

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4033 Contracting

**SPONSOR(S):** Plakon

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	14 Y, 0 N	Livingston	Creamer
2) Economic Affairs Committee	16 Y, 0 N	Livingston	Tinker

### SUMMARY ANALYSIS

Florida Statutes mandate that the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board appoint a joint committee that will meet twice a year. However, the joint committee has not met since May 21, 2008.

The bill deletes provisions requiring the Construction Industry Licensing Board and Electrical Contractors' Licensing Board to appoint a joint committee to meet at least twice a year.

It is anticipated that the bill will not have a fiscal impact on state funds.

The bill has an effective date of July 1, 2012.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Section 20.165, F.S., establishes the organizational structure of the Department of Business and Professional Regulation (DBPR) and includes the Division of Professions.

Chapter 455, F.S., specifies the general powers of the DBPR. Each profession is administered either directly by the DBPR or through a separately appointed board, council, or commission. Section 455.01, F.S., defines the term "profession" to mean:

any activity, occupation, profession, or vocation regulated by the department in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.

Division of Professions administers 14 professional boards and one council pursuant to s. 20.165, F.S.

The Construction Industry Licensing Board (CILB) is the regulatory body mandated with implementing part I, ch. 489, F.S.<sup>1</sup> The CILB regulates construction contractors who oversee the construction or demolition of a structure or other improvement to real estate. The CILB is made up of 18 members: 4 general contractors, 3 building or residential contractors (with at least 1 building contractor and 1 residential contractor), 1 sheet metal contractor, 1 pool contractor, 1 plumbing contractor, 2 building officials of a municipality or county, 1 roofing contractor, 1 air conditioning contractor, 1 mechanical contractor, 1 underground utility and excavation contractor and 2 consumer members.<sup>2</sup> The CILB meets, usually for three days, approximately eleven times a year.

The CILB approves or denies licensing applications and continuing education providers and courses. Licensing and renewal fees are deposited into the Professional Regulation Trust Fund to pay for CILB expenses. The CILB carries out enforcement activities, including reviewing disciplinary cases to determine whether contractors should be disciplined. It can assess fines or other penalties when it determines contractors have violated board rules or Florida statutes. The CILB also reviews and decides claims made to the Florida Homeowners' Construction Recovery Fund.

The Electrical Contractors' Licensing Board (ECLB) was created to implement the provisions of part II, ch. 489, F.S.<sup>3</sup> The ECLB is responsible for regulating electrical and alarm system contractors. The ECLB is made up of 11 members: 7 certified electrical contractors, 2 certified alarm system contractors I, and 2 consumer members.<sup>4</sup> The ECLB meets approximately six times a year for three days, plus teleconferences as necessary.

The ECLB, whose operations are funded by licensure fees, is responsible for the issuance and renewal of licenses and the prosecution of licensees for violations specified in statute. The ECLB also promulgates rules to carry out the provisions of law. The Department of Business and Professional Regulation assists the ECLB by processing licensure applications, administering examinations, and conducting investigations.

For every meeting of the two boards, each board member receives per diem and mileage allowances as provided in s. 112.061, F.S., from the place of his or her residence to the place of the meeting and return to the residence.<sup>5</sup>

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<sup>1</sup> Fla. Stat. s. 489.107.

<sup>2</sup> Id.

<sup>3</sup> Fla. Stat. s. 489.507.

<sup>4</sup> Id.

<sup>5</sup> See, e.g., chapter 61G6-4.016, F.A.C.

Currently, Florida Statutes mandate the CILB and ECLB form a joint committee to meet at least twice a year.<sup>6</sup> However, the statutes do not provide what the joint committee is to meet about.

Historically, the two boards have appointed members to the joint committee to meet for specific reasons when agreed to by both boards. Since 2001, the two boards have only met two times—once in 2006 and once in 2008. The last meeting took place on May 21, 2008 in regards to solar licensing issues. Additionally, neither the CILB nor ECLB project expenses for the joint meetings in their annual budgets.

### Proposed Changes

The bill deletes subsection (6) in both ss. 489.107 and 489.507, F.S. This bill deletes the requirement that the CILB and ECLB appoint a committee to meet jointly at least twice a year.

#### B. SECTION DIRECTORY:

Section 1. Amends section 489.107, F.S., deleting subsection (6).

Section 2. Amends section 489.507, F.S., deleting subsection (6).

Section 3. Providing an effective date of July 1, 2012.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

#### D. FISCAL COMMENTS:

None.

## **III. COMMENTS**

#### A. CONSTITUTIONAL ISSUES:

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<sup>6</sup> See Fla. Stat. s. 489.107(6) & Fla. Stat. s. 489.507(6).

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that the counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

NA

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.