



138458

CHAMBER ACTION

Senate

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House

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1 The Committee on Regulated Industries (Aronberg) recommended the
2 following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Section 489.105, Florida Statutes, is amended to
8 read:

9 489.105 Definitions.--As used in this part:

10 (1) "Board" means the Construction Industry Licensing
11 Board.

12 (2) "Department" means the Department of Business and
13 Professional Regulation.

14 (3) "Contractor" means ~~the person who is qualified for, and~~
15 ~~shall only be responsible for, the project contracted for and~~
16 ~~means,~~ except as exempted in this part, the person who, for
17 compensation, undertakes to, submits a bid to, or does himself or



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18 herself or by others construct, repair, alter, remodel, add to,
19 demolish, subtract from, or improve any building or structure,
20 including related improvements to real estate, for others or for
21 resale to others; and whose job scope is substantially similar to
22 the job scope described in one of the subsequent paragraphs of
23 this subsection. ~~For the purposes of regulation under this part,~~
24 ~~"demolish" applies only to demolition of steel tanks over 50 feet~~
25 ~~in height; towers over 50 feet in height; other structures over~~
26 ~~50 feet in height, other than buildings or residences over three~~
27 ~~stories tall; and buildings or residences over three stories~~
28 ~~tall.~~ Contractors are subdivided into two divisions, Division I,
29 consisting of those contractors defined in paragraphs (a)-(c),
30 and Division II, consisting of those contractors defined in
31 paragraphs (d)-(q):

32 (a) "General contractor" means a contractor whose services
33 are unlimited as to the type of work which he or she may do, who
34 may contract for any activity requiring licensure under this
35 part, and who may perform any work requiring licensure under this
36 part, except as otherwise expressly provided in s. 489.113.

37 (b) "Building contractor" means a contractor whose services
38 are limited to construction of commercial buildings and single-
39 dwelling or multiple-dwelling residential buildings, which
40 commercial or residential buildings do not exceed three stories
41 in height, and accessory use structures in connection therewith
42 or a contractor whose services are limited to remodeling, repair,
43 or improvement of any size building if the services do not affect
44 the structural members of the building.

45 (c) "Residential contractor" means a contractor whose
46 services are limited to construction, remodeling, repair, or
47 improvement of one-family, two-family, or three-family residences



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48 | not exceeding two habitable stories above no more than one
49 | uninhabitable story and accessory use structures in connection
50 | therewith.

51 | (d) "Sheet metal contractor" means a contractor whose
52 | services are unlimited in the sheet metal trade and who has the
53 | experience, knowledge, and skill necessary for the manufacture,
54 | fabrication, assembling, handling, erection, installation,
55 | dismantling, conditioning, adjustment, insulation, alteration,
56 | repair, servicing, or design, when not prohibited by law, of
57 | ferrous or nonferrous metal work of U.S. No. 10 gauge or its
58 | equivalent or lighter gauge and of other materials, including,
59 | but not limited to, fiberglass, used in lieu thereof and of air-
60 | handling systems, including the setting of air-handling equipment
61 | and reinforcement of same, the balancing of air-handling systems,
62 | and any duct cleaning and equipment sanitizing which requires at
63 | least a partial disassembling of the system.

64 | (e) "Roofing contractor" means a contractor whose services
65 | are unlimited in the roofing trade and who has the experience,
66 | knowledge, and skill to install, maintain, repair, alter, extend,
67 | or design, when not prohibited by law, and use materials and
68 | items used in the installation, maintenance, extension, and
69 | alteration of all kinds of roofing, waterproofing, and coating,
70 | except when coating is not represented to protect, repair,
71 | waterproof, stop leaks, or extend the life of the roof.

72 | (f) "Class A air-conditioning contractor" means a
73 | contractor whose services are unlimited in the execution of
74 | contracts requiring the experience, knowledge, and skill to
75 | install, maintain, repair, fabricate, alter, extend, or design,
76 | when not prohibited by law, central air-conditioning,
77 | refrigeration, heating, and ventilating systems, including duct



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78 work in connection with a complete system only to the extent such
79 duct work is performed by the contractor as is necessary to make
80 complete an air-distribution system, boiler and unfired pressure
81 vessel systems, and all appurtenances, apparatus, or equipment
82 used in connection therewith, and any duct cleaning and equipment
83 sanitizing which requires at least a partial disassembling of the
84 system; to install, maintain, repair, fabricate, alter, extend,
85 or design, when not prohibited by law, piping, insulation of
86 pipes, vessels and ducts, pressure and process piping, and
87 pneumatic control piping; to replace, disconnect, or reconnect
88 power wiring on the load side of the dedicated existing
89 electrical disconnect switch; to install, disconnect, and
90 reconnect low voltage heating, ventilating, and air-conditioning
91 control wiring; and to install a condensate drain from an air-
92 conditioning unit to an existing safe waste or other approved
93 disposal other than a direct connection to a sanitary system. The
94 scope of work for such contractor shall also include any
95 excavation work incidental thereto, but shall not include any
96 work such as liquefied petroleum or natural gas fuel lines within
97 buildings, except for disconnecting or reconnecting changeouts of
98 liquefied petroleum or natural gas appliances within buildings;
99 potable water lines or connections thereto; sanitary sewer lines;
100 swimming pool piping and filters; or electrical power wiring.

101 (g) "Class B air-conditioning contractor" means a
102 contractor whose services are limited to 25 tons of cooling and
103 500,000 Btu of heating in any one system in the execution of
104 contracts requiring the experience, knowledge, and skill to
105 install, maintain, repair, fabricate, alter, extend, or design,
106 when not prohibited by law, central air-conditioning,
107 refrigeration, heating, and ventilating systems, including duct



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108 work in connection with a complete system only to the extent such
109 duct work is performed by the contractor as is necessary to make
110 complete an air-distribution system being installed under this
111 classification, and any duct cleaning and equipment sanitizing
112 which requires at least a partial disassembling of the system; to
113 install, maintain, repair, fabricate, alter, extend, or design,
114 when not prohibited by law, piping and insulation of pipes,
115 vessels, and ducts; to replace, disconnect, or reconnect power
116 wiring on the load side of the dedicated existing electrical
117 disconnect switch; to install, disconnect, and reconnect low
118 voltage heating, ventilating, and air-conditioning control
119 wiring; and to install a condensate drain from an air-
120 conditioning unit to an existing safe waste or other approved
121 disposal other than a direct connection to a sanitary system. The
122 scope of work for such contractor shall also include any
123 excavation work incidental thereto, but shall not include any
124 work such as liquefied petroleum or natural gas fuel lines within
125 buildings, except for disconnecting or reconnecting changeouts of
126 liquefied petroleum or natural gas appliances within buildings;
127 potable water lines or connections thereto; sanitary sewer lines;
128 swimming pool piping and filters; or electrical power wiring.

129 (h) "Class C air-conditioning contractor" means a
130 contractor whose business is limited to the servicing of air-
131 conditioning, heating, or refrigeration systems, including any
132 duct cleaning and equipment sanitizing which requires at least a
133 partial disassembling of the system, and whose certification or
134 registration, issued pursuant to this part, was valid on October
135 1, 1988. No person not previously registered or certified as a
136 Class C air-conditioning contractor as of October 1, 1988, shall
137 be so registered or certified after October 1, 1988. However, the

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138 board shall continue to license and regulate those Class C air-
139 conditioning contractors who held Class C licenses prior to
140 October 1, 1988.

141 (i) "Mechanical contractor" means a contractor whose
142 services are unlimited in the execution of contracts requiring
143 the experience, knowledge, and skill to install, maintain,
144 repair, fabricate, alter, extend, or design, when not prohibited
145 by law, central air-conditioning, refrigeration, heating, and
146 ventilating systems, including duct work in connection with a
147 complete system only to the extent such duct work is performed by
148 the contractor as is necessary to make complete an air-
149 distribution system, boiler and unfired pressure vessel systems,
150 lift station equipment and piping, and all appurtenances,
151 apparatus, or equipment used in connection therewith, and any
152 duct cleaning and equipment sanitizing which requires at least a
153 partial disassembling of the system; to install, maintain,
154 repair, fabricate, alter, extend, or design, when not prohibited
155 by law, piping, insulation of pipes, vessels and ducts, pressure
156 and process piping, pneumatic control piping, gasoline tanks and
157 pump installations and piping for same, standpipes, air piping,
158 vacuum line piping, oxygen lines, nitrous oxide piping, ink and
159 chemical lines, fuel transmission lines, liquefied petroleum gas
160 lines within buildings, and natural gas fuel lines within
161 buildings; to replace, disconnect, or reconnect power wiring on
162 the load side of the dedicated existing electrical disconnect
163 switch; to install, disconnect, and reconnect low voltage
164 heating, ventilating, and air-conditioning control wiring; and to
165 install a condensate drain from an air-conditioning unit to an
166 existing safe waste or other approved disposal other than a
167 direct connection to a sanitary system. The scope of work for



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168 such contractor shall also include any excavation work incidental
169 thereto, but shall not include any work such as potable water
170 lines or connections thereto, sanitary sewer lines, swimming pool
171 piping and filters, or electrical power wiring.

172 (j) "Commercial pool/spa contractor" means a contractor
173 whose scope of work involves, but is not limited to, the
174 construction, repair, and servicing of any swimming pool, or hot
175 tub or spa, whether public, private, or otherwise, regardless of
176 use. The scope of work includes the installation, repair, or
177 replacement of existing equipment, any cleaning or equipment
178 sanitizing which requires at least a partial disassembling,
179 excluding filter changes, and the installation of new pool/spa
180 equipment, interior finishes, the installation of package pool
181 heaters, the installation of all perimeter piping and filter
182 piping, and the construction of equipment rooms or housing for
183 pool/spa equipment, and also includes the scope of work of a
184 swimming pool/spa servicing contractor. The scope of such work
185 does not include direct connections to a sanitary sewer system or
186 to potable water lines. The installation, construction,
187 modification, or replacement of equipment permanently attached to
188 and associated with the pool or spa for the purpose of water
189 treatment or cleaning of the pool or spa requires licensure;
190 however, the usage of such equipment for the purposes of water
191 treatment or cleaning shall not require licensure unless the
192 usage involves construction, modification, or replacement of such
193 equipment. Water treatment that does not require such equipment
194 does not require a license. In addition, a license shall not be
195 required for the cleaning of the pool or spa in any way that does
196 not affect the structural integrity of the pool or spa or its
197 associated equipment.



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198 (k) "Residential pool/spa contractor" means a contractor
199 whose scope of work involves, but is not limited to, the
200 construction, repair, and servicing of any residential swimming
201 pool, or hot tub or spa, regardless of use. The scope of work
202 includes the installation, repair, or replacement of existing
203 equipment, any cleaning or equipment sanitizing which requires at
204 least a partial disassembling, excluding filter changes, and the
205 installation of new pool/spa equipment, interior finishes, the
206 installation of package pool heaters, the installation of all
207 perimeter piping and filter piping, and the construction of
208 equipment rooms or housing for pool/spa equipment, and also
209 includes the scope of work of a swimming pool/spa servicing
210 contractor. The scope of such work does not include direct
211 connections to a sanitary sewer system or to potable water lines.
212 The installation, construction, modification, or replacement of
213 equipment permanently attached to and associated with the pool or
214 spa for the purpose of water treatment or cleaning of the pool or
215 spa requires licensure; however, the usage of such equipment for
216 the purposes of water treatment or cleaning shall not require
217 licensure unless the usage involves construction, modification,
218 or replacement of such equipment. Water treatment that does not
219 require such equipment does not require a license. In addition, a
220 license shall not be required for the cleaning of the pool or spa
221 in any way that does not affect the structural integrity of the
222 pool or spa or its associated equipment.

223 (l) "Swimming pool/spa servicing contractor" means a
224 contractor whose scope of work involves, but is not limited to,
225 the repair and servicing of any swimming pool, or hot tub or spa,
226 whether public or private, or otherwise, regardless of use. The
227 scope of work includes the repair or replacement of existing



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228 equipment, any cleaning or equipment sanitizing which requires at
229 least a partial disassembling, excluding filter changes, and the
230 installation of new pool/spa equipment, interior refinishing, the
231 reinstallation or addition of pool heaters, the repair or
232 replacement of all perimeter piping and filter piping, the repair
233 of equipment rooms or housing for pool/spa equipment, and the
234 substantial or complete draining of a swimming pool, or hot tub
235 or spa, for the purpose of any repair or renovation. The scope of
236 such work does not include direct connections to a sanitary sewer
237 system or to potable water lines. The installation, construction,
238 modification, substantial or complete disassembly, or replacement
239 of equipment permanently attached to and associated with the pool
240 or spa for the purpose of water treatment or cleaning of the pool
241 or spa requires licensure; however, the usage of such equipment
242 for the purposes of water treatment or cleaning shall not require
243 licensure unless the usage involves construction, modification,
244 substantial or complete disassembly, or replacement of such
245 equipment. Water treatment that does not require such equipment
246 does not require a license. In addition, a license shall not be
247 required for the cleaning of the pool or spa in any way that does
248 not affect the structural integrity of the pool or spa or its
249 associated equipment.

