

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ritter offered the following:

Amendment (with title amendment)

Between line(s) 256 and 257, insert:

Section 9. Part IV of chapter 489, Florida Statutes, consisting of sections 489.601, 489.602, 489.603, 489.604, 489.605, 489.606, 489.607, 489.608, and 489.609, is created to read:

PART IV

PAINTING CONTRACTING

489.601 Purpose.--The purpose of this part is to regulate painting contractors in order to protect such contractors and the public from potential hazards to their health, the environment, and the economy, which include, but are not limited to:

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26 (1) Exposure to lead, asbestos, and other hazardous
27 materials, including the release of hazardous airborne materials
28 into the environment.

29 (2) Illegal disposal of hazardous wastes.

30 (3) Environmental disaster cleanups, which are publicly
31 funded.

32 (4) Performance of unsatisfactory work by unlicensed and
33 unskilled contractors, without recourse or a forum in which to
34 correct substandard work.

35 (5) Lack of a central database or source of information
36 for the public to track migrating contractors' work histories or
37 credentials or to provide a listing of legal contractors.

38 (6) Unsafe job conditions leading to worker injuries and
39 exposure to hazardous materials.

40 489.602 Definitions.--As used in this part:

41 (1) "Board" means the Construction Industry Licensing
42 Board.

43 (2) "Department" means the Department of Business and
44 Professional Regulation.

45 (3) "Painting contractor" is defined as follows:

46 (a) Class A painting contractor.--

47 1. A Class A painting contractor may perform all work
48 related to industrial facilities, commercial facilities, all
49 multi-structured commercial and residential buildings with two
50 or more attached units, and other superstructures, including
51 bridges and communication towers.

52 2. The work of a Class A painting contractor includes
53 sandblasting, water/moisture proofing, cementitious coatings and
54 waterproofing, pressure washing of surfaces, and related repairs

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55 to interior and exterior existing surfaces, using paint-related
56 products such as caulk, spackle, putty, epoxies, urethanes, and
57 textured coatings.

58 3. The work of a Class A painting contractor also includes
59 paper, fabric, and vinyl wall coverings and the necessary
60 surface preparation as specified by manufacturers and governed
61 by industry standards.

62 4. A Class A painting contractor must have a minimum of 3
63 years of practical experience in the category.

64 (b) Class B painting contractor.--

65 1. A Class B painting contractor is limited to the
66 preparation for painting and the application of paint and
67 related liquid or viscous products by brush, roller, or spray
68 methods to interior and exterior surfaces, including roofs, in
69 such a manner that, under an agreed specification, satisfactory
70 painting can be accomplished, and includes work necessary to
71 clean, caulk, and size surfaces in preparation for such work.

72 2. The work of a Class B painting contractor is limited to
73 residential construction of detached single-family housing.

74 3. The work of a Class B painting contractor includes
75 paper, fabric, and vinyl wall coverings and the necessary
76 surface preparation as specified by manufacturers and governed
77 by industry standards.

78 4. A Class B painting contractor must have a minimum of 1
79 year of practical experience in the category.

80 489.603 Exemptions from the part.--

81 (1) A licensed general or building contractor is exempt
82 from this part and is not required to obtain either a Class A or
83 Class B painting contractor license.

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84 (2) A licensed residential contractor is exempt from this
85 part in limited form and is not required to obtain a Class B
86 painting contractor license.

87 489.604 Registration required.--A person may not hold
88 himself or herself out as a painting contractor in this state
89 unless he or she is registered by the department in accordance
90 with the provisions of this part. However, nothing in this part
91 prohibits any person licensed in this state pursuant to s.
92 489.105(3)(m) from engaging in the profession for which he or
93 she is licensed.

94 489.605 Administration of part; registration
95 qualifications; examination.--

96 (1)(a) An applicant for registration as a Class A painting
97 contractor is eligible to take the painting contractor's
98 examination if he or she possesses a minimum of 3 years of
99 proven experience in the category or has completed a Department
100 of Labor, Bureau of Apprenticeship Training program.

101 (b) An applicant for registration as a Class B painting
102 contractor is eligible to take the painting contractor's
103 examination if he or she possesses a minimum of 1 year of proven
104 experience in the category.

105 (2) Any person who desires to be registered shall apply to
106 the department in writing.

107 (3) A person shall be eligible for registration by
108 examination if the person:

109 (a) Is at least 18 years of age.

110 (b) Is of good moral character.

111 (c) Meets eligibility requirements as set out in
112 subsection (1).

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113 (4)(a) The board may refuse to register an applicant for
114 failure to satisfy the requirement of good moral character only
115 if:

116 1. There is a substantial connection between the lack of
117 good moral character of the applicant and the professional
118 responsibilities of a certified contractor; and

119 2. The finding by the board of lack of good moral
120 character is supported by clear and convincing evidence.

121 (b) When an applicant is found to be unqualified for
122 registration because of a lack of good moral character, the
123 board shall furnish the applicant a statement containing the
124 findings of the board, a complete record of the evidence upon
125 which the determination was based, and a notice of the rights of
126 the applicant to a rehearing and appeal.

127 (5) The department shall ensure that a sensitivity review
128 committee has been established for the examination, including
129 representatives of various ethnic and minority groups. No
130 question found by this committee to be discriminatory against
131 any ethnic or minority group shall be included in the
132 examination.

