

1979

Session Law 79-200

Florida Senate & House of Representatives

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GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
SIXTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968

During its First Regular Session
April 3, 1979 through June 6, 1979
and the Special Session June 6, 1979



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JOINT LEGISLATIVE MANAGEMENT
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1979

Approved by the Governor June 26, 1979.

Filed in Office Secretary of State June 27, 1979.

CHAPTER 79-199

Senate Bill No. 262

An act relating to game and freshwater fish; repealing s. 372.575, Florida Statutes, relating to the establishment of a fish management fund; providing an effective date.

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

Section 1. Section 372.575, Florida Statutes, is hereby repealed.

Section 2. This act shall take effect July 1, 1979.

Approved by the Governor June 26, 1979.

Filed in Office Secretary of State June 27, 1979.

CHAPTER 79-200

Committee Substitute for Senate Bill No. 302

An act relating to the construction industry; providing purpose and definitions; requiring the certification of specified persons engaging in contracting on a statewide basis; requiring the registration of specified persons engaging in contracting on other than a statewide basis; requiring certain work to be subcontracted; creating the Construction Industry Licensing Board and providing for membership thereof; providing for the adoption of rules and fees; providing for examinations; providing for issuance and renewal of certificates and registrations; providing procedures for the certification or licensure of business organizations; prescribing rules of construction; prescribing powers and duties of counties and municipalities; providing exemptions; prescribing powers and procedures relating to disciplinary proceedings; prohibiting certain acts and providing penalties therefor; prescribing civil penalties; providing notice to county tax collectors; repealing part II, ch. 468, Florida Statutes, including s. 468.1045, as created by chapter 78-142, Laws of Florida, and ss. 468.109 and 468.112, as amended, relating to the construction industry; providing for repeal of the act; providing a retroactive effective date.

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

Section 1. Purpose.--The Legislature recognizes that the construction and home improvement industries are significant

industries. Such industries may pose significant harm to the public when incompetent or dishonest contractors provide unsafe, unstable, or short-lived products or services. Therefore, it is necessary in the interest of the public health, safety, and welfare to regulate the construction industry.

Section 2. Definitions.--As used in this act:

- (1) "Board" means the Construction Industry Licensing Board.
- (2) "Department" means the Department of Professional Regulation.
- (3) "Contractor" means the person who is qualified for and responsible for the entire project contracted for and means, except as exempted in this act, the person who, for compensation, undertakes to, submits a bid to, or does himself or by others, construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others, or for resale to others. "Contractors" are subdivided into two divisions, "Division I" consisting of those contractors defined in paragraphs (a)-(c), and "Division II" consisting of those contractors defined in paragraphs (d)-(1):
 - (a) "General contractor" means a contractor whose services are unlimited as to the type of work which he may do, except as provided in this act.
 - (b) "Building contractor" means a contractor whose services are limited to construction of commercial buildings and single or multiple dwelling residential buildings, which commercial or residential buildings do not exceed three stories in height, and accessory use structures in connection therewith, or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.
 - (c) "Residential contractor" means a contractor whose services are limited to construction, remodeling, repair, or improvement of one, two, or three-family residences not exceeding two stories in height and accessory use structures in connection therewith.
 - (d) "Sheet metal contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, alteration, repair, servicing, or design when not prohibited by law, of ferrous or nonferrous metal work of U. S. No. 10 gauge or its equivalent or lighter gauge and of other materials used in lieu thereof, and of air-handling systems including the setting of air-handling equipment and reinforcement of same and including the balancing of air-handling systems.
 - (e) "Roofing contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing and waterproofing.
 - (f) "Class A air conditioning contractor" means any person whose services are unlimited in the execution of contracts requiring the

experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(g) "Class B air conditioning contractor" means any person whose services are limited to 25 tons cooling and 500,000 Btu heating in any one system, in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, and repair, fabricate, alter, extend, or design when not prohibited by law, central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification, and to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, piping, insulation of pipes, vessels and ducts, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system.