250 (m) "Plumbing contractor" means a contractor whose
251 contracting business consists of the execution of contracts
252 requiring the experience, financial means, knowledge, and skill
253 to install, maintain, repair, alter, extend, or, when not
254 prohibited by law, design plumbing. A plumbing contractor may
255 install, maintain, repair, alter, extend, or, when not prohibited
256 by law, design the following without obtaining any additional
257 local regulatory license, certificate, or registration: sanitary

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258 drainage or storm drainage facilities; venting systems; public or
259 private water supply systems; septic tanks; drainage and supply
260 wells; swimming pool piping; irrigation systems; or solar heating
261 water systems and all appurtenances, apparatus, or equipment used
262 in connection therewith, including boilers and pressure process
263 piping and including the installation of water, natural gas,
264 liquefied petroleum gas and related venting, and storm and
265 sanitary sewer lines; and water and sewer plants and substations.
266 The scope of work of the plumbing contractor also includes the
267 design, when not prohibited by law, and installation,
268 maintenance, repair, alteration, or extension of air-piping,
269 vacuum line piping, oxygen line piping, nitrous oxide piping, and
270 all related medical gas systems; fire line standpipes and fire
271 sprinklers to the extent authorized by law; ink and chemical
272 lines; fuel oil and gasoline piping and tank and pump
273 installation, except bulk storage plants; and pneumatic control
274 piping systems, all in such a manner as to comply with all plans,
275 specifications, codes, laws, and regulations applicable. The
276 scope of work of the plumbing contractor shall apply to private
277 property and public property, shall include any excavation work
278 incidental thereto, and shall include the work of the specialty
279 plumbing contractor. Such contractor shall subcontract, with a
280 qualified contractor in the field concerned, all other work
281 incidental to the work but which is specified herein as being the
282 work of a trade other than that of a plumbing contractor. Nothing
283 in this definition shall be construed to limit the scope of work
284 of any specialty contractor certified pursuant to s. 489.113(6).
285 Nothing in this definition shall be construed to require
286 certification or registration under this part of any authorized
287 employee of a public natural gas utility or of a private natural



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288 gas utility regulated by the Public Service Commission when
289 disconnecting and reconnecting water lines in the servicing or
290 replacement of an existing water heater.

291 (n) "Underground utility and excavation contractor" means a
292 contractor whose services are limited to the construction,
293 installation, and repair, on public or private property, whether
294 accomplished through open excavations or through other means,
295 including, but not limited to, directional drilling, auger
296 boring, jacking and boring, trenchless technologies, wet and dry
297 taps, grouting, and slip lining, of main sanitary sewer
298 collection systems, main water distribution systems, storm sewer
299 collection systems, and the continuation of utility lines from
300 the main systems to a point of termination up to and including
301 the meter location for the individual occupancy, sewer collection
302 systems at property line on residential or single-occupancy
303 commercial properties, or on multioccupancy properties at manhole
304 or wye lateral extended to an invert elevation as engineered to
305 accommodate future building sewers, water distribution systems,
306 or storm sewer collection systems at storm sewer structures.
307 However, an underground utility and excavation contractor may
308 install empty underground conduits in rights-of-way, easements,
309 platted rights-of-way in new site development, and sleeves for
310 parking lot crossings no smaller than 2 inches in diameter,
311 provided that each conduit system installed is designed by a
312 licensed professional engineer or an authorized employee of a
313 municipality, county, or public utility and that the installation
314 of any such conduit does not include installation of any
315 conductor wiring or connection to an energized electrical system.
316 An underground utility and excavation contractor shall not
317 install any piping that is an integral part of a fire protection



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318 system as defined in s. 633.021 beginning at the point where the
319 piping is used exclusively for such system.

320 (o) "Solar contractor" means a contractor whose services
321 consist of the installation, alteration, repair, maintenance,
322 relocation, or replacement of solar panels for potable solar
323 water heating systems, swimming pool solar heating systems, and
324 photovoltaic systems and any appurtenances, apparatus, or
325 equipment used in connection therewith, whether public, private,
326 or otherwise, regardless of use. A contractor, certified or
327 registered pursuant to the provisions of this chapter, is not
328 required to become a certified or registered solar contractor or
329 to contract with a solar contractor in order to provide any
330 services enumerated in this paragraph that are within the scope
331 of the services such contractors may render under this part.

332 (p) "Pollutant storage systems contractor" means a
333 contractor whose services are limited to, and who has the
334 experience, knowledge, and skill to install, maintain, repair,
335 alter, extend, or design, when not prohibited by law, and use
336 materials and items used in the installation, maintenance,
337 extension, and alteration of, pollutant storage tanks. Any person
338 installing a pollutant storage tank shall perform such
339 installation in accordance with the standards adopted pursuant to
340 s. 376.303.

341 (q) "Specialty contractor" means a contractor whose scope
342 of work and responsibility is limited to a particular phase of
343 construction and whose scope is limited to a subset of the
344 activities described in the categories established in one of the
345 paragraphs of this subsection.

346 (4) "~~Primary~~ Qualifying agent" means a certified or
347 registered contractor ~~person~~ who possesses the requisite skill,

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348 ~~knowledge, and experience, and has the responsibility, to~~
349 ~~supervise, direct, manage, and control the contracting activities~~
350 ~~of the business organization with which he or she is connected;~~
351 ~~who has the responsibility to supervise, direct, manage, and~~
352 ~~control construction activities on those projects contracted for~~
353 ~~by the business organization for which he or she serves as a~~
354 ~~qualifying agent a job for which he or she has obtained the~~
355 ~~building permit; and whose technical and personal qualifications~~
356 ~~have been determined by investigation and examination as provided~~
357 ~~in this part, as attested by the department.~~

358 ~~(5) "Secondary qualifying agent" means a person who~~
359 ~~possesses the requisite skill, knowledge, and experience, and has~~
360 ~~the responsibility to supervise, direct, manage, and control~~
361 ~~construction activities on a job for which he or she has obtained~~
362 ~~a permit, and whose technical and personal qualifications have~~
363 ~~been determined by investigation and examination as provided in~~
364 ~~this part, as attested by the department.~~

365 ~~(5)(6)~~ "Contracting" means, except as exempted in this
366 part, engaging in business as a contractor, whether as an
367 individual or through a sole proprietorship or business
368 organization, and includes, but is not limited to, performance of
369 any of the acts as set forth in subsection (3) which define types
370 of contractors. The attempted sale of contracting services and
371 the negotiation or bid for a contract on these services also
372 constitutes contracting. If the services offered require
373 licensure or agent qualification, the offering, negotiation for a
374 bid, or attempted sale of these services requires the
375 corresponding licensure. However, the term "contracting" does
376 ~~shall~~ not extend to a person or business organization an
377 ~~individual, partnership, corporation, trust, or other legal~~

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378 ~~entity~~ that offers to sell or sells completed residences on
379 property on which the individual or business entity has any legal
380 or equitable interest, or to the individual or business entity
381 that sells or offers to sell manufactured or factory-built
382 buildings that will be completed on site on property in which
383 either party to a contract has any legal or equitable interest,
384 if the services of a qualified contractor certified or registered
385 pursuant to the requirements of this chapter have been or will be
386 retained for the purpose of constructing or completing such
387 residences.

388 ~~(6)(7)~~ "Certificate" means a certificate of competency
389 issued to a person by the department, evidencing that the person
390 possesses the requisite skill, knowledge, and experience to
391 supervise, direct, manage, and control construction activities
392 within one of the classifications described in subsection (3) as
393 provided in this part.

394 ~~(7)(8)~~ "Certified contractor" means any contractor who
395 possesses a certificate ~~of competency~~ issued by the department
396 and who shall be allowed to contract in any jurisdiction in the
397 state without being required to fulfill the competency
398 requirements of that jurisdiction.

399 ~~(8)(9)~~ "Registration" means a registration issued to a
400 person by ~~with~~ the department, as provided in this part,
401 evidencing that the person has fulfilled the competency
402 requirements of a local jurisdiction and obtained the required
403 local occupational license in a job scope substantially similar
404 to one of the classifications described in subsection (3).

405 ~~(9)~~ "Business registration" means a registration issued to
406 a business organization by the department evidencing that



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407 entity's authority to engage in contracting, as provided in this
408 part.

409 (10) "Registered contractor" means any contractor who has
410 registered with the department pursuant to fulfilling the
411 competency requirements in the jurisdiction for which the
412 registration is issued. Registered contractors may engage in
413 contracting ~~contract~~ only in such jurisdictions.

414 (11) "Certification" means the act of obtaining or holding
415 a certificate ~~of competency~~ from the department as provided in
416 this part.

417 (12) "Local construction regulation board" means a board,
418 composed of not fewer than three residents of a county or
419 municipality, which the governing body of that county or
420 municipality may create and appoint to maintain the proper
421 standard of construction of that county or municipality.

422 (13) "Business organization" or "entity" means any
423 partnership, corporation, limited liability company, business
424 trust, joint venture, or other legal entity which engages or
425 offers to engage in the business of contracting or acts as a
426 contractor as defined in this section.

427 ~~(14) "Financially responsible officer" means a person other~~
428 ~~than the primary qualifying agent who with the approval of the~~
429 ~~board assumes personal responsibility for all financial aspects~~
430 ~~of the business organization.~~

431 ~~(14)~~~~(15)~~ "Structural component" means any vertical or
432 horizontal load-bearing member of a structure which supports dead
433 or live loads in addition to its own weight and includes, but is
434 not limited to, a foundation, an exterior or interior load-
435 bearing wall, a column, a column beam, a floor, and a roof
436 structure.

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437 ~~(15)-(16)~~ "Arbitration" means a process whereby a neutral
438 third person or panel, called an arbitrator or arbitration panel,
439 considers the facts and arguments presented by the parties and
440 renders a decision which is binding on the parties.

441 ~~(16)-(17)~~ "Pollutant storage tank" means a tank, together
442 with associated piping or dispensing facilities, which is or
443 could be used for the storage or supply of pollutants as defined
444 in s. 376.301 and which is required to be registered under
445 chapter 17-761, Florida Administrative Code.

446 ~~(17)-(18)~~ "Tank" means any container other than one which is
447 aboveground and either elevated or situated upon an impermeable
448 surface, or which is located in an accessible underground area
449 and either elevated or situated upon an impermeable surface
450 therein, in such manner that any leak in such container may be
451 readily detected.

452 ~~(18)-(19)~~ "Initial issuance" means the first time a
453 certificate or registration is granted to a person ~~an individual~~
454 or business organization, including the first time an individual
455 becomes a qualifying agent for that business organization and the
456 first time a business organization is qualified by that
457 individual.

458 ~~(19)~~ "Person" means a natural person.

459 ~~(20)~~ "Demolish" means to tear down a steel tank more than
460 50 feet in height, a tower more than 50 feet in height, other
461 structures more than 50 feet in height, except buildings or
462 residences over three stories tall, and buildings or residences
463 over three stories tall.

464 Section 2. Subsection (1) of section 489.109, Florida
465 Statutes, is amended to read:

466 489.109 Fees.--

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467 (1) The board, by rule, shall establish reasonable fees to
468 be paid for applications, certification and renewal, registration
469 and renewal, business registration, and recordmaking and
470 recordkeeping. The fees shall be established as follows:

471 (a) With respect to an applicant for a certificate, the
472 initial application fee may not exceed \$150, and, if an
473 examination cost is included in the application fee, the combined
474 amount may not exceed \$350. The initial certification fee and the
475 renewal fee may not exceed \$200. However, any applicant who seeks
476 certification under this part by taking a practical examination
477 must pay as an examination fee the actual cost incurred by the
478 department in developing, preparing, administering, scoring,
479 score reporting, and evaluating the examination, if the
480 examination is conducted by the department.

481 (b) With respect to an applicant for registration, the
482 initial application fee may not exceed \$100, and the initial
483 registration fee and the renewal fee may not exceed \$200.

484 (c) The board, by rule, may establish delinquency fees, not
485 to exceed the applicable renewal fee for renewal applications
486 made after the expiration date of the certificate or
487 registration.

488 (d) With respect to an application for business
489 registration, the initial application fee may not exceed \$50, and
490 the initial registration fee and the renewal fee may not exceed
491 \$50. The board, by rule, may establish a fee for transfer of a
492 business registration ~~certificate of authority~~ from one business
493 organization to another, not to exceed the applicable renewal
494 fee.

