

By the Committee on Regulated Industries; and Senator Haridopolos

315-2217-04

1                                   A bill to be entitled

2           An act relating to construction contracting;

3           amending s. 481.321, F.S.; requiring the Board

4           of Landscape Architecture to prescribe, by

5           rule, one or more forms of seal for use by a

6           registered landscape architect who holds a

7           valid certificate of registration; authorizing

8           registration of the seal electronically,

9           authorizing electronic transmission and sealing

10          of final plans, specifications, or reports;

11          reenacting s. 481.325(1)(a), (3), F.S.,

12          relating to disciplinary proceedings, to

13          incorporate the amendment to s. 481.321, F.S.,

14          in a reference thereto; providing penalties;

15          amending s. 489.103, F.S.; exempting persons

16          licensed under s. 633.061(1)(d) or (2)(b),

17          F.S., from ch. 489, F.S.; amending s. 489.105,

18          F.S.; authorizing Class A or Class B

19          air-conditioning contractors to disconnect or

20          reconnect liquefied petroleum gas line

21          changeouts; deleting a prohibition against

22          mechanical contractors or plumbing contractors

23          performing work on liquefied petroleum gas

24          lines; providing an effective date.

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

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28           Section 1. Subsections (1) and (2) of section 481.321,

29 Florida Statutes, are amended to read:

30           481.321 Seals; display of certificate number.--

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1           (1) The board shall prescribe, by rule, one or more  
2 forms ~~a form~~ of seal for use to be used by a registered  
3 landscape architect who holds a valid certificate of  
4 registration. Each registered landscape architect shall  
5 obtain one ~~an impression-type metal~~ seal in a form approved by  
6 rule of the board and may, in addition, register her or his  
7 seal electronically in accordance with ss. 668-001-668.006.  
8 ~~and~~ All final plans, specifications, or reports prepared or  
9 issued by the registered landscape architect and filed for  
10 public record shall be signed by the registered landscape  
11 architect, dated, and stamped with her or his seal. The  
12 signature, date, and seal constitute evidence of the  
13 authenticity of that to which they are affixed. Final plans,  
14 specifications, or reports prepared or issued by a registered  
15 landscape architect may be transmitted electronically and may  
16 be signed by the registered landscape architect, dated, and  
17 sealed electronically with such seal in accordance with ss.  
18 668.001-688.006.

19           (2) It is unlawful for any person to sign and seal by  
20 any means any final plan, specification, or report after her  
21 or his certificate of registration is expired, suspended, or  
22 revoked. A registered landscape architect whose certificate of  
23 registration is suspended or revoked shall, within 30 days  
24 after the effective date of the suspension or revocation,  
25 surrender her or his seal to the executive director of the  
26 board and confirm in writing to the executive director the  
27 cancellation of the landscape architect's electronic signature  
28 in accordance with ss. 668.001-688.006. When a landscape  
29 architect's certificate of registration is suspended for a  
30 period of time, her or his seal shall be returned upon  
31 expiration of the period of suspension.~~When the certificate~~

1 ~~of registration of a registered landscape architect has been~~  
2 ~~revoked or suspended by the board, the registered landscape~~  
3 ~~architect shall surrender her or his seal to the executive~~  
4 ~~director of the board within 30 days after the revocation or~~  
5 ~~suspension has become effective. If the certificate of the~~  
6 ~~registered landscape architect is suspended for a period of~~  
7 ~~time, her or his seal shall be returned to her or him upon~~  
8 ~~expiration of the suspension period.~~

9           Section 2. For the purpose of incorporating the  
10 amendment to section 481.325, Florida Statutes, in a reference  
11 thereto, paragraph (a) of subsection (1) and subsection (3) of  
12 section 481.325, Florida Statutes, are reenacted to read:

13           481.325 Disciplinary proceedings.--

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

16           (a) Violation of any provision of s. 455.227(1), s.  
17 481.321, or s. 481.323.

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

22           (a) Denial of an application for licensure.

23           (b) Revocation or suspension of a license.

24           (c) Imposition of an administrative fine not to exceed  
25 \$1,000 for each count or separate offense and a fine of up to  
26 \$5,000 for matters pertaining to a material violation of the  
27 Florida Building Code as reported by a local jurisdiction.

28           (d) Issuance of a reprimand.

29           (e) Placement of the registered landscape architect on  
30 probation for a period of time and subject to such conditions  
31 as the board may specify, including requiring the registered

1 landscape architect to attend continuing education courses or  
2 to work under the supervision of another registered landscape  
3 architect.

4 (f) Restriction of the authorized scope of practice by  
5 the registered landscape architect.

6 Section 3. Subsection (20) is added to section  
7 489.103, Florida Statutes, to read:

8 489.103 Exemptions.--This part does not apply to:

9 (20) A person licensed under s. 633.061(1)(d) or  
10 (2)(b) performing work authorized by such license.

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

14 489.105 Definitions.--As used in this part:

15 (3) "Contractor" means the person who is qualified  
16 for, and shall only be responsible for, the project contracted  
17 for and means, except as exempted in this part, the person  
18 who, for compensation, undertakes to, submits a bid to, or  
19 does himself or herself or by others construct, repair, alter,  
20 remodel, add to, demolish, subtract from, or improve any  
21 building or structure, including related improvements to real  
22 estate, for others or for resale to others; and whose job  
23 scope is substantially similar to the job scope described in  
24 one of the subsequent paragraphs of this subsection. For the  
25 purposes of regulation under this part, "demolish" applies  
26 only to demolition of steel tanks over 50 feet in height;  
27 towers over 50 feet in height; other structures over 50 feet  
28 in height, other than buildings or residences over three  
29 stories tall; and buildings or residences over three stories  
30 tall. Contractors are subdivided into two divisions, Division  
31 I, consisting of those contractors defined in paragraphs

1 (a)-(c), and Division II, consisting of those contractors  
2 defined in paragraphs (d)-(q):  
3 (f) "Class A air-conditioning contractor" means a  
4 contractor whose services are unlimited in the execution of  
5 contracts requiring the experience, knowledge, and skill to  
6 install, maintain, repair, fabricate, alter, extend, or  
7 design, when not prohibited by law, central air-conditioning,  
8 refrigeration, heating, and ventilating systems, including  
9 duct work in connection with a complete system only to the  
10 extent such duct work is performed by the contractor as is  
11 necessary to make complete an air-distribution system, boiler  
12 and unfired pressure vessel systems, and all appurtenances,  
13 apparatus, or equipment used in connection therewith, and any  
14 duct cleaning and equipment sanitizing which requires at least  
15 a partial disassembling of the system; to install, maintain,  
16 repair, fabricate, alter, extend, or design, when not  
17 prohibited by law, piping, insulation of pipes, vessels and  
18 ducts, pressure and process piping, and pneumatic control  
19 piping; to replace, disconnect, or reconnect power wiring on  
20 the load side of the dedicated existing electrical disconnect  
21 switch; to install, disconnect, and reconnect low voltage  
22 heating, ventilating, and air-conditioning control wiring; and  
23 to install a condensate drain from an air-conditioning unit to  
24 an existing safe waste or other approved disposal other than a  
25 direct connection to a sanitary system. The scope of work for  
26 such contractor shall also include any excavation work  
27 incidental thereto, but shall not include any work such as  
28 liquefied petroleum or natural gas fuel lines within buildings  
29 except for reconnecting changeouts of liquefied petroleum or  
30 natural gas appliances within buildings, potable water lines  
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1 or connections thereto, sanitary sewer lines, swimming pool  
2 piping and filters, or electrical power wiring.

3 (g) "Class B air-conditioning contractor" means a  
4 contractor whose services are limited to 25 tons of cooling  
5 and 500,000 Btu of heating in any one system in the execution  
6 of contracts requiring the experience, knowledge, and skill to  
7 install, maintain, repair, fabricate, alter, extend, or  
8 design, when not prohibited by law, central air-conditioning,  
9 refrigeration, heating, and ventilating systems, including  
10 duct work in connection with a complete system only to the  
11 extent such duct work is performed by the contractor as is  
12 necessary to make complete an air-distribution system being  
13 installed under this classification, and any duct cleaning and  
14 equipment sanitizing which requires at least a partial  
15 disassembling of the system; to install, maintain, repair,  
16 fabricate, alter, extend, or design, when not prohibited by  
17 law, piping and insulation of pipes, vessels, and ducts; to  
18 replace, disconnect, or reconnect power wiring on the load  
19 side of the dedicated existing electrical disconnect switch;  
20 to install, disconnect, and reconnect low voltage heating,  
21 ventilating, and air-conditioning control wiring; and to  
22 install a condensate drain from an air-conditioning unit to an  
23 existing safe waste or other approved disposal other than a  
24 direct connection to a sanitary system. The scope of work for  
25 such contractor shall also include any excavation work  
26 incidental thereto, but shall not include any work such as  
27 liquefied petroleum or natural gas fuel lines within buildings  
28 except for disconnecting or reconnecting changeouts of  
29 liquefied petroleum or natural gas appliances within  
30 buildings, potable water lines or connections thereto,  
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1 sanitary sewer lines, swimming pool piping and filters, or  
2 electrical power wiring.

