15 application, and appropriate fee, and proof of compliance with
16 the provisions of this section, issue: a certification in the
17 appropriate category to

18 (a) To an applying registered electrical contractor a
19 certificate as an electrical contractor, as defined in s.
20 489.505(12); or

21 (b) To an applying registered alarm system contractor
22 a certificate in the matching alarm system contractor
23 category, as defined in s. 489.505(2)(a) or (b); or

24 (c) To an applying registered electrical speciality
25 contractor a certificate in the matching electrical speciality
26 contractor category, as defined in s. 489.505(19).

27 (2) Any any contractor registered under this part who
28 makes application under this section to the board shall and
29 can show that he or she meets meet each of the following
30 requirements for certification:

31 (a)(1) Currently holds a valid registered local

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1 license in the category of electrical contractor, or alarm
2 system contractor, or electrical speciality contractor.

3 (b)(2)Has, for that category, passed a written,
4 proctored examination that the board finds to be substantially
5 similar to the examination required to be licensed as a
6 certified contractor under this part. For purposes of this
7 subsection, a written, proctored examination such as that
8 produced by the National Assessment Institute, Block and
9 Associates, or NAI/Block, Experior Assessments, Professional
10 Testing, Inc., or Assessment Systems, Inc., shall be
11 considered to be substantially similar to the examination
12 required to be licensed as a certified contractor. The board
13 may not impose or make any requirements regarding the nature
14 or content of these cited examinations.

15 (c)(3) Has at least 5 years of experience as a
16 contractor in that contracting category, or as a inspector or
17 building administrator with oversight over that category, at
18 the time of application. For contractors, only time periods in
19 which the contractor license is active and the contractor is
20 not on probation shall count toward the 5 years required under
21 this subsection.

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

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

28 (3) An applicant must make application by November 1,
29 2004, to be licensed pursuant to this section.

30 Section 29. Paragraph (e) is added to subsection (2)
31 of section 489.5185, Florida Statutes, to read:

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1 489.5185 Fire alarm system agents.--

2 (2)

3 (e) Persons who perform only monitoring are not
4 required to complete the training required for fire alarm
5 system agents.

6 Section 30. Subsection (1) of section 489.522, Florida
7 Statutes, is amended to read:

8 489.522 Qualifying agents; responsibilities.--

9 (1)(a) A qualifying agent is a primary qualifying
10 agent unless he or she is a secondary qualifying agent under
11 this section. All primary qualifying agents for a business
12 organization are jointly and equally responsible for
13 supervision of all operations of the business organization;
14 for all field work at all sites; and for financial matters,
15 both for the organization in general and for each specific
16 job.

17 (b) When a qualifying agent ceases to qualify a
18 business, the qualifying agent must transfer the license to
19 another business, qualify himself or herself as an individual,
20 or place the license in an inactive status within 60 days
21 after termination of the qualifying status with the business.

22 Section 31. Subsection (5) of section 489.531, Florida
23 Statutes, is renumbered as subsection (6) and amended, present
24 subsections (3), (4), (6), and (7) are renumbered as
25 subsections (4), (5), (7), and (8), respectively, and a new
26 subsection (3) is added to said section, to read:

27 489.531 Prohibitions; penalties.--

28 (1) A person may not:

29 (a) Practice contracting unless the person is
30 certified or registered;

31 (b) Use the name or title "electrical contractor" or

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- 1 "alarm system contractor" or words to that effect, or
2 advertise himself or herself or a business organization as
3 available to practice electrical or alarm system contracting,
4 when the person is not then the holder of a valid
5 certification or registration issued pursuant to this part;
6 (c) Present as his or her own the certificate or
7 registration of another;
8 (d) Use or attempt to use a certificate or
9 registration that has been suspended, revoked, or placed on
10 inactive or delinquent status;
11 (e) Employ persons who are not certified or registered
12 to practice contracting;
13 (f) Knowingly give false or forged evidence to the
14 department, the board, or a member thereof;
15 (g) Operate a business organization engaged in
16 contracting after 60 days following the termination of its
17 only qualifying agent without designating another primary
18 qualifying agent;
19 (h) Conceal information relative to violations of this
20 part;
21 (i) Commence or perform work for which a building
22 permit is required pursuant to part VII of chapter 533 without
23 the building permit being in effect; or
24 (j) Willfully or deliberately disregard or violate any
25 municipal or county ordinance relating to uncertified or
26 unregistered contractors.
27 (3)(a) Any unlicensed person who violates any of the
28 provisions of subsection (1) commits a misdemeanor of the
29 first degree, punishable as provided in s. 775.082 or s.
30 775.083.
31 (b) Any unlicensed person who commits a violation of

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1 subsection (1) after having been previously found guilty of
2 such violation commits a felony of the third degree,
3 punishable as provided in s. 775.082 or s. 775.083.