495 (e) The board, by rule, shall impose a renewal fee for an
496 inactive status certificate or registration, not to exceed the

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497 renewal fee for an active status certificate or registration.
498 Neither the inactive certification fee nor the inactive
499 registration fee may exceed \$50. The board, by rule, may provide
500 for a different fee for inactive status where such status is
501 sought by a building code administrator, plans examiner, or
502 inspector certified pursuant to part XII of chapter 468 who is
503 employed by a local government and is not allowed by the terms of
504 such employment to maintain a certificate on active status issued
505 pursuant to this part.

506 (f) The board, by rule, shall impose an additional late fee
507 on a delinquent status certificateholder or registrant when such
508 certificateholder or registrant applies for active or inactive
509 status.

510 (g) The board, by rule, shall impose an additional fee, not
511 to exceed the applicable renewal fee, which reasonably reflects
512 the costs of processing a certificateholder's or registrant's
513 request to change licensure status at any time other than at the
514 beginning of a licensure cycle.

515 Section 3. Subsection (5) is added to section 489.111,
516 Florida Statutes, to read:

517 489.111 Licensure by examination.--

518 (5) The department is authorized to enact rules to
519 implement and administer this section. The board may adopt rules
520 requiring specific employment and tax documentation to verify
521 experience and specify which individuals are allowed to verify
522 prior work experience for applicants.

523 Section 4. Section 489.114, Florida Statutes, is amended to
524 read:

525 489.114 Evidence of workers' compensation coverage.--Except
526 as provided in s. 489.115(6)(c) ~~s. 489.115(5)(d)~~, any person or



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527 | business organization, ~~or qualifying agent~~ engaged in the
528 | ~~business of~~ contracting in this state and holding a certificate,
529 | registration, or business registration ~~certified or registered~~
530 | under this part shall, as a condition precedent to the issuance
531 | or renewal thereof ~~of a certificate, registration, or certificate~~
532 | ~~of authority of the contractor,~~ provide to the Construction
533 | Industry Licensing Board, as provided by board rule, evidence of
534 | workers' compensation coverage pursuant to chapter 440. In the
535 | event that the Division of Workers' Compensation of the
536 | Department of Financial Services receives notice of the
537 | cancellation of a policy of workers' compensation insurance
538 | insuring a person or entity governed by this section, the
539 | Division of Workers' Compensation shall certify and identify all
540 | persons or entities by certification or registration license
541 | number to the department after verification is made by the
542 | Division of Workers' Compensation that persons or entities
543 | governed by this section are no longer covered by workers'
544 | compensation insurance. Such certification and verification by
545 | the Division of Workers' Compensation may result from records
546 | furnished to the Division of Workers' Compensation by the persons
547 | or entities governed by this section or an investigation
548 | completed by the Division of Workers' Compensation. The
549 | department shall notify the persons or entities governed by this
550 | section who have been determined to be in noncompliance with
551 | chapter 440, and the persons or entities notified shall provide
552 | certification of compliance with chapter 440 to the department
553 | and pay an administrative fine in the amount of \$500. The failure
554 | to maintain workers' compensation coverage as required by law
555 | shall be grounds for the board to revoke, suspend, or deny the
556 | issuance or renewal of a certificate, registration, or business



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557 | ~~registration certificate of authority of the contractor~~ under the
558 | provisions of s. 489.129.

559 | Section 5. Section 489.115, Florida Statutes, is amended to
560 | read:

561 | 489.115 Certification and registration; endorsement;
562 | reciprocity; renewals; continuing education.--

563 | (1) No person may engage in ~~the business of~~ contracting in
564 | this state without first being certified or registered in the
565 | proper classification.

566 | (2) (a) The department shall issue a certificate or
567 | registration to each person qualified by the board and upon
568 | receipt of the required fees ~~original license fee~~.

569 | (b) Certification allows the certificateholder to engage in
570 | contracting only for the category ~~type~~ of work covered by the
571 | certificate and only while the certificate is on active status.

572 | (3) The board shall certify as qualified for certification
573 | by endorsement any applicant who:

574 | (a) Meets the requirements for certification as set forth
575 | in this section; has passed a national, regional, state, or
576 | United States territorial licensing examination that is
577 | substantially equivalent to the examination required by this
578 | part; and has satisfied the requirements set forth in s. 489.111;

579 | (b) Holds a valid license to engage in ~~practice~~ contracting
580 | issued by another state or territory of the United States, if the
581 | criteria for issuance of such license were substantially
582 | equivalent to Florida's current certification criteria; or

583 | (c) Holds a valid, current license to engage in ~~practice~~
584 | contracting issued by another state or territory of the United
585 | States, if the state or territory has entered into a reciprocal
586 | agreement with the board for the recognition of contractor



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587 licenses issued in that state, based on criteria for the issuance
588 of such licenses that are substantially equivalent to the
589 criteria for certification in this state.

590 (4) (a) Each certificateholder or registrant who desires to
591 continue as a certificateholder or registrant shall renew the
592 certificate or registration every 2 years. The department shall
593 mail each certificateholder and registrant an application for
594 renewal.

595 (b)1. Each certificateholder or registrant shall provide
596 proof, in a form established by rule of the board, that the
597 certificateholder or registrant has completed at least 14
598 classroom hours of at least 50 minutes each of continuing
599 education courses during each biennium since the issuance or
600 renewal of the certificate or registration. The board shall
601 establish by rule that a portion of the required 14 hours must
602 deal with the subject of workers' compensation, business
603 practices, workplace safety, and, for applicable licensure
604 categories, wind mitigation methodologies, and 1 hour of which
605 must deal with laws and rules. The board shall by rule establish
606 criteria for the approval of continuing education courses and
607 providers, including requirements relating to the content of
608 courses and standards for approval of providers, and may by rule
609 establish criteria for accepting alternative nonclassroom
610 continuing education on an hour-for-hour basis. The board shall
611 prescribe by rule the continuing education, if any, which is
612 required during the first biennium of initial licensure. A person
613 who has been licensed for less than an entire biennium must not
614 be required to complete the full 14 hours of continuing
615 education.



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616 2. In addition, the board may approve specialized
617 continuing education courses on compliance with the wind
618 resistance provisions for one and two family dwellings contained
619 in the Florida Building Code and any alternate methodologies for
620 providing such wind resistance which have been approved for use
621 by the Florida Building Commission. Division I certificateholders
622 or registrants who demonstrate proficiency upon completion of
623 such specialized courses may certify plans and specifications for
624 one and two family dwellings to be in compliance with the code or
625 alternate methodologies, as appropriate, except for dwellings
626 located in floodways or coastal hazard areas as defined in ss.
627 60.3D and E of the National Flood Insurance Program.

628 3. Each certificateholder or registrant shall provide to
629 the board proof of completion of the core curriculum courses, or
630 passing the equivalency test of the Building Code Training
631 Program established under s. 553.841, specific to the licensing
632 category sought, within 2 years after commencement of the program
633 or of initial certification or registration, whichever is later.
634 Classroom hours spent taking core curriculum courses shall count
635 toward the number required for renewal of certificates or
636 registration. A certificateholder or registrant who passes the
637 equivalency test in lieu of taking the core curriculum courses
638 shall receive full credit for core curriculum course hours.

639 4. The board shall require, by rule adopted pursuant to ss.
640 120.536(1) and 120.54, a specified number of hours in specialized
641 or advanced module courses, approved by the Florida Building
642 Commission, on any portion of the Florida Building Code, adopted
643 pursuant to part VII of chapter 553, relating to the contractor's
644 licensing category ~~respective discipline~~.



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645 (c) The certificateholder or registrant shall complete,
646 sign, and forward the renewal application to the department,
647 together with the appropriate fee. Upon receipt of the
648 application and fee, the department shall renew the certificate
649 or registration.

650 (5) If a certificateholder or registrant holds a license
651 under this part and part II and is required to complete
652 continuing education courses under s. 489.517(3), the
653 certificateholder or registrant may apply those course hours for
654 workers' compensation, workplace safety, and business practices
655 obtained under part II to the requirements of this part.

656 ~~(6)-(5)~~(a) As a prerequisite to the initial issuance or the
657 renewal of a certificate or registration, the applicant shall
658 submit an affidavit on a form provided by the board attesting to
659 the fact that the applicant has obtained workers' compensation
660 insurance as required by chapter 440, public liability insurance,
661 and property damage insurance for the safety and welfare of the
662 public, in amounts determined by rule of the board. The board
663 shall by rule establish a procedure to verify the accuracy of
664 such affidavits based upon a random sample method.

665 ~~(b) In addition to the affidavit of insurance, as a~~
666 ~~prerequisite to the initial issuance of a certificate, the~~
667 ~~applicant shall furnish a credit report from a nationally~~
668 ~~recognized credit agency that reflects the financial~~
669 ~~responsibility of the applicant and evidence of financial~~
670 ~~responsibility, credit, and business reputation of either himself~~
671 ~~or herself or the business organization he or she desires to~~
672 ~~qualify. The board shall adopt rules defining financial~~
673 ~~responsibility based upon the applicant's credit history, ability~~
674 ~~to be bonded, and any history of bankruptcy or assignment of~~



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675 ~~receivers. The board may also adopt rules that would allow~~
676 ~~applicants to demonstrate financial responsibility, as an~~
677 ~~alternative to the foregoing, by providing minimum credit scores~~
678 ~~or bonds payable as prescribed for financially responsible~~
679 ~~officers. Such rules shall specify the financial responsibility~~
680 ~~grounds on which the board may refuse to qualify an applicant for~~
681 ~~certification.~~

682 ~~(b)(e)~~ If, within 60 days from the date the applicant is
683 notified that he or she has qualified, he or she does not provide
684 the evidence required, he or she shall apply to the department
685 for an extension of time which shall be granted upon a showing of
686 just cause.

687 ~~(c)(d)~~ An applicant for initial issuance of a certificate
688 or registration shall submit as a prerequisite to qualifying for
689 an exemption from workers' compensation coverage requirements
690 under s. 440.05 an affidavit attesting to the fact that the
691 applicant will obtain an exemption within 30 days after the date
692 the initial certificate or registration is issued by the board.

693 (7)(a) An initial applicant shall submit, along with the
694 application, a complete set of fingerprints in a form and manner
695 required by the department. The fingerprints shall be submitted
696 to the Department of Law Enforcement for state processing, and
697 the Department of Law Enforcement shall forward the fingerprints
698 to the Federal Bureau of Investigation for the purpose of
699 conducting a level 2 background check pursuant to s. 435.04. The
700 department shall and the board may review the background results
701 to determine if an applicant meets licensure requirements. The
702 cost for the processing of the fingerprints shall be borne by the
703 person subject to the background screening. Such fees shall be
704 collected by the authorized agencies or vendors. The authorized

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705 agencies or vendors are responsible for forwarding the processing
706 fees to the Department of Law Enforcement.

707 ~~(b)(6) An applicant for initial issuance of a certificate~~
708 ~~or registration shall submit to a statewide criminal history~~
709 ~~records check through the Department of Law Enforcement. The~~
710 ~~Department of Business and Professional Regulation shall submit~~
711 ~~the requests for the criminal history records check to the~~
712 ~~Department of Law Enforcement for state processing, and the~~
713 ~~Department of Law Enforcement shall return the results to the~~
714 ~~department to determine if the applicant meets certification or~~
715 ~~registration requirements. If the applicant has been convicted of~~
716 ~~a felony, the board may deny licensure to the applicant based~~
717 ~~upon the severity of the crime, the relationship of the crime to~~
718 ~~contracting, or the potential for public harm. The board shall~~
719 ~~also, in denying or approving licensure, consider the length of~~
720 ~~time since the commission of the crime and the rehabilitation of~~
721 ~~the applicant. The board may not deny licensure to an applicant~~
722 ~~based solely upon a felony conviction or the applicant's failure~~
723 ~~to provide proof of restoration of civil rights. This paragraph~~
724 ~~does not prevent the board from denying licensure to an applicant~~
725 ~~based upon a lack of good moral character or a conviction of a~~
726 ~~crime related to contracting.~~

727 (8)(a) An applicant for initial issuance of a certificate
728 or registration shall submit a bond from a surety authorized to
729 transact insurance in this state, on a form adopted by the board
730 by rule. The sole purpose of the bond is to provide evidence that
731 the applicant meets minimum standards for financial
732 responsibility and to secure payment of any administrative
733 penalties and associated fees and costs imposed by the board on a
734 certificateholder or registrant which are authorized under state



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735 law and which the certificateholder or registrant fails to pay 30
736 days after the fine or costs become final after the conclusion of
737 all appeals. The bond shall name the applicant as principal and
738 the board as obligee. The bond shall be made payable exclusively
739 to the Professional Regulation Trust Fund to defray the costs of
740 the board's regulation of Division I and Division II contractors.
741 An applicant is not required to provide any further evidence of
742 financial responsibility in order to obtain a certificate or
743 registration.