(h) "Class C air conditioning contractor" means any person whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems he is servicing.

(i) "Mechanical contractor" means any person whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, central air conditioning, refrigeration, heating and ventilating, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and to install, maintain, repair, fabricate, alter, extend, or design when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and installation of a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural

gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(j) "Commercial pool contractor" means any person whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any swimming pool, whether public, private, or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, pouring of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, pouring of decks, construction of equipment rooms or housing for pool equipment, and the installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

(k) "Residential pool contractor" means any person whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any residential swimming pool, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, pouring of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, pouring of decks, installation of housing for pool equipment, and the installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

(l) "Swimming pool servicing contractor" means any person whose scope of work involves the servicing, repair, water treatment, and maintenance of any swimming pool, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of new additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, repouring of decks, and the reinstallation or addition of pool heaters.

(4) "Qualifying agent" means a person who possesses the requisite skill, knowledge, and experience to supervise, direct, manage, and control the contracting activities of the business entity with which he is connected and whose technical and personal qualifications have been determined by investigation and examination as provided in this act, as attested to by the department.

(5) "Contracting" means, except as exempted in this act, engaging in business as a contractor.

(6) "Certificate" means a certificate of competency issued by the department as provided in this act.

(7) "Certified contractor" means any contractor who possesses a certificate of competency issued by the department, and who may contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.

(8) "Registration" means registration with the department as provided in this act.

(9) "Registered contractor" means any contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. Registered contractors may contract only in these areas.

(10) "Certification" means the act of obtaining or holding a certificate of competency from the department as provided in this act.

(11) "Specialty contractor" means any contractor who does not fall within the categories established in paragraphs (a)-(1) of subsection (3).

(12) "Licensee" means a holder of a certificate issued pursuant to this act or a person registered pursuant to this act.

Section 3. Construction Industry Licensing Board.--

(1) To carry out the provisions of this act, there is created within the Department of Professional Regulation, the Construction Industry Licensing Board. Members and alternate members shall be appointed by the Governor, subject to confirmation by the Senate. Initially, the Governor shall appoint seven members and three alternate members, each for a term of 4 years, and seven members and two alternate members, each for a term of 3 years. Thereafter, successors shall be appointed for 4-year terms. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member shall serve more than two consecutive terms on the board.

(2) The board shall consist of:

(a) Fourteen regular members, of whom:

1. Three are primarily engaged in business as general contractors;
2. Three are primarily engaged in business as building contractors or residential contractors;
3. One is primarily engaged in business as a roofing contractor;
4. One is primarily engaged in business as a sheet metal contractor;
5. One is primarily engaged in business as an air conditioning contractor;
6. One is primarily engaged in business as a mechanical contractor;
7. One is primarily engaged in business as a pool contractor;
8. Two are lay persons who are not and have neither been members or practitioners of a profession regulated by the board, nor members of any closely related profession; and
9. One is a building official of a municipality or county; and

(b) Five alternate members, of whom:

1. One is primarily engaged in business as a roofing contractor;
2. One is primarily engaged in business as a sheet metal contractor;
3. One is primarily engaged in business as an air conditioning contractor;
4. One is primarily engaged in business as a mechanical contractor;
5. One is primarily engaged in business as a pool contractor.

(3) To be eligible for appointment, each contractor member and alternate member shall be certified by the board to operate as a contractor in the category with respect to which he is appointed, be actively engaged in the construction business and have been so engaged for a period of not less than 5 consecutive years before the date of his appointment. Each appointee shall be a citizen and resident of the state.

(4) An alternate member may attend any meeting of the board, and, if the member and the corresponding alternate member are both present and voting, each shall have only one-half vote; however, if either the member or the corresponding alternate member is absent, the member or alternate member present shall have one vote.

(5) The board shall be divided into two divisions, Division I and Division II.

