

CHAMBER ACTION

1 The Committee on Business Regulation recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to construction contracting; amending s.
7 481.321, F.S.; requiring the Board of Landscape
8 Architecture to prescribe, by rule, one or more forms of
9 seals for use by a registered landscape architect who
10 holds a valid certificate of registration; authorizing
11 registration of the seal electronically; authorizing
12 electronic transmission and sealing of final plans,
13 specifications, or reports; reenacting s. 481.325(1)(a)
14 and (3), F.S., relating to disciplinary proceedings, to
15 incorporate the amendment to s. 481.321, F.S., in a
16 reference thereto; providing penalties; amending s.
17 489.103, F.S.; exempting preengineered fire extinguishing
18 system permittees from construction contracting
19 regulation; amending s. 489.105, F.S.; revising contractor
20 definitions to authorize Class A and Class B air-
21 conditioning contractors to reconnect changeouts of
22 liquefied petroleum or natural gas appliances within
23 buildings, mechanical contractors to install, maintain,

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24 fabricate, repair, alter, extend, or design, when not
 25 prohibited by law, liquefied petroleum gas lines within
 26 buildings, and plumbing contractors to install liquefied
 27 petroleum gas lines; providing an effective date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Subsections (1) and (2) of section 481.321,
 32 Florida Statutes, are amended to read:

33 481.321 Seals; display of certificate number.--

34 (1) The board shall prescribe, by rule, one or more forms
 35 of seals for use ~~a form of seal to be used~~ by a registered
 36 landscape architect who holds a valid certificate of
 37 registration. Each registered landscape architect shall obtain
 38 one an impression-type metal seal in a form approved by rule of
 39 the board and may, in addition, register her or his seal
 40 electronically in accordance with ss. 668.001-668.006. ~~and All~~
 41 final plans, specifications, or reports prepared or issued by
 42 the registered landscape architect and filed for public record
 43 shall be signed by the registered landscape architect, dated,
 44 and stamped or sealed electronically with her or his seal. The
 45 signature, date, and seal constitute evidence of the
 46 authenticity of that to which they are affixed. Final plans,
 47 specifications, or reports prepared or issued by a registered
 48 landscape architect may be transmitted electronically and may be
 49 signed by the registered landscape architect, dated, and sealed
 50 electronically with such seal in accordance with ss. 668.001-
 51 668.006.

52 (2) It is unlawful for any person to sign and seal by any
 53 means any final plan, specification, or report after her or his
 54 certificate of registration is expired, suspended, or revoked. A
 55 registered landscape architect whose certificate of registration
 56 is suspended or revoked shall, within 30 days after the
 57 effective date of the suspension or revocation, surrender her or
 58 his seal to the executive director of the board and confirm in
 59 writing to the executive director the cancellation of the
 60 landscape architect's electronic signature in accordance with
 61 ss. 668.001-668.006. When a landscape architect's certificate of
 62 registration is suspended for a period of time, her or his seal
 63 shall be returned upon expiration of the period of suspension.
 64 ~~When the certificate of registration of a registered landscape~~
 65 ~~architect has been revoked or suspended by the board, the~~
 66 ~~registered landscape architect shall surrender her or his seal~~
 67 ~~to the executive director of the board within 30 days after the~~
 68 ~~revocation or suspension has become effective. If the~~
 69 ~~certificate of the registered landscape architect is suspended~~
 70 ~~for a period of time, her or his seal shall be returned to her~~
 71 ~~or him upon expiration of the suspension period.~~

72 Section 2. For the purpose of incorporating the amendment
 73 to section 481.321, Florida Statutes, in a reference thereto,
 74 paragraph (a) of subsection (1) and subsection (3) of section
 75 481.325, Florida Statutes, are amended to read:

76 481.325 Disciplinary proceedings.--

77 (1) The following acts constitute grounds for which the
 78 disciplinary actions in subsection (3) may be taken:

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79 (a) Violation of any provision of s. 455.227(1), s.
80 481.321, or s. 481.323.

81 (3) When the board finds any registered landscape
82 architect guilty of any of the grounds set forth in subsection
83 (1), it may enter an order imposing one or more of the following
84 penalties:

85 (a) Denial of an application for licensure.

86 (b) Revocation or suspension of a license.

87 (c) Imposition of an administrative fine not to exceed
88 \$1,000 for each count or separate offense and a fine of up to
89 \$5,000 for matters pertaining to a material violation of the
90 Florida Building Code as reported by a local jurisdiction.

91 (d) Issuance of a reprimand.

92 (e) Placement of the registered landscape architect on
93 probation for a period of time and subject to such conditions as
94 the board may specify, including requiring the registered
95 landscape architect to attend continuing education courses or to
96 work under the supervision of another registered landscape
97 architect.