744 (b) The stated principal amount of the bond shall be
745 \$20,000. Contractors holding licenses in both divisions shall
746 submit only one bond for each division, regardless of the number
747 of licenses held. The aggregate liability of the surety,
748 including any liability for attorney's fees, whether by contract
749 or statute, may not exceed the principal amount without regard to
750 the number of years the bond was in force, the number of premiums
751 paid, or the number of claims or claimants.

752 (c) The contractor shall maintain the bond in full force
753 and effect during the entire period that the certificate or
754 registration is active, including all subsequent renewals, except
755 as otherwise provided in this part. Failure to maintain the bond
756 shall result in the certificate or registration being placed on
757 inactive status and possible disciplinary action. If the bond is
758 maintained for a period of 6 continuous years under an active
759 certificate or registration without the payment of any claim by
760 the surety under the bond, the bond may be cancelled and is not
761 required as a condition of subsequent renewals of the certificate
762 or registration.

763 (d) The surety may cancel the bond upon not less than 30
764 days' written notice to the obligor and obligee. However, the



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765 surety remains liable for any claim under the bond arising from
766 actions or inactions occurring while the bond was in force.

767 (e) An irrevocable letter of credit may be furnished and
768 maintained in lieu of the bond. The letter of credit shall be in
769 the principal amount that would otherwise be required for a bond.
770 The letter of credit shall be assigned to the board and made
771 payable to the Professional Regulation Trust Fund under the same
772 terms and conditions as the bond. Certificateholders and
773 registrants may collect interest on the letter of credit.

774 ~~(7) An initial applicant shall, along with the application,~~
775 ~~and a certificateholder or registrant shall, upon requesting a~~
776 ~~change of status, submit to the board a credit report from a~~
777 ~~nationally recognized credit agency that reflects the financial~~
778 ~~responsibility of the applicant or certificateholder or~~
779 ~~registrant. The credit report required for the initial applicant~~
780 ~~shall be considered the minimum evidence necessary to satisfy the~~
781 ~~board that he or she is financially responsible to be certified,~~
782 ~~has the necessary credit and business reputation to engage in~~
783 ~~contracting in the state, and has the minimum financial stability~~
784 ~~necessary to avoid the problem of financial mismanagement or~~
785 ~~misconduct. The board shall, by rule, adopt guidelines for~~
786 ~~determination of financial stability, which may include minimum~~
787 ~~requirements for net worth, cash, and bonding for Division I~~
788 ~~certificateholders of no more than \$20,000 and for Division II~~
789 ~~certificateholders of no more than \$10,000. Fifty percent of the~~
790 ~~financial requirements may be met by completing a 14-hour~~
791 ~~financial responsibility course approved by the board.~~

792 ~~(8) If a certificateholder or registrant holds a license~~
793 ~~under both this part and part II and is required to have~~
794 ~~continuing education courses under s. 489.517(3), the~~

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795 ~~certificateholder or registrant may apply those course hours for~~
796 ~~workers' compensation, workplace safety, and business practices~~
797 ~~obtained under part II to the requirements under this part.~~

798 ~~(9) An initial applicant shall submit, along with the~~
799 ~~application, a complete set of fingerprints in a form and manner~~
800 ~~required by the department. The fingerprints shall be submitted~~
801 ~~to the Department of Law Enforcement for state processing, and~~
802 ~~the Department of Law Enforcement shall forward them to the~~
803 ~~Federal Bureau of Investigation for the purpose of conducting a~~
804 ~~level 2 background check pursuant to s. 435.04. The department~~
805 ~~shall and the board may review the background results to~~
806 ~~determine if an applicant meets licensure requirements. The cost~~
807 ~~for the fingerprint processing shall be borne by the person~~
808 ~~subject to the background screening. These fees are to be~~
809 ~~collected by the authorized agencies or vendors. The authorized~~
810 ~~agencies or vendors are responsible for paying the processing~~
811 ~~costs to the Department of Law Enforcement.~~

812 Section 6. Section 489.119, Florida Statutes, is amended to
813 read:

814 489.119 Business organizations; qualifying agents.--

815 (1) If a certificateholder or registrant an individual
816 proposes to engage in contracting, whether as an individual or as
817 a sole proprietorship, under a name other than the one appearing
818 on the certificate or registration, the certificateholder or
819 registrant shall notify the department and furnish evidence of
820 registration of the fictitious name in compliance with s. 865.09
821 ~~in the individual's own name, or a fictitious name where the~~
822 ~~individual is doing business as a sole proprietorship,~~
823 ~~registration or certification may be issued only to that~~
824 ~~individual.~~



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825 (2) If a certificateholder or registrant ~~the applicant~~
826 proposes to engage in contracting through ~~as~~ a business
827 organization, ~~including any partnership, corporation, business~~
828 ~~trust, or other legal entity, or in any name other than the~~
829 ~~applicant's legal name or a fictitious name where the applicant~~
830 ~~is doing business as a sole proprietorship,~~ the certificateholder
831 or registrant and the business organization must jointly apply
832 for business registration for the entity, designating the
833 certificateholder or registrant as its qualifying agent ~~a~~
834 ~~certificate of authority through a qualifying agent and under the~~
835 ~~fictitious name, if any. A joint venture, including a joint~~
836 ~~venture composed of business organizations, is itself a separate~~
837 ~~and distinct entity that must be issued a business registration~~
838 ~~under this section in order to engage in contracting. A business~~
839 ~~organization may not engage in contracting unless it has been~~
840 ~~issued a business registration under this section. The~~
841 ~~application for business registration shall be submitted on a~~
842 ~~form adopted by rule by the department.~~

843 (a) The application for business registration ~~a certificate~~
844 ~~of authority~~ must state the name of the partnership and of its
845 partners; the name of the corporation and of its officers and
846 directors and the name of each of its stockholders who is also an
847 officer or director; the name of the business trust and its
848 trustees; or the name of such other legal entity and its members;
849 and must state the fictitious name, if any, under which the
850 business organization is doing business.

851 **(b)1-** The application for primary qualifying agent must
852 include an affidavit on a form provided by the board attesting
853 that the applicant has final approval authority for all
854 construction work performed by the entity and that the applicant

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855 has final approval authority on all business matters, including
856 contracts, specifications, checks, drafts, or payments,
857 regardless of the form of payment, made by the entity, ~~except~~
858 ~~where a financially responsible officer is approved.~~

859 ~~2. The application for financially responsible officer must~~
860 ~~include an affidavit on a form provided by the board attesting~~
861 ~~that the applicant's approval is required for all checks, drafts,~~
862 ~~or payments, regardless of the form of payment, made by the~~
863 ~~entity and that the applicant has authority to act for the~~
864 ~~business organization in all financial matters.~~

865 ~~3. The application for secondary qualifying agent must~~
866 ~~include an affidavit on a form provided by the board attesting~~
867 ~~that the applicant has authority to supervise all construction~~
868 ~~work performed by the entity as provided in s. 489.1195(2).~~

869 ~~(b) The applicant must furnish evidence of statutory~~
870 ~~compliance if a fictitious name is used, the provisions of s.~~
871 ~~865.09(7) notwithstanding.~~

872 ~~(c) A joint venture, including a joint venture composed of~~
873 ~~qualified business organizations, is itself a separate and~~
874 ~~distinct organization that must be qualified and obtain a~~
875 ~~certificate of authority in accordance with board rules.~~

876 (c) The application for business registration and the
877 required fee shall be submitted along with the following:

878 1. If the business organization is a corporation,
879 partnership of any kind, or limited liability company, evidence
880 from the Department of State that the entity is duly authorized
881 to conduct business in Florida;

882 2. Evidence of the workers' compensation coverage required
883 by s. 489.114, except as provided in s. 489.115(6)(c);



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884 3. Proof of liability and property damage insurance
885 adequate to protect the safety and welfare of the public, in
886 amounts determined by rule of the board; and

887 4. Evidence of registration of any fictitious name in
888 compliance with s. 865.09.

889 (3) (a) An application for business registration shall be
890 accompanied by a bond obtained by the business organization from
891 a surety authorized to transact insurance in this state, on a
892 form adopted by the board by rule. The sole purpose of the bond
893 is to provide evidence that the business organization meets
894 minimum standards for financial responsibility and to secure
895 payment of any administrative penalties and associated fees and
896 costs imposed by the board on a business organization which are
897 authorized under state law and which the entity fails to pay 30
898 days after the fine or costs become final after the conclusion of
899 all appeals. The bond shall name the business organization as
900 principal and the board as obligee. The bond shall be made
901 payable exclusively to the Professional Regulation Trust Fund to
902 defray the costs of the board's regulation of Division I and
903 Division II contractors. A business organization is not required
904 to provide any further evidence of financial responsibility in
905 order to obtain a business registration.

906 (b) The stated principal amount of the bond shall be
907 \$20,000 for business organizations. Business organizations
908 qualified by Division I and Division II contractors shall provide
909 only one bond for each division, regardless of the number of
910 qualifying agents it may have. The aggregate liability of the
911 surety, including any liability for attorney's fees, whether by
912 contract or statute, may not exceed the principal amount without



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913 regard to the number of years the bond was in force, the number
914 of premiums paid, or the number of claims or claimants.

915 (c) The business organization shall maintain the bond in
916 full force and effect during the entire period that the business
917 registration is active, including all subsequent renewals, except
918 as otherwise provided in this part. Failure to maintain the bond
919 shall result in the business registration being placed on
920 inactive status and possible disciplinary action. If the bond is
921 maintained for a period of 6 continuous years under an active
922 business registration without the payment of any claim by the
923 surety under the bond, the bond may be cancelled and is not
924 required as a condition of subsequent renewals of the business
925 registration.

926 (d) The surety may cancel the bond upon not less than 30
927 days' written notice to the obligor and obligee. However, the
928 surety remains liable for any claim under the bond arising from
929 actions or inactions occurring while the bond was in force.

930 (e) An irrevocable letter of credit may be furnished and
931 maintained in lieu of the bond. The letter of credit shall be in
932 the principal amount that would otherwise be required for a bond.
933 The letter of credit shall be assigned to the board and made
934 payable to the Professional Regulation Trust Fund under the same
935 terms and conditions as the bond. The registered business
936 organization may collect interest on the letter of credit.

937 (4) The department shall maintain a database that includes
938 all certified and registered contractors, each entity for which a
939 business registration has been issued, and the qualifying agents
940 and principals of each such entity as described in paragraph
941 (2) (a). Upon receipt of an application for business registration,
942 the board shall compare the qualifying agent and principals of



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943 the business organization against those contained in the
944 database. A violation of this part by the entity's qualifying
945 agent or principals, or by the qualifying agent of another
946 business organization registered under this section with which
947 the qualifying agent or principals are or were affiliated,
948 requires additional review by the board. Such a violation may
949 constitute grounds to deny, suspend, place on probation, or
950 revoke the business registration if the violation or violations
951 raise serious doubt as to the business organization's ability or
952 willingness to comply with this part.

953 (5)(d) A business registration certificate of authority
954 must be renewed every 2 years. Outside of the normal renewal
955 cycle, if there is a change to ~~in~~ any information or
956 documentation submitted in an application for business
957 registration or renewal, including a change in qualifying agents
958 or principals that is required to be stated on the application,
959 the business organization shall, within ~~15~~ 45 days after such
960 change occurs, submit the new information or documentation in the
961 manner prescribed by ~~mail the correct information to~~ the
962 department.

963 (6)(3)(a) Each The qualifying agent shall be certified or
964 registered under this part in order for the business organization
965 to be issued a business registration and to engage in contracting
966 certificate of authority in the category of the business
967 conducted for which the qualifying agent is certified or
968 registered. If any qualifying agent ceases to be affiliated with
969 such business organization, he or she shall provide notice in the
970 manner prescribed by the department ~~so inform the department.~~ In
971 addition, if such qualifying agent is the only certified or
972 registered contractor affiliated with the business organization,



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973 the business organization shall notify the department of the
974 termination of the qualifying agent and shall have 60 days from
975 the termination of the qualifying agent's affiliation with the
976 business organization in which to employ another qualifying
977 agent. The business organization may not engage in contracting
978 until a qualifying agent is employed, unless the executive
979 director or chair of the board has granted a temporary
980 nonrenewable certificate or registration to ~~the financially~~
981 ~~responsible officer,~~ the president of the corporation, manager or
982 managing member of the limited liability company, a partner, or,
983 in the case of a limited partnership, the general partner, who
984 assumes all responsibilities of a primary qualifying agent for
985 the entity. This temporary certificate or registration shall only
986 allow the entity to proceed with incomplete contracts. For the
987 purposes of this paragraph, an incomplete contract is one which
988 has been awarded to, or entered into by, the business
989 organization prior to the cessation of affiliation of the
990 qualifying agent with the business organization or one on which
991 the business organization was the low bidder and the contract is
992 subsequently awarded, regardless of whether any actual work has
993 commenced under the contract prior to the qualifying agent
994 ceasing to be affiliated with the business organization.