133 489.606 Issuance of registration; grandfathering
134 provisions.--

135 (1) The board shall, upon receipt of a completed
136 application and appropriate fee, issue a registration to a
137 painting contractor who makes application to the department and
138 can show that he or she:

139 (a) Has at least 5 years of business experience as a
140 painting contractor in that contracting category; or

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141 (b) Provides a letter of reciprocity from a county that
142 requires the painting contractor to pass a written, proctored
143 examination.

144 (2) A painting contractor doing business in a county that
145 does not require licensing as of January 1, 2003, may be granted
146 a period of 6 months to be grandfathered in after:

147 (a) Providing documentation of having been actively
148 engaged in business for at least 5 years.

149 (b) Submitting satisfactory evidence of having obtained
150 workers' compensation insurance or an acceptable exemption
151 certificate and evidence of financial responsibility, credit,
152 and business reputation.

153 (c) Completing 16 hours of continuing education in safety,
154 worker's compensation, and business practices, in accordance
155 with s. 489.607.

156 489.607 Registration renewal; continuing education.--

157 (1) In addition to the other requirements for registration
158 renewal set out in this part, each registered painting
159 contractor must complete biennially not less than 16 hours of
160 continuing professional education in painting subjects. Programs
161 of continuing education shall be programs of learning that
162 contribute directly to the painting education of the painting
163 contractor and may include, but are not limited to, attendance
164 at lectures, study clubs, college postgraduate courses, or
165 scientific sessions of conventions and research, graduate study,
166 teaching, or service as a painter. Programs of continuing
167 education shall be acceptable when adhering to the following
168 general guidelines:

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169 (a) The aim of continuing education for painting
170 contractors is to improve all phases of air quality to the
171 public and provide safe work practices to employees.

172 (b) Continuing education courses shall address one or more
173 of the following areas of professional development, including,
174 but not limited to:

175 1. Basic paint subjects and scientific subjects,
176 including, but not limited to, the construction industry.

177 2. Subjects pertinent to health and safety.

178 3. Business practices and responsibilities.

179 (c) Continuing education credits shall be earned at the
180 rate of one-half credit hour per 25-30 contact minutes of
181 instruction and one credit hour per 50-60 contact minutes of
182 instruction.

183 (2) Programs meeting the general requirements of
184 subsection (1) may be developed and offered to painting
185 contractors by any of the following agencies or organizations:

186 (a) The Florida Council of Painting and Decorating
187 Contractors of America, the Painting and Decorating Contractors
188 of America, and state, district, or local painting associations
189 and societies affiliated with the Painting and Decorating
190 Contractors of America.

191 (b) National, state, district, or local painting specialty
192 organizations affiliated with the Painting and Decorating
193 Contractors of America, including PDCA Contractor College.

194 (c) Trade schools accredited as provided in this part.

195 (d) Participation in the curriculum of the Painting
196 Contractors Educational Partnership.

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197 (e) Other organizations, schools, or agencies approved by
198 the board.

199 (3) In applying for registration renewal, the painting
200 contractor shall submit a sworn affidavit, on a form acceptable
201 to the department, attesting that he or she has completed the
202 continuing education required in this section in accordance with
203 the guidelines and provisions of this section and listing the
204 date, location, sponsor, subject matter, and hours of completed
205 continuing education courses. The applicant shall retain in his
206 or her records such receipts, vouchers, or certificates as may
207 be necessary to document completion of the continuing education
208 courses listed in accordance with this subsection. The board may
209 request such documentation by the applicant with cause and may
210 request such documentation from applicants selected at random
211 without cause.

212 (4) Compliance with the continuing education requirements
213 of this section shall be mandatory for the issuance of a renewal
214 registration by the department. However, the board shall have
215 the authority to excuse licensees, as a group or as individuals,
216 from such requirements, or any part thereof, in the event of an
217 unusual circumstance, emergency, or special hardship.

218 489.608 Fees.--

219 (1) The department shall, by rule, establish fees under
220 this part as follows:

221 (a) Application and examination fee: not less than \$25 or
222 more than \$75.

223 (b) Initial and renewal registration fee for a Class A
224 painting contractor: \$500.

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225 (c) Initial and renewal registration fee for a Class B
226 painting contractor: \$250.

227 (2) Fees established pursuant to subsection (1) shall be
228 based on the actual costs incurred by the department in carrying
229 out its registration and other related responsibilities under
230 this part.

231 489.609 Penalties; denial of registration.--

232 (1) Any person who violates any provision of this part
233 commits a misdemeanor of the first degree, punishable as
234 provided in s.775.082 or s. 775.083.

235 (2) The department may deny a registration if it
236 determines that an applicant does not meet all requirements of
237 this part or has violated any provision of this part. Any
238 applicant aggrieved by such denial shall be entitled to a
239 hearing, after reasonable notice thereof, upon filing a written
240 request for such hearing in accordance with chapter 120.

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

Remove line(s) 33, and insert:

245 in contracting; creating pt. IV, ch. 489, F.S., relating to
246 painting contracting; providing purpose and definitions;
247 providing exemptions; requiring registration and providing
248 qualifications; providing for administration; providing
249 grandfathering provisions; providing for renewal and continuing
250 education; providing fees; providing prohibited acts and
251 penalties; providing for retroactive application;