(a) Division I shall be comprised of the general contractor, building contractor, residential contractor, and building official members of the board, and one of the members appointed pursuant to subparagraph (2)(a)8., and shall have jurisdiction over the examination and regulation of general contractors, building contractors, and residential contractors.

(b) Division II shall be comprised of the regular and alternate mechanical contractor, pool contractor, roofing contractor, sheet metal contractor, air conditioning contractor, and building official members of the board, and one of the members appointed pursuant to subparagraph (2)(a)8., and shall have jurisdiction over the examination and regulation of mechanical contractors, pool contractors, roofing contractors, air conditioning contractors, and sheet metal contractors. The building official member shall serve as a member, with full voting rights, of both Division I and Division II.

(6) Five members of Division I constitute a quorum, and four votes of Division II constitute a quorum. The combined divisions shall meet together, at such times as the board deems necessary, but neither division, nor any committee thereof, shall take action on any matter under the jurisdiction of the other division.

(7) The members of the Florida Construction Industry Licensing Board who are serving as of June 30, 1979, shall serve as members of the Construction Industry Licensing Board until January 1, 1980 or until all members are appointed pursuant to this section and section 455.0115, Florida Statutes, whichever occurs first.

Section 4. Fees.--

(1) The board, by rule, shall establish reasonable fees to be paid for applications, examination, certification and renewal, registration and renewal, and record-making and keeping. Effective October 1, 1979, the fees shall be established as follows: with respect to an applicant for a certificate, the initial application and examination fee shall not exceed \$250, and the biennial renewal fee shall not exceed \$100; and with respect to an applicant for registration, the initial application fee shall not exceed \$50, and the biennial renewal fee shall not exceed \$50. The fees required by the board on June 30, 1979, shall remain in effect through September 30, 1979. The board, by rule, may also establish penalty fees for late renewal not to exceed \$20 for certification and \$10 registration. The board shall establish fees which are adequate to insure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this act, and the provisions of law with respect to the regulation of the construction industry.

(2) A certificate or registration which is inoperative because of failure to renew shall be restored on payment of the proper renewal fee, if the application for restoration is made within 90 days after June 30 of the renewal year. If the application for restoration is not made within the 90-day period, the fee for restoration shall be equal to the original application fee plus the renewal fee for each additional period the license has been delinquent; and in addition, the board may require reexamination of the applicant.

(3) A person who is registered or holds a valid certificate from the board may go on inactive status during which time he shall not engage in contracting but may retain his certificate or registration on an inactive basis on payment of a biennial renewal fee during the inactive period, not to exceed \$20 per biennial period.

(4) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all licensees shall pay a fee of \$4.00 to the department at the time of application or biennial renewal. The funds shall be transferred at the end of each biennial licensing period to the Department of Education for distribution in the following manner:

(a) Fifty percent shall be allocated to fund research projects relating to the building construction industry in a graduate program in building construction in a Florida university.

(b) Fifty percent shall be apportioned among all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution. Each institution receiving funds under this subsection shall utilize such funds for research projects relating to the building construction industry or for continuing education programs to be offered to those engaged in the building construction industry in Florida.

Section 5. Examinations.--

(1) Any person who desires to be certified shall apply to the department in writing to take the certification examination.

(2) A person shall be entitled to take the examination for the purpose of determining whether he is qualified to engage in contracting throughout this state, if the person:

(a) Is 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this act, a minimum of 2,000 man-hours shall be used in determining full-time equivalency.

2. a. Has at least 3 years of active experience as a workman who has learned his trade by serving an apprenticeship or as a skilled workman who is able to command the rate of a mechanic in his particular trade, and

b. Has at least 1 year of active experience at the level of foreman who is in charge of a group of workmen and usually is responsible to a superintendent or a contractor or his equivalent.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college level courses; or has a combination of not less than 2 years of experience as a skilled workman, 1 year of experience as a foreman and not less than 1 year of credits for any accredited college level courses. All junior college or community college level courses shall be considered accredited college level courses.