4 (c) Any unlicensed person who commits a violation of
5 subsection (1) during the existence of a state of emergency
6 declared by executive order of the Governor commits a felony
7 of the third degree, punishable as provided in s. 775.082 or
8 s. 775.083.

9
10 The remedies set forth in this subsection are not exclusive
11 and may be imposed in addition to the remedies set forth in s.
12 489.533(2).

13 (6)(5)(a) The local governing body of a county or
14 municipality, or its local enforcement body, is authorized to
15 enforce the provisions of this part as well as its local
16 ordinances against ~~locally licensed or~~ registered contractors,
17 as appropriate. The local jurisdiction enforcement body may
18 conduct disciplinary proceedings against a ~~locally licensed or~~
19 registered contractor and may require restitution or impose a
20 suspension or revocation of the local license or a fine not to
21 exceed \$5,000, or a combination thereof, against the ~~locally~~
22 ~~licensed or~~ registered contractor, according to ordinances
23 which a local jurisdiction may enact. In addition, the local
24 jurisdiction may assess reasonable investigative and legal
25 costs for the prosecution of the violation against the
26 registered contractor ~~violation~~, according to such ordinances
27 as the local jurisdiction may enact.

28 (b) In addition to any action the local jurisdiction
29 enforcement body may take against the individual's local
30 license, and any fine the local jurisdiction may impose, the
31 local jurisdiction enforcement body shall issue a recommended

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1 penalty for board action. This recommended penalty may
2 include a recommendation for no further action or a
3 recommendation for suspension, revocation, or restriction of
4 the registration or imposition of a fine to be levied by the
5 board, or a combination thereof. The local jurisdiction
6 enforcement body shall inform the disciplined registered
7 contractor and the complainant of the local ~~license~~ penalty
8 imposed, the board penalty recommended, the rights to appeal,
9 and the consequences should the registered contractor decide
10 not to appeal. The local jurisdiction enforcement body shall,
11 upon having reached adjudication or having accepted a plea of
12 nolo contendere, immediately inform the board of its action
13 and the recommended board penalty.

14 (c) The department, the disciplined registered
15 contractor, or the complainant may challenge the local
16 jurisdiction enforcement body's recommended penalty for board
17 action to the Electrical Contractors' Licensing Board. A
18 challenge shall be filed within 60 days after the issuance of
19 the recommended penalty to the board. If challenged, there is
20 a presumptive finding of probable cause and the case may
21 proceed without the need for a probable cause hearing.

22 (d) Failure of the department, the disciplined
23 registered contractor, or the complainant to challenge the
24 local jurisdiction's recommended penalty within the time
25 period set forth in this subsection shall constitute a waiver
26 of the right to a hearing before the board. A waiver of the
27 right to a hearing before the board shall be deemed an
28 admission of the violation, and the penalty recommended shall
29 become a final order according to procedures developed by
30 board rule without further board action. The disciplined
31 registered contractor may appeal this board action to the

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1 district court.

2 (e) The department may investigate any complaint which
3 is made with the department. However, if the department
4 determines that the complaint against a registered contractor
5 is for an action which a local jurisdiction enforcement body
6 has investigated and reached adjudication or accepted a plea
7 of nolo contendere, including a recommended penalty to the
8 board, the department shall not initiate prosecution for that
9 action, unless the secretary has initiated summary procedures
10 pursuant to s. 455.225(8).

11 (f) Nothing in this subsection shall be construed to
12 allow local jurisdictions to exercise disciplinary authority
13 over certified contractors.

14 Section 32. Section 489.532, Florida Statutes, is
15 amended to read:

16 489.532 Contracts performed by unlicensed contractors
17 unenforceable.--As a matter of public policy, contracts
18 entered into on or after October 1, 1990, and performed in
19 full or in part by any contractor who fails to obtain or
20 maintain his or her license in accordance with this part shall
21 be unenforceable in law, and the court in its discretion may
22 extend this provision to equitable remedies. ~~However, in the~~
23 ~~event the contractor obtains or reinstates the license the~~
24 ~~provisions of this section shall no longer apply.~~

25 Section 33. Subsection (9) of section 553.71, Florida
26 Statutes, is created to read:

27 553.71 Definitions.--

28 As used in this part, the term:

29 (9)"Special inspector" means a licensed architect or
30 registered engineer certified, pursuant to chapter 471 or 481,
31 to conduct inspections of threshold buildings.