995 (b) A ~~The~~ qualifying agent shall provide notice, in the
996 manner prescribed by the department of any change in status,
997 including ~~inform the department in writing~~ when he or she
998 proposes to engage in contracting in his or her own name or in
999 affiliation with another business organization, ~~and he or she or~~
1000 ~~such new business organization shall supply the same information~~
1001 ~~to the department as required of applicants under this part.~~



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1002 ~~(c) Upon a favorable determination by the board, after~~
1003 ~~investigation of the financial responsibility, credit, and~~
1004 ~~business reputation of the qualifying agent and the new business~~
1005 ~~organization, the department shall issue, without an examination,~~
1006 ~~a new certificate of authority in the business organization's~~
1007 ~~name.~~

1008 (7)(4) Disciplinary action against a business organization
1009 registered under this section holding a certificate of authority
1010 shall be administered in the same manner and on the same grounds
1011 as disciplinary action against a contractor. ~~The board may deny~~
1012 ~~the certification of any person cited in subsection (2) if the~~
1013 ~~person has been involved in past disciplinary actions or on any~~
1014 ~~grounds for which individual certification can be denied.~~

1015 (8)(5) When a ~~certified~~ qualifying agent, on behalf of a
1016 business organization, makes application for a local business tax
1017 receipt ~~an occupational license~~ in any municipality or county of
1018 this state, the application shall be made with the tax collector
1019 in the name of the business organization and the qualifying
1020 agent; and the license, when issued, shall be issued to the
1021 business organization, upon payment of the appropriate tax
1022 ~~licensing fee~~ and exhibition to the tax collector of a valid
1023 certificate for the qualifying agent and a valid business
1024 registration ~~certificate of authority~~ for the business
1025 organization issued by the department, and the state registration
1026 number ~~license numbers~~ shall be noted thereon.

1027 (9)(6)(a) Each registered or certified contractor shall
1028 affix the number of his or her registration or certification to
1029 each application for a building permit and on each building
1030 permit issued and recorded. Each city or county building
1031 department shall require, as a precondition for the issuance of



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1032 the building permit, that the contractor taking out the permit
1033 must provide verification giving his or her Construction Industry
1034 Licensing Board registration or certification number.

1035 (b) The registration or certification number of each
1036 contractor or business organization ~~certificate of authority~~
1037 number of ~~for~~ each business organization shall appear in each
1038 offer of services, business proposal, bid, contract, or
1039 advertisement, regardless of medium, as defined by board rule,
1040 used by that contractor or business organization in the practice
1041 of contracting.

1042 (c) If a vehicle bears the name of a contractor or business
1043 organization, or any text or artwork which would lead a
1044 reasonable person to believe that the vehicle is used for
1045 contracting, the registration or certification number of the
1046 contractor or business organization ~~certificate of authority~~
1047 number of the business organization must be conspicuously and
1048 legibly displayed with the name, text, or artwork. Local
1049 governments may also require that locally licensed contractors
1050 must also display their certificate of competency or license
1051 numbers. Nothing in this paragraph shall be construed to create a
1052 mandatory vehicle signage requirement.

1053 (d) For the purposes of this part, the term "advertisement"
1054 does not include business stationery or any promotional novelties
1055 such as balloons, pencils, trinkets, or articles of clothing.

1056 (e) The board shall issue a notice of noncompliance for the
1057 first offense, and may assess a fine or issue a citation for
1058 failure to correct the offense within 30 days or for any
1059 subsequent offense, to any contractor or business organization
1060 that fails to include the certification, registration, or
1061 business registration ~~certificate of authority~~ number as required



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1062 by this part when submitting an advertisement for publication,
1063 broadcast, or printing or fails to display the certification,
1064 registration, or business registration ~~certificate of authority~~
1065 number as required by this part.

1066 ~~(10)-(7)~~ Each qualifying agent shall pay the department an
1067 amount equal to the original fee for a certificate of authority
1068 of a new business organization. If a the qualifying agent for a
1069 business organization desires to qualify additional business
1070 organizations, the board may ~~shall~~ require him or her to present
1071 evidence of ability to supervise and oversee the work of the
1072 additional business organizations ~~and financial responsibility of~~
1073 ~~each such organization~~. The decision to allow a qualifying agent
1074 to qualify more than one business organization ~~issuance of such~~
1075 ~~certificate of authority~~ is discretionary with the board.

1076 ~~(11)-(8)~~(a) A business organization proposing to engage in
1077 contracting is not required to apply for or obtain a business
1078 registration ~~authorization under this part to engage in~~
1079 ~~contracting~~ if:

1080 1. The business organization employs one or more registered
1081 or certified contractors ~~licensed in accordance with this part~~
1082 who are responsible for obtaining permits and supervising all of
1083 the business organization's contracting activities;

1084 2. The business organization engages only in contracting on
1085 property owned by the business organization or by its parent,
1086 subsidiary, or affiliated entities; and

1087 3. The business organization, or its parent entity if the
1088 business organization is a wholly owned subsidiary, maintains a
1089 minimum net worth of \$20 million.

1090 (b) Any business organization engaging in contracting under
1091 this subsection shall provide the board with the name and license

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1092 number of each registered or certified contractor employed by the
1093 business organization to supervise its contracting activities.
1094 The business organization is not required to post a bond or
1095 otherwise evidence any financial or credit information except as
1096 necessary to demonstrate compliance with paragraph (a).

1097 (c) A registered or certified contractor employed by a
1098 business organization to supervise its contracting activities
1099 under this subsection shall not be required to post a bond ~~or~~
1100 ~~otherwise evidence any personal financial or credit information~~
1101 so long as the individual performs contracting activities
1102 exclusively on behalf of a business organization meeting all of
1103 the requirements of paragraph (a).

1104 Section 7. Section 489.1195, Florida Statutes, is amended
1105 to read:

1106 489.1195 Responsibilities.--

1107 (1) A certificateholder or registrant engaging in
1108 contracting as an individual or through a sole proprietorship is
1109 responsible for the supervision, direction, management, and
1110 control of all projects contracted for and for all business
1111 operations subject to regulation under this part, and shall be
1112 subject to discipline for all violations arising from such
1113 actions or duties for which the certificateholder or registrant
1114 is responsible.

1115 (2) A qualifying agent for a business organization is
1116 responsible for the supervision, direction, management, and
1117 control only of those projects for which he or she has assumed
1118 responsibility on behalf of the business organization as set
1119 forth in this subsection.



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1120 (a) If a business organization has a single qualifying
1121 agent, that qualifying agent is responsible for all projects
1122 contracted for by the business organization.

1123 (b) If a business organization has multiple qualifying
1124 agents, the qualifying agent obtaining the building permit for a
1125 project assumes responsibility for that project. For those
1126 projects not requiring a building permit, the contract for that
1127 project shall identify the qualifying agent responsible for the
1128 project. Multiple qualifying agents are equally responsible for
1129 all contracts if a permit is not obtained or the contract fails
1130 to specify the responsible qualifying agent.

1131
1132 A qualifying agent is subject to discipline under this part only
1133 for violations arising from a project for which he or she has
1134 assumed responsibility as set forth in this subsection.

1135 (3) The board may not approve secondary qualifying agents
1136 or financially responsible officers after October 1, 2008. This
1137 subsection applies only to persons designated sole primary
1138 qualifying agents, secondary qualifying agents, and financially
1139 responsible officers before to October 1, 2008.

1140 (a) ~~(1)~~ A qualifying agent is a primary qualifying agent
1141 unless he or she is a secondary qualifying agent under this
1142 section.

1143 ~~(a) All primary qualifying agents for a business~~
1144 ~~organization are jointly and equally responsible for supervision~~
1145 ~~of all operations of the business organization; for all field~~
1146 ~~work at all sites; and for financial matters, both for the~~
1147 ~~organization in general and for each specific job.~~

1148 ~~(b) Upon approval by the board, a business entity may~~
1149 ~~designate a financially responsible officer for purposes of~~

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1150 ~~certification or registration.~~ A financially responsible officer
1151 is ~~shall be~~ responsible for all financial aspects of the business
1152 organization and may not be designated as the primary qualifying
1153 agent. ~~The designated financially responsible officer shall~~
1154 ~~furnish evidence of the financial responsibility, credit, and~~
1155 ~~business reputation of either himself or herself, or the business~~
1156 ~~organization he or she desires to qualify, as determined~~
1157 ~~appropriate by the board.~~

1158 ~~(c) Where a business organization has a certified or~~
1159 ~~registered financially responsible officer, the primary~~
1160 ~~qualifying agent shall be responsible for all construction~~
1161 ~~activities of the business organization, both in general and for~~
1162 ~~each specific job.~~

1163 ~~(d) The board shall adopt rules prescribing the~~
1164 ~~qualifications for financially responsible officers, including~~
1165 ~~net worth, cash, and bonding requirements. These qualifications~~
1166 ~~must be at least as extensive as the requirements for the~~
1167 ~~financial responsibility of qualifying agents.~~

1168 ~~(c)(2)(a)~~ One of the qualifying agents for a business
1169 organization that has more than one qualifying agent may be
1170 designated as the sole primary qualifying agent for the business
1171 organization by a joint agreement that is executed, on a form
1172 provided by the board, by all qualifying agents for the business
1173 organization.

1174 ~~(d)(b)~~ The joint agreement must be submitted to the board
1175 for approval. If the board determines that the joint agreement is
1176 in good order, it shall approve the designation and immediately
1177 notify the qualifying agents of such approval. The designation
1178 made by the joint agreement is effective upon receipt of the
1179 notice by the qualifying agents.



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1180 (e)~~(e)~~ The qualifying agent designated for a business
1181 organization by a joint agreement is the sole primary qualifying
1182 agent for the business organization, and all other qualifying
1183 agents for the business organization are secondary qualifying
1184 agents.

1185 (f)~~(d)~~ A designated sole primary qualifying agent has all
1186 the responsibilities and duties of a primary qualifying agent,
1187 notwithstanding that there are secondary qualifying agents for
1188 specified jobs. The designated sole primary qualifying agent is
1189 jointly and equally responsible with secondary qualifying agents
1190 for field work supervision.

1191 (g)~~(e)~~ A secondary qualifying agent is responsible only
1192 for:

- 1193 1. The supervision of field work at sites where his or her
1194 license was used to obtain the building permit; and
1195 2. Any other work for which he or she accepts
1196 responsibility.

1197
1198 A secondary qualifying agent is not responsible for supervision
1199 of financial matters.

1200 (h)~~(3)(a)~~ A qualifying agent who has been designated by a
1201 joint agreement as the sole primary qualifying agent for a
1202 business organization may terminate this status as such by giving
1203 actual notice to the business organization, to the board, and to
1204 all secondary qualifying agents of his or her intention to
1205 terminate this status. The notice to the board must include proof
1206 satisfactory to the board that he or she has given the notice
1207 required in this paragraph.

1208 (i)~~(b)~~ The status of the qualifying agent shall cease upon
1209 the designation of a new primary qualifying agent or 60 days



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1210 after satisfactory notice of termination has been provided to the
1211 board, whichever first occurs.

1212 ~~(j)(e)~~ If no new primary qualifying agent has been
1213 designated within 60 days, all secondary qualifying agents for
1214 the business organization shall become primary qualifying agents
1215 unless the joint agreement specifies that one or more of them
1216 shall become sole qualifying agents under such circumstances, in
1217 which case only they shall become sole qualifying agents.

1218 ~~(k)(d)~~ Any change in the status of a qualifying agent is
1219 prospective only. A qualifying agent is not responsible for his
1220 or her predecessor's actions but is responsible, even after a
1221 change in status, for matters for which he or she was responsible
1222 while in a particular status.

1223 Section 8. Subsections (1) through (5) of section 489.127,
1224 Florida Statutes, are amended to read:

1225 489.127 Prohibitions; penalties.--

1226 (1) A No person or business organization may not shall:

1227 (a) Falsely claim to be the holder of a valid certificate,
1228 registration, or business registration ~~hold himself or herself or~~
1229 ~~a business organization out as a licensee, certificateholder, or~~
1230 ~~registrant;~~

1231 (b) Falsely impersonate the holder of a valid certificate,
1232 registration, or business registration ~~a certificateholder or~~
1233 ~~registrant;~~

1234 (c) Present as his or her own the certificate,
1235 registration, or business registration ~~certificate of authority~~
1236 of another;

1237 (d) Knowingly give false or forged evidence to the board or
1238 a member thereof;

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1239 (e) Use or attempt to use a certificate, registration, or
1240 business registration ~~certificate of authority~~ which has been
1241 suspended or revoked;

1242 (f) Engage in the business or act in the capacity of a
1243 contractor or advertise ~~himself or herself or a business~~
1244 ~~organization~~ as available to engage in the business or act in the
1245 capacity of a contractor without being duly registered or
1246 certified or holding ~~having~~ a business registration pursuant to
1247 this part ~~certificate of authority~~;

1248 (g) Operate a business organization engaged in contracting
1249 after 60 days following the termination of its only qualifying
1250 agent without designating another ~~primary~~ qualifying agent,
1251 except as provided in ss. 489.119 and 489.1195;

1252 (h) Commence or perform work for which a building permit is
1253 required pursuant to part IV ~~VII~~ of chapter 553 without such
1254 building permit being in effect; or

1255 (i) Willfully or deliberately disregard or violate any
1256 municipal or county ordinance relating to uncertified or
1257 unregistered contractors.

