

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2304

SPONSOR: Regulated Industries Committee and Senator Haridopolos

SUBJECT: Construction Contracting

DATE: March 17, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides the Department of Business and Professional Regulation’s Board of Landscape Architecture with the authority to prescribe by rule the authority to electronically sign, seal, or send the final plans, specifications, or reports prepared or issued by a registered landscape architect. The bill makes it unlawful to sign and seal any final plan, specification, or report if the certificate of registration is expired, suspended, or revoked.

The bill provides that persons who perform the work of servicing, repairing, recharging, hydrotesting, installing, or inspecting all types of preengineered fire extinguishing systems¹ are exempt from regulation under Part I of ch. 489, F.S.

The bill also amends the definitions of the terms “class A air conditioning contractor,” class B air conditioning contractor,” “mechanical contractor,” and “plumbing contractor” to provide that such contractors may perform work relating to liquefied petroleum gas lines.

This bill substantially amends the following sections of the Florida Statutes: 481.321, 489.103 and 489.105.

II. Present Situation:

Currently, the Board of Landscape Architecture prescribes by rule, a form of seal to be used by a landscape architect who holds a valid certificate of registration. The landscape architect uses the seal to seal plans, specifications, or reports. The seal is an impression-type metal seal and the

¹ ss. 633.061(1)(d) and 633.061(2)(b), F.S.

landscape architect's signature, date, and seal constitute evidence of the authenticity of those plans, specifications, or reports to which they are affixed.

The regulation of construction contracting is governed by part I of ch. 489, F.S., and is administered by the Construction Industry Licensing Board within the Department of Business and Professional Regulation. Contractors are divided into Division I and II categories. Division I contractors include general, building, and residential contractors. Division II contractors are those contractors typically referred to as "subcontractors" that include professions such as plumbing, mechanical, and air-conditioning contracting.

Section 489.105(3), F.S., sets forth the scope-of-work definitions for Division I and II contractors. The definitions for the terms "class A air-conditioning", "class B air-conditioning", "mechanical," and "plumbing" contractors specifically exclude any work relating to the installation of liquefied petroleum (LP) gas lines. However, mechanical and plumbing contractors, are permitted to perform work within the scope of their license related to natural gas. Prior to the 2003 Legislative Session, LP gas dealers and installers were precluded from performing any work associated with the installation of natural gas lines. However, s. 527.01, F.S., was amended in the 2003 legislative session², to provide that LP gas dealers and installers may install, service, alter, or modify any apparatus, piping, tubing, or equipment for the use of natural gas.

III. Effect of Proposed Changes:

Section 1. Section 481.321, F.S., is amended to provide the Board of Landscape Architecture with the authority to prescribe by rule one or more forms of seal for use by a registered landscape architect. The landscape architect shall obtain one seal in a form approved by the board. The seal must be registered electronically in accordance with the laws governing electronic signatures.³ The bill provides that final plans, specifications, or reports prepared or issued by a registered landscape architect may be transmitted electronically and may be signed and sealed electronically.

The bill makes it unlawful to sign and seal any final plan, specification, or report if the certificate of registration is expired, suspended, or revoked. Within 30 days of the effective date of the seal being expired, suspended, or revoked, the landscape architect must surrender the seal to the executive director of the board. A seal may be returned to the landscape architect at the expiration of a suspension.

Section 2. This section reenacts section 481.325, F.S., to incorporate the cross referenced changes in the bill.

Section 3. Section 489.103, F.S., is amended to provide that persons who perform the work of servicing, repairing, recharging, hydrotesting, installing, or inspecting all types of preengineered fire extinguishing systems⁴ are exempt from regulation under part I of ch. 489, F.S.

² Ch. 2003-132 L.O.F.

³ ss. 668.001-006, F.S.

⁴ *Supra* note 1

Section 4. Section 489.105, F.S., amends the definitions of the terms “class A air-conditioning contractor” and “class B air-conditioning contractor” to provide that such contractors can provide disconnect or reconnect changeouts of equipment that includes LP gas or natural gas appliances within buildings. The terms “mechanical contractor” and “plumbing contractor” are amended to include LP gas within the scope of work for those categories of licensure.

Section 5. The bill provides for an effective date of July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

According to the department, initially there may be a minimal increase in inquiries regarding whether licensure is needed for installing garage door openers, but the cost would be absorbed in the department’s budget.

The Department of Agriculture anticipates a \$75,000 revenue loss per year due to the inclusion of LP gas in the scope of work the air conditioning, mechanical, and plumbing contractor’s may perform under their licenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