Amendment No. 03 (for drafter's use only)

1 Section 34. Paragraph (c) of subsection (5) of section
2 553.79, Florida Statutes, is amended to read:

3 553.79 Permits; applications; issuance; inspections.--

4 (5)

5 ~~(c) The commission shall, by rule, establish a~~
6 ~~qualification program for special inspectors and shall compile~~
7 ~~a list of persons qualified to be special inspectors. Special~~
8 ~~inspectors shall not be required to meet standards for~~
9 ~~qualification other than those established by the commission,~~
10 ~~nor shall the fee owner of a threshold building be prohibited~~
11 ~~from selecting any person qualified by the commission to be a~~
12 ~~special inspector. The architect or engineer of record may~~
13 ~~act as the special inspector provided she or he is on the~~
14 Board of Professional Engineers' or the Board of Architecture
15 and Interior Design's list of persons qualified to be special
16 inspectors. School boards may utilize employees as special
17 inspectors provided such employees are on one of the
18 professional licensing boards' list of persons qualified to be
19 special inspectors.

20 Section 35. Subsections (14) through (26) of section
21 633.021, Florida Statutes, are renumbered as subsections (15)
22 through (27), and a new subsection (14) is added to said
23 section, to read:

24 633.021 Definitions.--As used in this chapter:

25 (14) "Layout" as used in this chapter means the layout
26 of risers, cross mains, branch lines, sprinkler heads, sizing
27 of pipe, hanger locations, and hydraulic calculations in
28 accordance with the design concepts established through the
29 provisions of s. 553.79(6)(c).

30 Section 36. Except as otherwise provided, this act
31 shall take effect July 1, 2000.

Amendment No. 03 (for drafter's use only)

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

2 And the title is amended as follows:

3 On page 1, line 17 after the word "terminology;"

4

5 insert:

6 amending s. 471.015, F.S.; establishing
7 rule-making authority related to special
8 inspectors of threshold buildings; amending s.
9 471.025, F.S.; adding a circumstance under
10 which engineering documents must be sealed;
11 amending s. 481.213, F.S.; providing authority
12 for the board to develop qualifications for
13 special inspectors of threshold buildings;
14 amending s. 489.13, F.S.; providing additional
15 disciplinary penalties for unlicensed
16 electrical or alarm system contracting;
17 amending s. 489.105, F.S.; revising the scope
18 of work of commercial and residential pool/spa
19 contractors and swimming pool/spa servicing
20 contractors; amending s. 489.118, F.S.;
21 limiting the time period during which
22 registered applicants must apply to receive
23 certification; amending s. 489.128, F.S.;
24 eliminating an exemption from a provision
25 invalidating contracts with unlicensed
26 contractors; amending s. 489.503, F.S.;
27 revising exemptions from regulation under pt.
28 II, ch. 489, F.S., relating to electrical and
29 alarm system contracting; amending s. 489.507,
30 F.S.; limiting the rule making authority of the
31 Electrical Contractors Licensing Board;

Amendment No. 03 (for drafter's use only)

1 amending s. 489.514, F.S.; revising
2 grandfathering provisions for certification of
3 registered electrical and alarm system
4 contractors; amending s. 489.5185, F.S.;
5 providing that persons who perform only
6 monitoring are not required to complete the
7 training required for fire alarm system agents;
8 amending s. 489.522, F.S.; providing
9 requirements when a qualifying agent ceases to
10 qualify a business; amending s. 489.531, F.S.;
11 providing penalties for violations by
12 unlicensed persons of acts prohibited under pt.
13 II, ch. 489, F.S., relating to electrical and
14 alarm system contracting; amending s. 489.532,
15 F.S.; eliminating an exemption from a provision
16 invalidating contracts with unlicensed
17 contractors; amending s. 553.71, F.S.; defining
18 "special inspector;" amending 553.79, F.S.;
19 moving regulation of special inspectors of
20 threshold buildings from the Department of
21 Community Affairs to the Board of Professions
22 Engineers and the Board of Architecture and
23 Interior Design; amending s. 633.021, F.S.;
24 adding a definition of "layout";

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