1258
1259 For purposes of this subsection, a person or business
1260 organization operating on an inactive or suspended certificate,
1261 registration, or business registration ~~certificate of authority~~
1262 is not duly certified or registered and is considered unlicensed.
1263 A business tax receipt issued under the authority of chapter 205
1264 is not a license for purposes of this part.

1265 (2) (a) Any unlicensed person or business organization who
1266 violates any of the provisions of subsection (1) commits a
1267 misdemeanor of the first degree, punishable as provided in s.
1268 775.082 or s. 775.083.

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1269 (b) Any unlicensed person or business organization who
1270 commits a violation of subsection (1) after having been
1271 previously found guilty of such violation commits a felony of the
1272 third degree, punishable as provided in s. 775.082 or s. 775.083.

1273 (c) Any unlicensed person or business organization who
1274 commits a violation of subsection (1) during the existence of a
1275 state of emergency declared by executive order of the Governor
1276 commits a felony of the third degree, punishable as provided in
1277 s. 775.082 or s. 775.083.

1278 (d) Any person or business organization who operates as a
1279 pollutant storage systems contractor, precision tank tester, or
1280 internal pollutant storage tank lining applicator in violation of
1281 subsection (1) commits a felony of the third degree, punishable
1282 as provided in s. 775.082 or s. 775.083.

1283
1284 The remedies set forth in this subsection are not exclusive and
1285 may be imposed in addition to the remedies set forth in s.
1286 489.129(2).

1287 (3) The department may issue a stop-work order for all
1288 unlicensed work on a project upon finding probable cause to
1289 believe that construction work which requires certification, ~~or~~
1290 registration, or business registration is being performed without
1291 a current, valid certificate, ~~or~~ registration, or business
1292 registration. Stop-work orders may be enforced using any cease
1293 and desist or other related action by the department as set forth
1294 in s. 455.228.

1295 (4) (a) A certified or registered contractor, or contractor
1296 authorized by a local construction regulation board to engage in
1297 ~~de~~ contracting, may not enter into an agreement, oral or written,
1298 whereby his or her certification number or registration number is



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1299 used, or to be used, by a person who is not certified or
1300 registered as provided for in this part ~~chapter~~, or used, or to
1301 be used, by a business organization for which he or she is not a
1302 qualifying agent or by a business organization that is not
1303 registered ~~duly qualified~~ as provided for in this part ~~chapter~~ ~~to~~
1304 ~~engage in the business, or act in the capacity, of a contractor.~~

1305 (b) A certified or registered contractor, or contractor
1306 authorized by a local construction regulation board to engage in
1307 ~~de~~ contracting, may not knowingly allow his or her certification
1308 number or registration number to be used by a person who is not
1309 certified or registered as provided for in this part ~~chapter~~, by
1310 a business organization for which he or she is not a qualifying
1311 agent, or used by a business organization that is not registered
1312 ~~qualified~~ as provided for in this part ~~chapter~~ ~~to engage in the~~
1313 ~~business, or act in the capacity of, a contractor.~~

1314 (c) A certified or registered contractor, or contractor
1315 authorized by a local construction regulation board to engage in
1316 ~~de~~ contracting, may not apply for or obtain a building permit for
1317 construction work unless the certified or registered contractor,
1318 or contractor authorized by a local construction regulation board
1319 to do contracting, or business organization duly qualified by
1320 said contractor, has entered into a contract to make improvements
1321 to, or perform the contracting at, the real property specified in
1322 the application or permit. This paragraph does not prohibit a
1323 contractor from applying for or obtaining a building permit to
1324 allow the contractor to perform work for another person without
1325 compensation or to perform work on property that is owned by the
1326 contractor.



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1327 (d)1. A person who violates this subsection commits a
1328 misdemeanor of the first degree, punishable as provided in s.
1329 775.082 or s. 775.083.

1330 2. A person who violates this subsection after having been
1331 previously found guilty of such violation commits a felony of the
1332 third degree, punishable as provided in s. 775.082 or s. 775.083.

1333 (5) Each county or municipality may, at its option,
1334 designate one or more of its code enforcement officers, as
1335 defined in chapter 162, to enforce, as set out in this
1336 subsection, the provisions of subsection (1) and s. 489.132(1)
1337 against persons who engage in activity for which a county or
1338 municipal certificate of competency or license or state
1339 ~~certification or~~ registration is required.

1340 (a) A code enforcement officer designated pursuant to this
1341 subsection may issue a citation for any violation of subsection
1342 (1) or s. 489.132(1) whenever, based upon personal investigation,
1343 the code enforcement officer has reasonable and probable grounds
1344 to believe that such a violation has occurred.

1345 (b) A citation issued by a code enforcement officer shall
1346 be in a form prescribed by the local governing body of the county
1347 or municipality and shall state:

1348 1. The time and date of issuance.

1349 2. The name and address of the person to whom the citation
1350 is issued.

1351 3. The time and date of the violation.

1352 4. A brief description of the violation and the facts
1353 constituting reasonable cause.

1354 5. The name of the code enforcement officer.

1355 6. The procedure for the person to follow in order to pay
1356 the civil penalty or to contest the citation.



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1357 7. The applicable civil penalty if the person elects not to
1358 contest the citation.

1359 (c) The local governing body of the county or municipality
1360 is authorized to enforce codes and ordinances against unlicensed
1361 contractors under the provisions of this subsection and may enact
1362 an ordinance establishing procedures for implementing this
1363 subsection, including a schedule of penalties to be assessed by
1364 the code enforcement officer. The maximum civil penalty which may
1365 be levied shall not exceed \$500. Moneys collected pursuant to
1366 this subsection shall be retained locally, as provided for by
1367 local ordinance, and may be set aside in a specific fund to
1368 support future enforcement activities against unlicensed
1369 contractors.

1370 (d) The act for which the citation is issued shall be
1371 ceased upon receipt of the citation; and the person charged with
1372 the violation shall elect either to correct the violation and pay
1373 the civil penalty in the manner indicated on the citation or,
1374 within 10 days of receipt of the citation, exclusive of weekends
1375 and legal holidays, request an administrative hearing before the
1376 enforcement or licensing board or designated special magistrate
1377 to appeal the issuance of the citation by the code enforcement
1378 officer.

1379 1. Hearings shall be held before an enforcement or
1380 licensing board or designated special magistrate as established
1381 by s. 162.03(2), and such hearings shall be conducted pursuant to
1382 the requirements of ss. 162.07 and 162.08.

1383 2. Failure of a violator to appeal the decision of the code
1384 enforcement officer within the time period set forth in this
1385 paragraph shall constitute a waiver of the violator's right to an
1386 administrative hearing. A waiver of the right to an



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1387 administrative hearing shall be deemed an admission of the
1388 violation, and penalties may be imposed accordingly.

1389 3. If the person issued the citation, or his or her
1390 designated representative, shows that the citation is invalid or
1391 that the violation has been corrected prior to appearing before
1392 the enforcement or licensing board or designated special
1393 magistrate, the enforcement or licensing board or designated
1394 special magistrate may dismiss the citation unless the violation
1395 is irreparable or irreversible.

1396 4. Each day a willful, knowing violation continues shall
1397 constitute a separate offense under the provisions of this
1398 subsection.

1399 (e) A person cited for a violation pursuant to this
1400 subsection is deemed to be charged with a noncriminal infraction.

1401 (f) If the enforcement or licensing board or designated
1402 special magistrate finds that a violation exists, the enforcement
1403 or licensing board or designated special magistrate may order the
1404 violator to pay a civil penalty of not less than the amount set
1405 forth on the citation but not more than \$1,000 per day for each
1406 violation. In determining the amount of the penalty, the
1407 enforcement or licensing board or designated special magistrate
1408 shall consider the following factors:

1409 1. The gravity of the violation.

1410 2. Any actions taken by the violator to correct the
1411 violation.

1412 3. Any previous violations committed by the violator.

1413 (g) Upon written notification by the code enforcement
1414 officer that a violator had not contested the citation or paid
1415 the civil penalty within the timeframe allowed on the citation,
1416 or if a violation has not been corrected within the timeframe set



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1417 | forth on the notice of violation, the enforcement or licensing
1418 | board or the designated special magistrate shall enter an order
1419 | ordering the violator to pay the civil penalty set forth on the
1420 | citation or notice of violation, and a hearing shall not be
1421 | necessary for the issuance of such order.

1422 | (h) A certified copy of an order imposing a civil penalty
1423 | against an uncertified contractor may be recorded in the public
1424 | records and thereafter shall constitute a lien against any real
1425 | or personal property owned by the violator. Upon petition to the
1426 | circuit court, such order may be enforced in the same manner as a
1427 | court judgment by the sheriffs of this state, including a levy
1428 | against personal property; however, such order shall not be
1429 | deemed to be a court judgment except for enforcement purposes. A
1430 | civil penalty imposed pursuant to this part shall continue to
1431 | accrue until the violator comes into compliance or until judgment
1432 | is rendered in a suit to foreclose on a lien filed pursuant to
1433 | this subsection, whichever occurs first. After 3 months from the
1434 | filing of any such lien which remains unpaid, the enforcement
1435 | board or licensing board or designated special magistrate may
1436 | authorize the local governing body's attorney to foreclose on the
1437 | lien. No lien created pursuant to the provisions of this part may
1438 | be foreclosed on real property which is a homestead under s. 4,
1439 | Art. X of the State Constitution.

1440 | (i) This subsection does not authorize or permit a code
1441 | enforcement officer to perform any function or duty of a law
1442 | enforcement officer other than a function or duty that is
1443 | authorized in this subsection.

1444 | (j) An aggrieved party, including the local governing body,
1445 | may appeal a final administrative order of an enforcement board
1446 | or licensing board or designated special magistrate to the



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1447 circuit court. Such an appeal shall not be a hearing de novo but
1448 shall be limited to appellate review of the record created before
1449 the enforcement board or licensing board or designated special
1450 magistrate. An appeal shall be filed within 30 days of the
1451 execution of the order to be appealed.

1452 (k) All notices required by this subsection shall be
1453 provided to the alleged violator by certified mail, return
1454 receipt requested; by hand delivery by the sheriff or other law
1455 enforcement officer or code enforcement officer; by leaving the
1456 notice at the violator's usual place of residence with some
1457 person of his or her family above 15 years of age and informing
1458 such person of the contents of the notice; or by including a
1459 hearing date within the citation.

1460 (l) For those counties which enact ordinances to implement
1461 this subsection and which have local construction licensing
1462 boards or local government code enforcement boards, the local
1463 construction licensing board or local government code enforcement
1464 board shall be responsible for the administration of such
1465 citation program and training of code enforcement officers. The
1466 local governing body of the county shall enter into interlocal
1467 agreements with any municipalities in the county so that such
1468 municipalities may, by ordinance, resolution, policy, or
1469 administrative order, authorize individuals to enforce the
1470 provisions of this subsection. Such individuals shall be subject
1471 to the requirements of training as specified by the local
1472 construction licensing board.

1473 (m) Any person who willfully refuses to sign and accept a
1474 citation issued by a code enforcement officer commits a
1475 misdemeanor of the second degree, punishable as provided in s.
1476 775.082 or s. 775.083.

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1477 (n) Nothing contained in this subsection shall prohibit a
1478 county or municipality from enforcing its codes or ordinances by
1479 any other means.

1480 (o) Nothing in this subsection shall be construed to
1481 authorize local jurisdictions to exercise disciplinary authority
1482 or procedures established in this subsection against an
1483 individual holding a proper valid certificate issued pursuant to
1484 this part.

1485 Section 9. Section 489.128, Florida Statutes, is amended to
1486 read:

1487 489.128 Contracts entered into by unlicensed contractors
1488 unenforceable.--

1489 (1) As a matter of public policy, contracts entered into on
1490 or after October 1, 1990, by a person or business organization
1491 that is not licensed as required by this part ~~an unlicensed~~
1492 ~~contractor~~ shall be unenforceable in law or in equity by such ~~the~~
1493 unlicensed party contractor.