3 (i) "Mechanical contractor" means a contractor whose  
4 services are unlimited in the execution of contracts requiring  
5 the experience, knowledge, and skill to install, maintain,  
6 repair, fabricate, alter, extend, or design, when not  
7 prohibited by law, central air-conditioning, refrigeration,  
8 heating, and ventilating systems, including duct work in  
9 connection with a complete system only to the extent such duct  
10 work is performed by the contractor as is necessary to make  
11 complete an air-distribution system, boiler and unfired  
12 pressure vessel systems, lift station equipment and piping,  
13 and all appurtenances, apparatus, or equipment used in  
14 connection therewith, and any duct cleaning and equipment  
15 sanitizing which requires at least a partial disassembling of  
16 the system; to install, maintain, repair, fabricate, alter,  
17 extend, or design, when not prohibited by law, piping,  
18 insulation of pipes, vessels and ducts, pressure and process  
19 piping, pneumatic control piping, gasoline tanks and pump  
20 installations and piping for same, standpipes, air piping,  
21 vacuum line piping, oxygen lines, nitrous oxide piping, ink  
22 and chemical lines, fuel transmission lines, liquefied  
23 petroleum gas lines within buildings, and natural gas fuel  
24 lines within buildings; to replace, disconnect, or reconnect  
25 power wiring on the load side of the dedicated existing  
26 electrical disconnect switch; to install, disconnect, and  
27 reconnect low voltage heating, ventilating, and  
28 air-conditioning control wiring; and to install a condensate  
29 drain from an air-conditioning unit to an existing safe waste  
30 or other approved disposal other than a direct connection to a  
31 sanitary system. The scope of work for such contractor shall

1 also include any excavation work incidental thereto, but shall  
2 not include any work such as ~~liquefied petroleum gas fuel~~  
3 ~~lines within buildings~~, potable water lines or connections  
4 thereto, sanitary sewer lines, swimming pool piping and  
5 filters, or electrical power wiring.

6 (m) "Plumbing contractor" means a contractor whose  
7 contracting business consists of the execution of contracts  
8 requiring the experience, financial means, knowledge, and  
9 skill to install, maintain, repair, alter, extend, or, when  
10 not prohibited by law, design plumbing. A plumbing contractor  
11 may install, maintain, repair, alter, extend, or, when not  
12 prohibited by law, design the following without obtaining any  
13 additional local regulatory license, certificate, or  
14 registration: sanitary drainage or storm drainage facilities;  
15 venting systems; public or private water supply systems;  
16 septic tanks; drainage and supply wells; swimming pool piping;  
17 irrigation systems; or solar heating water systems and all  
18 appurtenances, apparatus, or equipment used in connection  
19 therewith, including boilers and pressure process piping and  
20 including the installation of water, natural gas, ~~(excluding~~  
21 ~~liquid petroleum gases)~~, and storm and sanitary sewer lines;  
22 and water and sewer plants and substations. The scope of work  
23 of the plumbing contractor also includes the design, when not  
24 prohibited by law, and installation, maintenance, repair,  
25 alteration, or extension of air-piping, vacuum line piping,  
26 oxygen line piping, nitrous oxide piping, and all related  
27 medical gas systems; fire line standpipes and fire sprinklers  
28 to the extent authorized by law; ink and chemical lines; fuel  
29 oil and gasoline piping and tank and pump installation, except  
30 bulk storage plants; and pneumatic control piping systems, all  
31 in such a manner as to comply with all plans, specifications,



1 codes, laws, and regulations applicable. The scope of work of  
2 the plumbing contractor shall apply to private property and  
3 public property, shall include any excavation work incidental  
4 thereto, and shall include the work of the specialty plumbing  
5 contractor. Such contractor shall subcontract, with a  
6 qualified contractor in the field concerned, all other work  
7 incidental to the work but which is specified herein as being  
8 the work of a trade other than that of a plumbing contractor.  
9 Nothing in this definition shall be construed to limit the  
10 scope of work of any specialty contractor certified pursuant  
11 to s. 489.113(6). Nothing in this definition shall be  
12 construed to require certification or registration under this  
13 part of any authorized employee of a public natural gas  
14 utility or of a private natural gas utility regulated by the  
15 Public Service Commission when disconnecting and reconnecting  
16 water lines in the servicing or replacement of an existing  
17 water heater.

18 Section 5. This act shall take effect July 1, 2004.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2304

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

The committee substitute adds clarifying language that class A and class B air conditioning contractors can provide disconnect or reconnect changeouts of equipment that includes LP gas or natural gas appliances within buildings.