

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 489 Construction Licensing Board (Pinellas County)

SPONSOR(S): Representative Sullivan

TIED BILLS: **IDEN./SIM. BILLS:** SB 1506

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs</u>	_____	<u>Morris</u>	<u>Cutchins</u>
2) <u>Local Government & Veterans' Affairs</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill adopts and updates definitions found in Florida Statutes as part of the Pinellas County Construction Licensing Board's enabling act (PCCLB).

Currently, the definitions used by the PCCLB for governance of the local construction industry have been adopted in the Board's enabling act, Ch. 75-489, L.O.F., and by rule. As techniques, materials, and standards in the industry have changed, the Board has had to update its definitions by amending its enabling act through the Legislative process.

This bill amends the PCCLB's enabling act by adopting definitions by reference to definitions found in Florida Statutes, as they may be amended from time to time. This will allow the PCCLB to rely on amendments made to statutory definitions reflecting industry changes, rather than the continued filing of local bills to update the Board's definitions. The bill also provides that certain definitions currently established in the PCCLB's enabling act and its rules, which are not referenced to definitions in the statutes, will remain as rules of the Board.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

STORAGE NAME h0489.lgy

DATE January 30, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill adopts and updates definitions found in Florida Statutes as part of the Pinellas County Construction Licensing Board's enabling act (PCCLB).

Currently, the PCCLB has definitions established by rule and special act. To update definitions that were established by special act, the Board must amend its enabling act, Ch. 75-489, L.O.F., by going through the legislative process. This bill provides the PCCLB with current definitions of terms by referring to Florida Statutes, as they may be amended from time to time, reducing the need to file future local bills to update language in the definitions section of its enabling act, section 11 of Ch. 75-489, L.O.F.

The PCCLB definitions already established by rule and special act that are not referred to in sections 489.105(3) and (6) and 489.505(1), (2), (9), and (12) F.S., will be retained as PCCLB rules, which the Board has the authority to amend.

C. SECTION DIRECTORY:

Section 1 amends section 11 of Ch. 75-489, L.O.F., as amended by Chs. 78-594, 85-490, 89-504, and 93-387, L.O.F., which is the definitions section the PCCLB's enabling act. Section (1) of this bill will refer PCCLB definitions to general law found in sections 489.105(3) and (6) and 489.505(1), (2), (9), and (12) F.S., as they may be amended from time to time. Section 1 adds four new terms from general law to the PCCLB's enabling act including, "solar contractor," "pollutant storage systems contractor," "alarm system," and "alarm system contractor."

Section 2 retains certain definitions that are not found in the referred Florida Statutes referenced in section 1 of this bill. Section 2 of this bill also retains several definitions and places them as PCCLB rules that can be amended by the Board. It appears that the PCCLB will have to formally adopt these definitions as rules of the PCCLB under section 11 of Ch. 75-489, L.O.F.

Section 3 provides for the severability of any invalid provision.

Section 4 provides an effective date upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 12, 2003

WHERE? *Gulf Coast Business Review* in Pinellas County, FL.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

B. RULE-MAKING AUTHORITY:

Section 12(5) of chapter 75-489, Laws of Florida, provide rule making authority to the PCCLB in accordance with chapter 120 Florida Statutes.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES