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

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

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

14 **Amendment (with title amendment)**

15 On page 43, between lines 21 and 22,

17 insert:

18 Section 32. If not otherwise repealed by this act,
19 section 489.507, Florida Statutes, is amended to read:

20 489.507 Electrical Contractors' Licensing Board.--

21 (1) There is created in the department the Electrical
22 Contractors' Licensing Board. The board shall consist of 11
23 members, 7 of whom shall be certified electrical contractors,
24 2 of whom shall be consumer members who are not, and have
25 never been, electrical contractors or members of any closely
26 related profession or occupation, and 2 of whom shall be
27 certified alarm system contractors I. Members shall be
28 appointed for 4-year terms.

29 (2) To be eligible to serve, each contractor member
30 must have been certified by the board to operate as a
31 contractor in the category with respect to which the member is

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1 appointed, be actively engaged in the construction business,
2 and have been so engaged for a period of not less than 5
3 consecutive years before the date of appointment. Each
4 appointee must be a citizen and resident of the state.

5 (3) The board has authority to adopt rules pursuant to
6 ss. 120.536(1) and 120.54 to implement the provisions of this
7 part.

8 (4) It is the intent of the Legislature that the board
9 promulgate no rules and take no action to require that
10 applicants for certification as alarm system contractors serve
11 any type of apprenticeship before being allowed to sit for the
12 certification examination.

13 (5) Any proposed board rule which has not been
14 modified to remove proposed committee objections of the
15 Administrative Procedures Committee must receive approval from
16 the department prior to filing the rule with the Department of
17 State for final adoption. The department may repeal any rule
18 enacted by the board which has taken effect without having met
19 proposed committee objections of the Administrative Procedures
20 Committee.

21 (6)(5) The Electrical Contractors' Licensing Board and
22 the Construction Industry Licensing Board shall each appoint a
23 committee to meet jointly at least twice a year.

24 Section 33. Section 489.507, Florida Statutes, is
25 repealed.

26 489.505 Definitions.--As used in this part:

27 (3) "Board," except "local board," means the
28 Construction Industry ~~Electrical Contractors'~~Licensing Board,
29 established in s. 489.107 ~~created by this part.~~

30 Section 34. Section 489.107, Florida Statutes, is
31 amended to read:

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1 489.107 Construction Industry Licensing Board.--
2 (1) To carry out the provisions of this part and part
3 II, there is created within the department the Construction
4 Industry Licensing Board. Members shall be appointed by the
5 Governor, subject to confirmation by the Senate. Members shall
6 be appointed for 4-year terms. A vacancy on the board shall be
7 filled for the unexpired portion of the term in the same
8 manner as the original appointment. No member shall serve more
9 than two consecutive 4-year terms or more than 11 years on the
10 board.
11 (2) The board shall consist of 22 ~~18~~ members, of whom:
12 (a) Four are primarily engaged in business as general
13 contractors;
14 (b) Three are primarily engaged in business as
15 building contractors or residential contractors, however, at
16 least one building contractor and one residential contractor
17 shall be appointed;
18 (c) One is primarily engaged in business as a roofing
19 contractor;
20 (d) One is primarily engaged in business as a sheet
21 metal contractor;
22 (e) One is primarily engaged in business as an
23 air-conditioning contractor;
24 (f) One is primarily engaged in business as a
25 mechanical contractor;
26 (g) One is primarily engaged in business as a pool
27 contractor;
28 (h) One is primarily engaged in business as a plumbing
29 contractor;
30 (i) One is primarily engaged in business as an
31 underground utility and excavation contractor;

1 (j) Three are consumer members who are not, and have
2 never been, members or practitioners of a profession regulated
3 by the board or members of any closely related profession; ~~and~~

4 (k) Two are building officials of a municipality or
5 county;:-

6 (l) One is a certified electrical contractor,
7 primarily engaged in business as an electrical contractor;

8 (m) One is a registered electrical contractor,
9 primarily engaged in business as an electrical contractor; and

10 (n) One is a certified or registered alarm system
11 contractor, primarily engaged in business as an alarm system
12 contractor.