1494 (a) For purposes of this section, a person ~~an individual~~ is
1495 unlicensed if the person ~~individual~~ does not have a certificate
1496 or registration ~~license~~ required by this part concerning the
1497 scope of the work to be performed under the contract. For
1498 purposes of this section, a business organization is unlicensed
1499 if the business organization does not have a ~~primary or secondary~~
1500 qualifying agent holding a certificate or registration required
1501 by in accordance with this part concerning the scope of the work
1502 to be performed under the contract. For purposes of this section,
1503 if no state or local certificate, registration, or business
1504 registration ~~license~~ is required for the scope of work to be
1505 performed under the contract, the person or business organization

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1506 ~~individual performing that work~~ shall not be considered
1507 unlicensed.

1508 (b) For purposes of this section, a person ~~an individual~~ or
1509 business organization may not be considered unlicensed for
1510 failing to have a business tax receipt issued under the authority
1511 of chapter 205. For purposes of this section, a business
1512 organization may not be considered unlicensed for failing to
1513 apply for or obtain ~~have a business registration certificate of~~
1514 ~~authority as required by ss. 489.119 and 489.127. For purposes of~~
1515 ~~this section, a business organization entering into the contract~~
1516 ~~may not be considered unlicensed if, before the date established~~
1517 ~~by paragraph (c), an individual possessing a license required by~~
1518 ~~this part concerning the scope of the work to be performed under~~
1519 ~~the contract has submitted an application for a certificate of~~
1520 ~~authority designating that individual as a qualifying agent for~~
1521 ~~the business organization entering into the contract, and the~~
1522 ~~application was not acted upon by the department or applicable~~
1523 ~~board within the time limitations imposed by s. 120.60.~~

1524 (c) For purposes of this section, a person or business
1525 organization ~~contractor~~ shall be considered unlicensed only if
1526 the person or business organization ~~contractor~~ was unlicensed on
1527 the effective date of the original contract for the work, if
1528 stated therein, or, if not stated, the date the last party to the
1529 contract executed it, if stated therein. If the contract does not
1530 establish such a date, the person or business organization
1531 ~~contractor~~ shall be considered unlicensed only if the person or
1532 business organization ~~contractor~~ was unlicensed on the first date
1533 upon which the person or business organization ~~contractor~~
1534 provided labor, services, or materials under the contract.

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1535 (2) Notwithstanding any other provision of law to the
1536 contrary, if a contract is rendered unenforceable under this
1537 section, no lien or bond claim shall exist in favor of the
1538 unlicensed person or business organization ~~contractor~~ for any
1539 labor, services, or materials provided under the contract or any
1540 amendment thereto.

1541 (3) This section shall not affect the rights of parties
1542 other than the unlicensed person or business organization
1543 ~~contractor~~ to enforce contract, lien, or bond remedies. This
1544 section shall not affect the obligations of a surety that has
1545 provided a bond on behalf of an unlicensed person or business
1546 organization ~~contractor~~. It shall not be a defense to any claim
1547 on a bond or indemnity agreement that the principal or indemnitor
1548 is unlicensed for purposes of this section.

1549 Section 10. Subsections (1), (5), (6), (7), (9), and (10)
1550 of section 489.129, Florida Statutes, are amended to read:

1551 489.129 Disciplinary proceedings.--

1552 (1) The board may take any of the following disciplinary
1553 actions against any certificateholder, ~~or~~ registrant, or
1554 registered business organization: place on probation or reprimand
1555 the person or entity licensee, revoke, suspend, or deny the
1556 issuance or renewal of the certificate, registration, or business
1557 registration ~~certificate of authority~~, require financial
1558 restitution to a consumer for financial harm directly related to
1559 a violation of a provision of this part, impose an administrative
1560 fine not to exceed \$10,000 per violation, require continuing
1561 education, or assess costs associated with investigation and
1562 prosecution. Such disciplinary actions may be taken, if the
1563 certificateholder, registrant, or registered business
1564 organization ~~contractor, financially responsible officer, or~~

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1565 ~~business organization for which the contractor is a primary~~
1566 ~~qualifying agent, a financially responsible officer, or a~~
1567 ~~secondary qualifying agent responsible under s. 489.1195 is found~~
1568 guilty of any of the following acts:

1569 (a) Obtaining a certificate, registration, or business
1570 registration ~~certificate of authority~~ by fraud or
1571 misrepresentation.

1572 (b) Being convicted or found guilty of, or entering a plea
1573 of nolo contendere to, regardless of adjudication, a crime in any
1574 jurisdiction which directly relates to the practice of
1575 contracting or the ability to practice contracting.

1576 (c) Violating any provision of chapter 455.

1577 (d) Performing any act which assists a person or entity in
1578 engaging in ~~the prohibited uncertified and unregistered practice~~
1579 ~~of~~ contracting without the required certificate, registration, or
1580 business registration, if the certificateholder, ~~or~~ registrant,
1581 or registered business organization knew ~~knows~~ or had ~~has~~
1582 reasonable grounds to know that the person or entity did not hold
1583 the required certificate, registration, or business registration
1584 ~~was uncertified and unregistered.~~

1585 (e) Knowingly combining or conspiring with an uncertified
1586 or unregistered person or entity by allowing his or her
1587 certificate, registration, or business registration ~~certificate~~
1588 ~~of authority~~ to be used by the uncertified or unregistered person
1589 or entity with intent to evade the provisions of this part. When
1590 a certificateholder or registrant allows his or her certificate
1591 or registration to be used by one or more business organizations
1592 without having any active participation in the operations,
1593 management, or control of such business organizations, such act



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1594 constitutes prima facie evidence of an intent to evade the
1595 provisions of this part.

1596 (f) Acting in the capacity of a contractor under any
1597 certificate or registration issued hereunder except in the name
1598 of the certificateholder or registrant as set forth on the issued
1599 certificate or registration, or in accordance with the personnel
1600 of the certificateholder or registrant as set forth in the
1601 application for the certificate or registration, or as later
1602 changed as provided in this part.

1603 (g) Committing mismanagement or misconduct in the practice
1604 of contracting that causes financial harm to a customer.
1605 Financial mismanagement or misconduct occurs when:

1606 1. Valid liens have been recorded against the property of a
1607 contractor's customer for supplies or services ordered by the
1608 contractor for the customer's job; the contractor has received
1609 funds from the customer to pay for the supplies or services; and
1610 the contractor has not had the liens removed from the property,
1611 by payment or by bond, within 75 days after the date of such
1612 liens;

1613 2. The contractor has abandoned a customer's job and the
1614 percentage of completion is less than the percentage of the total
1615 contract price paid to the contractor as of the time of
1616 abandonment, unless the contractor is entitled to retain such
1617 funds under the terms of the contract or refunds the excess funds
1618 within 30 days after the date the job is abandoned; or

1619 3. The contractor's job has been completed, and it is shown
1620 that the customer has had to pay more for the contracted job than
1621 the original contract price, as adjusted for subsequent change
1622 orders, unless such increase in cost was the result of
1623 circumstances beyond the control of the contractor, was the



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1624 result of circumstances caused by the customer, or was otherwise
1625 permitted by the terms of the contract between the contractor and
1626 the customer.

1627 (h) Being disciplined by any municipality or county for an
1628 act or violation of this part.

1629 (i) Failing in any material respect to comply with the
1630 provisions of this part or violating a rule or lawful order of
1631 the board.

1632 (j) Abandoning a construction project in which the
1633 contractor is engaged or under contract as a contractor. A
1634 project may be presumed abandoned after 90 days if the contractor
1635 terminates the project without just cause or without proper
1636 notification to the owner, including the reason for termination,
1637 or fails to perform work without just cause for 90 consecutive
1638 days.

1639 (k) Signing a statement with respect to a project or
1640 contract falsely indicating that the work is bonded; falsely
1641 indicating that payment has been made for all subcontracted work,
1642 labor, and materials which results in a financial loss to the
1643 owner, purchaser, or contractor; or falsely indicating that
1644 workers' compensation and public liability insurance are
1645 provided.

1646 (l) Committing fraud or deceit in the practice of
1647 contracting.

1648 (m) Committing incompetency or misconduct in the practice
1649 of contracting.

1650 (n) Committing gross negligence, repeated negligence, or
1651 negligence resulting in a significant danger to life or property.

1652 (o) Proceeding on any job without obtaining applicable
1653 local building department permits and inspections.



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1654 (p) Intimidating, threatening, coercing, or otherwise
1655 discouraging the service of a notice to owner under part I of
1656 chapter 713 or a notice to contractor under chapter 255 or part I
1657 of chapter 713.

1658 (q) Failing to satisfy within a reasonable time, the terms
1659 of a civil judgment obtained against the licensee, or the
1660 business organization qualified by the licensee, relating to the
1661 practice of the licensee's profession.

1662
1663 For the purposes of this subsection, construction is considered
1664 to be commenced when the contract is executed and the contractor
1665 has accepted funds from the customer or lender. A contractor does
1666 not commit a violation of this subsection when the contractor
1667 relies on a building code interpretation rendered by a building
1668 official or person authorized by s. 553.80 to enforce the
1669 building code, absent a finding of fraud or deceit in the
1670 practice of contracting, or gross negligence, repeated
1671 negligence, or negligence resulting in a significant danger to
1672 life or property on the part of the building official, in a
1673 proceeding under chapter 120.

1674 (5) The board may not reinstate the certification,
1675 registration, or business registration ~~certificate of authority~~
1676 of, or cause a certificate, registration, or business
1677 registration ~~certificate of authority~~ to be issued to, a person
1678 who or business organization which the board has determined is
1679 unqualified or whose certificate, registration, or business
1680 registration ~~certificate of authority~~ the board has suspended
1681 until it is satisfied that such person or business organization
1682 has complied with all the terms and conditions set forth in the



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1683 final order and is capable of competently engaging in the
1684 business of contracting.

1685 (6) (a) The board may assess interest or penalties on all
1686 fines imposed under this part ~~chapter~~ against any person or
1687 business organization which has not paid the imposed fine by the
1688 due date established by rule or final order. The provisions of
1689 chapter 120 do not apply to such assessment. Interest rates to be
1690 imposed shall be established by rule and shall not be usurious.

1691 (b) Venue for all actions to enforce any fine levied by the
1692 board shall be in Leon ~~Duval~~ County. The board is authorized to
1693 enter into contracts with private businesses or attorneys to
1694 collect such fines with payment for such collections made on a
1695 contingent fee basis. All such contracts shall be publicly
1696 advertised and competitively awarded based upon responses
1697 submitted to a request for proposals developed by the board.

1698 (7) The board shall not issue or renew a certificate,
1699 registration, or business registration ~~certificate of authority~~
1700 to any person or business organization that has been assessed a
1701 fine, interest, or costs associated with investigation and
1702 prosecution, or has been ordered to pay restitution, until such
1703 fine, interest, or costs associated with investigation and
1704 prosecution or restitution are paid in full or until all terms
1705 and conditions of the final order have been satisfied.

1706 (9) Any person certified or registered pursuant to this
1707 part who has had his or her certificate or registration ~~license~~
1708 revoked ~~is~~ ~~shall~~ not be eligible to be a partner, officer,
1709 director, or trustee of a business organization seeking
1710 registration under this part and may not ~~defined by this section~~
1711 ~~or~~ be employed in a managerial or supervisory capacity by such
1712 entity for a 5-year period. Such person ~~is~~ ~~shall~~ also be



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1713 ineligible to reapply for certification or registration under
1714 this part for a period of 5 years after the effective date of the
1715 revocation.

1716 (10) If a business organization or any of its partners,
1717 officers, directors, trustees, or members is or has previously
1718 been fined for violating subsection (2) or s. 489.132, the board
1719 may, on that basis alone, revoke, suspend, place on probation, or
1720 deny issuance of a business registration to that entity or
1721 revoke, suspend, place on probation, or deny issuance of a
1722 certificate or registration to a qualifying agent for ~~or~~
1723 financially responsible officer of that entity business
1724 organization.

1725 Section 11. Subsections (1), (2), and (3) of section
1726 489.131, Florida Statutes, are amended to read:

1727 489.131 Applicability.--

1728 (1) This part applies to all contractors, including, but
1729 not limited to, those engaged in contracting ~~performing work~~ for
1730 the state or any county or municipality. Officers of the state or
1731 any county or municipality shall determine compliance with this
1732 part before awarding any contract for construction, improvement,
1733 remodeling, or repair.

1734 (2) The state or any county or municipality shall require
1735 that bids submitted for construction, improvement, remodeling, or
1736 repair on public projects be accompanied by evidence that the
1737 bidder holds an appropriate certificate, ~~or~~ registration, or
1738 business registration, unless the work to be performed is exempt
1739 under s. 489.103.