98 (f) Restriction of the authorized scope of practice by the
99 registered landscape architect.

100 Section 3. Subsection (20) is added to section 489.103,
101 Florida Statutes, to read:

102 489.103 Exemptions.--This part does not apply to:

103 (20) A person licensed pursuant to s. 633.061(1)(d) or
104 (2)(b) performing work authorized by such license.

105 Section 4. Paragraphs (f), (g), (i), and (m) of subsection
106 (3) of section 489.105, Florida Statutes, are amended to read:

107 489.105 Definitions.--As used in this part:

108 (3) "Contractor" means the person who is qualified for,

109 and shall only be responsible for, the project contracted for

110 and means, except as exempted in this part, the person who, for

111 compensation, undertakes to, submits a bid to, or does himself

112 or herself or by others construct, repair, alter, remodel, add

113 to, demolish, subtract from, or improve any building or

114 structure, including related improvements to real estate, for

115 others or for resale to others; and whose job scope is

116 substantially similar to the job scope described in one of the

117 subsequent paragraphs of this subsection. For the purposes of

118 regulation under this part, "demolish" applies only to

119 demolition of steel tanks over 50 feet in height; towers over 50

120 feet in height; other structures over 50 feet in height, other

121 than buildings or residences over three stories tall; and

122 buildings or residences over three stories tall. Contractors are

123 subdivided into two divisions, Division I, consisting of those

124 contractors defined in paragraphs (a)-(c), and Division II,

125 consisting of those contractors defined in paragraphs (d)-(q):

126 (f) "Class A air-conditioning contractor" means a

127 contractor whose services are unlimited in the execution of

128 contracts requiring the experience, knowledge, and skill to

129 install, maintain, repair, fabricate, alter, extend, or design,

130 when not prohibited by law, central air-conditioning,

131 refrigeration, heating, and ventilating systems, including duct

132 work in connection with a complete system only to the extent

133 such duct work is performed by the contractor as is necessary to

134 make complete an air-distribution system, boiler and unfired

135 | pressure vessel systems, and all appurtenances, apparatus, or
 136 | equipment used in connection therewith, and any duct cleaning
 137 | and equipment sanitizing which requires at least a partial
 138 | disassembling of the system; to install, maintain, repair,
 139 | fabricate, alter, extend, or design, when not prohibited by law,
 140 | piping, insulation of pipes, vessels and ducts, pressure and
 141 | process piping, and pneumatic control piping; to replace,
 142 | disconnect, or reconnect power wiring on the load side of the
 143 | dedicated existing electrical disconnect switch; to install,
 144 | disconnect, and reconnect low voltage heating, ventilating, and
 145 | air-conditioning control wiring; and to install a condensate
 146 | drain from an air-conditioning unit to an existing safe waste or
 147 | other approved disposal other than a direct connection to a
 148 | sanitary system. The scope of work for such contractor shall
 149 | also include any excavation work incidental thereto, but shall
 150 | not include any work such as liquefied petroleum or natural gas
 151 | fuel lines within buildings, except for reconnecting changeouts
 152 | of liquefied petroleum or natural gas appliances within
 153 | buildings; potable water lines or connections thereto;
 154 | sanitary sewer lines;
 155 | swimming pool piping and filters; or
 156 | electrical power wiring.

156 | (g) "Class B air-conditioning contractor" means a
 157 | contractor whose services are limited to 25 tons of cooling and
 158 | 500,000 Btu of heating in any one system in the execution of
 159 | contracts requiring the experience, knowledge, and skill to
 160 | install, maintain, repair, fabricate, alter, extend, or design,
 161 | when not prohibited by law, central air-conditioning,
 162 | refrigeration, heating, and ventilating systems, including duct

163 work in connection with a complete system only to the extent
 164 such duct work is performed by the contractor as is necessary to
 165 make complete an air-distribution system being installed under
 166 this classification, and any duct cleaning and equipment
 167 sanitizing which requires at least a partial disassembling of
 168 the system; to install, maintain, repair, fabricate, alter,
 169 extend, or design, when not prohibited by law, piping and
 170 insulation of pipes, vessels, and ducts; to replace, disconnect,
 171 or reconnect power wiring on the load side of the dedicated
 172 existing electrical disconnect switch; to install, disconnect,
 173 and reconnect low voltage heating, ventilating, and air-
 174 conditioning control wiring; and to install a condensate drain
 175 from an air-conditioning unit to an existing safe waste or other
 176 approved disposal other than a direct connection to a sanitary
 177 system. The scope of work for such contractor shall also include
 178 any excavation work incidental thereto, but shall not include
 179 any work such as liquefied petroleum or natural gas fuel lines
 180 within buildings, except for reconnecting changeouts of
 181 liquefied petroleum or natural gas appliances within buildings;
 182 potable water lines or connections thereto; sanitary sewer
 183 lines; swimming pool piping and filters; or electrical power
 184 wiring.