13 (3) To be eligible to serve, each contractor member
14 must:

15 (a) Have been certified by the board to operate as a
16 contractor in the category with respect to which the member is
17 appointed, except for paragraphs (m) and (n) of subsection
18 (2), which must comply with their respective paragraphs;

19 (b) Be actively engaged in the construction business,
20 and have been so engaged for a period of not less than 5
21 consecutive years before the date of appointment.

22 (c) ~~Each appointee must~~ Be a citizen and resident of
23 the state.

24 (4) The board shall be divided into three two
25 divisions, Division I, ~~and~~ Division II, and Division III.

26 (a) Division I is comprised of the general contractor,
27 building contractor, and residential contractor members of the
28 board; one of the members appointed pursuant to paragraph
29 (2)(j); and one of the members appointed pursuant to paragraph
30 (2)(k). Division I has jurisdiction over the regulation of
31 general contractors, building contractors, and residential

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1 contractors.

2 (b) Division II is comprised of the roofing
3 contractor, sheet metal contractor, air-conditioning
4 contractor, mechanical contractor, pool contractor, plumbing
5 contractor, and underground utility and excavation contractor
6 members of the board; one of the members appointed pursuant to
7 paragraph (2)(j); and one of the members appointed pursuant to
8 paragraph (2)(k). Division II has jurisdiction over the
9 regulation of contractors defined in s. 489.105(3)(d)-(p).

10 (c) Division III is comprised of the certified
11 electrical contractor, the registered electrical contractor,
12 the alarm system contractor, and one of the members appointed
13 pursuant to paragraph (2)(j).

14 (d) Jurisdiction for the regulation of specialty
15 contractors defined in s. 489.105(3)(q) shall lie with the
16 division having jurisdiction over the scope of work of the
17 specialty contractor as defined by board rule.

18 (5) Five members of Division I constitute a quorum,
19 ~~and~~ five members of Division II constitute a quorum, and three
20 members of Division III constitute a quorum. The combined
21 divisions shall meet together at such times as the board deems
22 necessary, but neither division, nor any committee thereof,
23 shall take action on any matter under the jurisdiction of the
24 other division. However, if either division is unable to
25 obtain a quorum for the purpose of conducting disciplinary
26 proceedings, it may request members of the other division, who
27 are otherwise qualified to serve on the division unable to
28 obtain a quorum, to join in its deliberations. Such additional
29 members shall vote and count toward a quorum only during those
30 disciplinary proceedings.

31 ~~(6) The Construction Industry Licensing Board and the~~

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1 ~~Electrical Contractors' Licensing Board shall each appoint a~~
2 ~~committee to meet jointly at least twice a year.~~

3 Section 35. The repeal of section 489.507, Florida
4 Statutes, the amendment of subsection (3) of section 489.505,
5 Florida Statutes, and the amendment of section 489.107,
6 Florida Statutes, by this act, which relate to the termination
7 of the Electrical Contractors' Licensing Board and the
8 expansion of the Construction Industry Licensing Board, shall
9 take effect only if a rule is filed by the Electrical
10 Contractors' Licensing Board for final adoption with the
11 Secretary of State and that rule has not been modified to
12 remove any proposed objections by the Administrative
13 Procedures Committee. The Department of Business and
14 Professional Regulation shall assume all duties of the
15 Electrical Contractors' Licensing Board at the time of the
16 repeal of such board until the expanded Construction Industry
17 Licensing Board is able to assume such duties.

18 Section 36. Except as otherwise provided herein, this
19 act shall take effect July 1, 2000.

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

23 And the title is amended as follows:

24 On page 3, line 2, after the semicolon,

25
26 insert:

27 amending s. 489.507, F.S.; limiting the
28 rulemaking authority of the Electrical
29 Contractors' Licensing Board; repealing s.
30 489.507, F.S., which had established the
31 Electrical Contractors' Licensing Board;

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amending s. 489.505, F.S.; revising the
definition of "board," to conform; amending s.
489.107, F.S.; adding four members to the
Construction Industry Licensing Board;
providing contingent effect of certain
provisions; providing for temporary assumption
of certain duties;