1740 (3) Nothing in this part limits the power of a municipality
1741 or county:



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1742 (a) To regulate the quality and character of work performed
1743 by contractors through a system of permits, fees, and inspections
1744 which is designed to secure compliance with and aid in the
1745 implementation of state and local building laws.

1746 (b) To enforce other laws for the protection of the public
1747 health and safety.

1748 (c) To collect business taxes, subject to s. 205.065, and
1749 inspection fees for engaging in contracting or examination fees
1750 from persons who are registered with the board pursuant to local
1751 examination requirements and issue business tax receipts.
1752 However, nothing in this part shall be construed to require
1753 general contractors, building contractors, or residential
1754 contractors to obtain additional business tax receipts for
1755 specialty work when such specialty work is performed by employees
1756 of such contractors on projects for which they have substantially
1757 full responsibility and such contractors do not hold themselves
1758 out to the public as being specialty contractors.

1759 (d) To adopt any system of permits requiring submission to
1760 and approval by the municipality or county of plans and
1761 specifications for work to be performed by contractors before
1762 commencement of the work.

1763 ~~(e) To require one bond for each contractor in an amount~~
1764 ~~not to exceed \$5,000, which bond shall be conditioned only upon~~
1765 ~~compliance with the Florida Building Code adopted pursuant to s.~~
1766 ~~553.73. Any such bond must be equally available to all~~
1767 ~~contractors without regard to the period of time a contractor has~~
1768 ~~been certified or registered and without regard to any financial~~
1769 ~~responsibility requirements. Any such bonds shall be payable to~~
1770 ~~the Florida Homeowners' Construction Recovery Fund and filed in~~
1771 ~~each county or municipality in which a building permit is~~

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1772 ~~requested. Bond reciprocity shall be granted statewide. All such~~
1773 ~~bonds shall be included in meeting any financial responsibility~~
1774 ~~requirements imposed by any statute or rule. Any contractor who~~
1775 ~~provides a third party insured warranty policy in connection with~~
1776 ~~a new building or structure for the benefit of the purchaser or~~
1777 ~~owner shall be exempt from the bond requirements under this~~
1778 ~~subsection with respect to such building or structure.~~

1779 (e)~~(f)~~ To refuse to issue permits or issue permits with
1780 specific conditions to a contractor who has committed multiple
1781 violations, when he or she has been disciplined for each of them
1782 by the board and when each disciplinary action has involved
1783 revocation or suspension of a license, imposition of an
1784 administrative fine of at least \$1,000, or probation; or to issue
1785 permits with specific conditions to a contractor who, within the
1786 previous 12 months, has had disciplinary action other than a
1787 citation or letter of guidance taken against him or her by the
1788 department or by a local board or agency which licenses
1789 contractors and has reported the action pursuant to paragraph
1790 (6) (c), for engaging in the business or acting in the capacity of
1791 a contractor without a license. However, this subsection does not
1792 supersede the provisions of s. 489.113(4), and no county or
1793 municipality may require any certificateholder to obtain a local
1794 professional license or pay a local professional license fee as a
1795 condition of performing any services within the scope of the
1796 certificateholder's statewide license as established under this
1797 part.

1798 Section 12. Subsections (1), (2), and (5) of section
1799 489.132, Florida Statutes, are amended to read:

1800 489.132 Prohibited acts by unlicensed principals;
1801 investigation; hearing; penalties.--



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1802 (1) No uncertified or unregistered person associated with a
1803 business association registered ~~contracting firm qualified by the~~
1804 ~~licensee~~ under this part ~~chapter~~ shall:

1805 (a) Conceal or cause to be concealed, or assist in
1806 concealing, from a ~~the primary~~ qualifying agent, any material
1807 activities or information about the business organization
1808 ~~contracting firm~~;

1809 (b) Exclude or facilitate the exclusion of any aspect of
1810 the business organization's ~~contracting firm's~~ financial or other
1811 business activities from a ~~the primary~~ qualifying agent; or

1812 ~~(c) Knowingly cause any part of the contracting firm's~~
1813 ~~activities, financial or otherwise, to be conducted without the~~
1814 ~~primary qualifying agent's supervision; or~~

1815 ~~(c) (d)~~ Assist or participate with any certificateholder or
1816 registrant in the violation of any provision of this part
1817 ~~chapter~~.

1818 (2) The department shall cause an investigation of any
1819 incident where it appears that any uncertified or unregistered
1820 person associated with a business organization registered under
1821 this part ~~contracting firm~~ is in violation of this section. When,
1822 after investigation, the department finds there is probable cause
1823 to believe this section has been violated, the department shall
1824 prepare and file an administrative complaint which shall be
1825 served on the uncertified or unregistered person. The department
1826 shall prosecute the complaint pursuant to chapter 120.

1827 (5) The department may suspend, revoke, or deny issuance or
1828 renewal of a certificate, registration, or business registration
1829 ~~certificate of authority~~ for any individual or business
1830 organization that associates a person as an officer, director, or
1831 partner, or in a managerial or supervisory capacity, after such

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1832 person has been found under a final order to have violated this
1833 section or was an officer, director, partner, trustee, or manager
1834 of a business organization disciplined by the board by
1835 revocation, suspension, or fine in excess of \$2,500, upon finding
1836 reasonable cause that such person knew or reasonably should have
1837 known of the conduct leading to the discipline.

1838 Section 13. Subsections (2) and (3) of section 489.133,
1839 Florida Statutes, are amended to read:

1840 489.133 Pollutant storage systems specialty contractors;
1841 definitions; certification; restrictions.--

1842 (2) The board shall adopt rules providing standards for
1843 registration of precision tank testers who precision test a
1844 pollutant storage tank. The Department of Environmental
1845 Protection shall approve the methodology, procedures, and
1846 equipment used and shall approve the applicant as being eligible
1847 for registration as a registered precision tank tester. A
1848 registered precision tank tester is subject to the provisions of
1849 ss. 489.129 and 489.132 and is considered a contractor operating
1850 as a ~~primary~~ qualifying agent for the business organization
1851 ~~entity~~ employing him or her, which is considered a business
1852 organization subject to ~~contracting firm for the purposes of~~ ss.
1853 489.129 and 489.132. A person who registers under this subsection
1854 is exempt from municipal, county, or development district
1855 registration under s. 489.117 and may operate as a precision tank
1856 tester statewide.

1857 (3) The board shall adopt rules providing standards for
1858 registration of internal pollutant storage tank lining
1859 applicators who internally line pollutant storage tanks as a
1860 method of upgrading or repairing pollutant storage tanks to
1861 prevent discharge of pollutants. The Department of Environmental

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1862 Protection shall approve the methodology, procedures, and
1863 equipment used and shall approve the applicant as being eligible
1864 for registration as a registered internal pollutant storage tank
1865 lining applicator. A registered internal pollutant storage tank
1866 lining applicator is subject to the provisions of ss. 489.129 and
1867 489.132, and shall be considered a contractor operating as a
1868 ~~primary~~ qualifying agent for the business organization entity
1869 employing him or her, which is entity shall be considered a
1870 business organization subject to contracting firm for the
1871 purposes of ss. 489.129 and 489.132.

1872 Section 14. For each business organization holding a valid
1873 certificate of authority on October 1, 2008, issued under part I
1874 of chapter 489, Florida Statutes, before October 1, 2008, the
1875 certificate of authority shall be automatically deemed converted
1876 to a business registration by operation of law on October 1,
1877 2008. Such business organization is not required to make further
1878 application or provide additional documentation to the Department
1879 of Business and Professional Regulation to effect this conversion
1880 and is not required to pay the fee or post the bond otherwise
1881 required for business registration under s. 489.119, Florida
1882 Statutes, as amended. Such business organization shall otherwise
1883 comply with all provisions of part I of chapter 489, Florida
1884 Statutes, as amended, including the obligation to update all
1885 business organization information pursuant to s. 489.119(5),
1886 Florida Statutes, as amended. A business organization that does
1887 not hold a valid certificate of authority on or after October 1,
1888 2008, issued under part I of chapter 489, Florida Statutes,
1889 before October 1, 2008, shall apply for business registration
1890 under this part, as amended, including posting the requisite



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1891 bond, in order to engage in contracting through the business
1892 organization.

1893 Section 15. For purposes of s. 489.128, Florida Statutes, a
1894 business organization may not be considered unlicensed due to
1895 failure to have a certificate of authority as required under part
1896 I of chapter 489, Florida Statutes, as it existed before October
1897 1, 2008.

1898 Section 16. This act shall take effect October 1, 2008.

1899
1900 ===== T I T L E A M E N D M E N T =====

1901 And the title is amended as follows:

1902 Delete everything before the enacting clause
1903 and insert:

1904 A bill to be entitled
1905 An act relating to contracting; amending s. 489.105, F.S.;
1906 redefining the terms "contractor," "contracting,"
1907 "certificate," "registration," "business organization,"
1908 "qualifying agent," and "initial issuance"; defining the
1909 terms "business registration," "person," and "demolish"
1910 for purposes related to contracting; deleting the
1911 definitions of "secondary qualifying agent" and
1912 "financially responsible officer"; amending s. 489.109,
1913 F.S.; providing for application, registration, and renewal
1914 fees for business registration; amending s. 489.111, F.S.;
1915 authorizing the Department of Business and Professional
1916 Regulation to adopt certain rules; amending s. 489.114,
1917 F.S.; requiring certain entities to provide the
1918 Construction Industry Licensing Board with evidence of
1919 workers' compensation coverage; amending s. 489.115, F.S.;
1920 authorizing certain certificateholders or registrants to

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1921 | apply certain courses toward fulfillment of continuing
1922 | education requirements; deleting provisions relating to
1923 | proof of financial responsibility; providing requirements
1924 | for applicants for initial issuance of a certificate or
1925 | registration; requiring that contractors maintain a bond;
1926 | providing requirements for such bond; amending s. 489.119,
1927 | F.S.; providing requirements for certificateholders or
1928 | registrants wishing to engage in contracting through a
1929 | business organization or under a name other than the one
1930 | appearing on the certificate or registration; deleting
1931 | provisions relating to financially responsible officers;
1932 | requiring the submission of certain information along with
1933 | the application for business registration and required
1934 | fee; requiring that such application be accompanied by a
1935 | bond; providing requirements for such bond; authorizing
1936 | submission of an irrevocable letter of credit in lieu of
1937 | such bond; requiring that the department maintain a
1938 | database of certain information; requiring that the board
1939 | check applications against such database; providing
1940 | penalties for certain violations; requiring the renewal of
1941 | business registrations; requiring that a qualifying agent
1942 | give notice of change of status or if she or she proposes
1943 | to engage in contacting in his or her own name or with
1944 | another business organization; providing for disciplinary
1945 | action against contractors and business organizations;
1946 | authorizing the board to require certain information if a
1947 | qualifying agent desires to qualify additional business
1948 | organizations; amending s. 489.1195, F.S.; providing
1949 | responsibilities of certificateholders, registrants, and
1950 | qualifying agents; prohibiting the board from approving



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1951 secondary qualifying agents after a specified date;
1952 amending s. 489.127, F.S.; prohibiting persons and
1953 business organizations from performing certain actions;
1954 conforming provisions relating to violations to changes
1955 made by the act; providing additional prohibitions;
1956 amending s. 489.128, F.S.; providing that certain
1957 contracts are unenforceable as a matter of public policy;
1958 providing circumstances under which certain entities are
1959 deemed "unlicensed"; providing that no lien or bond exists
1960 for labor, services, or materials if such a contract is
1961 deemed unenforceable; limiting the applicability of
1962 certain provisions; amending s. 489.129, F.S.; authorizing
1963 the board to take certain disciplinary actions against a
1964 certificateholder, registrant, or registered business
1965 organization under certain conditions; prohibiting the
1966 board from reinstating a certification, registration, or
1967 business registration under certain circumstances;
1968 prohibiting the board from issuing or renewing a
1969 certification, registration, or business registration
1970 under certain circumstances; prohibiting persons or
1971 entities who have had their certificate or license revoked
1972 from performing certain functions for a specified period;
1973 prohibiting such persons from reapplying for certification
1974 or registration for a specified period; amending s.
1975 489.131, F.S.; providing for applicability of certain
1976 provisions of state law; amending s. 489.132, F.S.;
1977 prohibiting uncertified or unregistered persons from
1978 performing certain actions; providing for investigations,
1979 hearings, and penalties regarding such actions by
1980 uncertified or unregistered persons; amending s. 489.133,

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1981 F.S.; redefining the term "registered precision tank
1982 tester" for certain purposes; providing for the automatic
1983 conversion of valid certificates of authority held by
1984 business organizations as of a specified date to business
1985 registrations; exempting business organizations whose
1986 certificates are converted from certain requirements;
1987 providing that a business organization may not be
1988 considered unlicensed for failure to have a certificate of
1989 authority as required by provisions enacted before this
1990 act; providing an effective date.