185 (i) "Mechanical contractor" means a contractor whose
 186 services are unlimited in the execution of contracts requiring
 187 the experience, knowledge, and skill to install, maintain,
 188 repair, fabricate, alter, extend, or design, when not prohibited
 189 by law, central air-conditioning, refrigeration, heating, and
 190 ventilating systems, including duct work in connection with a

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191 complete system only to the extent such duct work is performed
192 by the contractor as is necessary to make complete an air-
193 distribution system, boiler and unfired pressure vessel systems,
194 lift station equipment and piping, and all appurtenances,
195 apparatus, or equipment used in connection therewith, and any
196 duct cleaning and equipment sanitizing which requires at least a
197 partial disassembling of the system; to install, maintain,
198 repair, fabricate, alter, extend, or design, when not prohibited
199 by law, piping, insulation of pipes, vessels and ducts, pressure
200 and process piping, pneumatic control piping, gasoline tanks and
201 pump installations and piping for same, standpipes, air piping,
202 vacuum line piping, oxygen lines, nitrous oxide piping, ink and
203 chemical lines, fuel transmission lines, liquefied petroleum gas
204 lines within buildings, and natural gas fuel lines within
205 buildings; to replace, disconnect, or reconnect power wiring on
206 the load side of the dedicated existing electrical disconnect
207 switch; to install, disconnect, and reconnect low voltage
208 heating, ventilating, and air-conditioning control wiring; and
209 to install a condensate drain from an air-conditioning unit to
210 an existing safe waste or other approved disposal other than a
211 direct connection to a sanitary system. The scope of work for
212 such contractor shall also include any excavation work
213 incidental thereto, but shall not include any work such as
214 ~~liquefied petroleum gas fuel lines within buildings~~, potable
215 water lines or connections thereto, sanitary sewer lines,
216 swimming pool piping and filters, or electrical power wiring.

217 (m) "Plumbing contractor" means a contractor whose
218 contracting business consists of the execution of contracts

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219 requiring the experience, financial means, knowledge, and skill
 220 to install, maintain, repair, alter, extend, or, when not
 221 prohibited by law, design plumbing. A plumbing contractor may
 222 install, maintain, repair, alter, extend, or, when not
 223 prohibited by law, design the following without obtaining any
 224 additional local regulatory license, certificate, or
 225 registration: sanitary drainage or storm drainage facilities;
 226 venting systems; public or private water supply systems; septic
 227 tanks; drainage and supply wells; swimming pool piping;
 228 irrigation systems; or solar heating water systems and all
 229 appurtenances, apparatus, or equipment used in connection
 230 therewith, including boilers and pressure process piping and
 231 including the installation of water, natural gas, liquefied
 232 ~~(excluding liquid petroleum gas gases)~~, and storm and sanitary
 233 sewer lines; and water and sewer plants and substations. The
 234 scope of work of the plumbing contractor also includes the
 235 design, when not prohibited by law, and installation,
 236 maintenance, repair, alteration, or extension of air-piping,
 237 vacuum line piping, oxygen line piping, nitrous oxide piping,
 238 and all related medical gas systems; fire line standpipes and
 239 fire sprinklers to the extent authorized by law; ink and
 240 chemical lines; fuel oil and gasoline piping and tank and pump
 241 installation, except bulk storage plants; and pneumatic control
 242 piping systems, all in such a manner as to comply with all
 243 plans, specifications, codes, laws, and regulations applicable.
 244 The scope of work of the plumbing contractor shall apply to
 245 private property and public property, shall include any
 246 excavation work incidental thereto, and shall include the work

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247 | of the specialty plumbing contractor. Such contractor shall
248 | subcontract, with a qualified contractor in the field concerned,
249 | all other work incidental to the work but which is specified
250 | herein as being the work of a trade other than that of a
251 | plumbing contractor. Nothing in this definition shall be
252 | construed to limit the scope of work of any specialty contractor
253 | certified pursuant to s. 489.113(6). Nothing in this definition
254 | shall be construed to require certification or registration
255 | under this part of any authorized employee of a public natural
256 | gas utility or of a private natural gas utility regulated by the
257 | Public Service Commission when disconnecting and reconnecting
258 | water lines in the servicing or replacement of an existing water
259 | heater.

260 | Section 5. This act shall take effect July 1, 2004.