4. a. An active certified residential contractor is eligible to take the building contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified residential contractor is eligible to take the general contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified building contractor is eligible to take the general contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

5. a. An active certified air conditioning Class C contractor is eligible to take the air conditioning Class B contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified air conditioning Class C contractor is eligible to take the air conditioning Class A contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified air conditioning Class B contractor is eligible to take the air conditioning Class A contractors' examination if he possesses a minimum of 1 year of proven experience in the classification in which he is certified.

6. a. An active certified swimming pool servicing contractor is eligible to take the residential swimming pool contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified swimming pool servicing contractor is eligible to take the swimming pool commercial contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified residential swimming pool contractor is eligible to take the commercial swimming pool contractors' examination if he possesses a minimum of 1 year of proven experience in the classification in which he is certified.

(2)(a) The board may refuse to certify an applicant for failure to satisfy this requirement only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(b) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Section 6. Qualifications for practice; restrictions.--

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his competency and qualifications to be certified pursuant to this act. To establish his competency, a person shall pass the appropriate examination administered by the department. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this act, unless exempted by this act. Registration shall be required of specialty contractors when licensing is required by a county or municipality in which the specialty contractor practices.

(2) No person who is not a licensee shall engage in the business of contracting in this state.

(3) A contractor shall subcontract the electrical, mechanical, plumbing, roofing, sheet metal, and air conditioning work for which a local examination for a certificate of competency or a license is required, unless such contractor holds a state certificate of competency or license of the respective trade category, as required by the appropriate local authority. Provided however a general, building, or residential contractor shall not be required to subcontract the installation of shingle roofing materials. This

subsection does not apply if the local authority does not require a certificate of competency or license for such trade. Nothing in this act shall be construed to require the subcontracting of asphalt roofing shingles.

(4) When a certificate holder desires to engage in contracting in any area of the state, as a prerequisite therefor, he shall be required only to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area, evidence of holding a current certificate and to pay the fee for the occupational license and building permit required of other persons.

(5) The certificate is not transferable.

(6) The board shall, by rule, designate those types of specialty contractors which may be certified under this act.

(7) If an eligible applicant fails any contractor's written examination, except the general and building contractors' examination, and provides the board with acceptable proof of lack of comprehension of written examinations, the applicant may petition the board to be administered a uniform oral examination subject to the following conditions:

(a) The applicant documents 10 years of experience in the appropriate construction craft.

(b) The applicant files written recommendations concerning his competency in the appropriate construction crafts.

(c) The applicant is administered only one oral examination within a period of 1 year.

(8) Any public record of the board, when certified by the executive director of the board or his representative, may be received as prima facie evidence in any administrative or judicial proceeding.

Section 7. Certification and registration; endorsement; renewals.--

(1) The department shall issue a certificate or registration to each person qualified by the board and upon receipt of the original license fee.

(2) The board shall adopt rules prescribing procedures for the certification or registration of contractors who have been licensed in states which have standards substantially similar to or more stringent than the standards of this state and who meet the other requirements established pursuant to this act.

(3)(a) Each licensee who desires to continue as a licensee shall renew his certificate or registration every 2 years. The department shall mail each licensee an application for renewal.

(b) The licensee shall complete, sign, and forward the renewal application to the department, together with the appropriate fee. Upon receipt of the application and fee, the department shall renew the certificate or registration.

(4) As a prerequisite to issuance of a certificate, the applicant shall submit satisfactory evidence that he has obtained public liability and property damage insurance for the safety and welfare of the public in amounts determined by rule of the board, and the applicant shall furnish evidence of financial responsibility, credit, and business reputation of either himself or the business organization he desires to qualify. The board shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant for certification. If, within 60 days from the date the applicant is notified that he has qualified, he does not provide the evidence required, he shall apply to the department for an extension of time which shall be granted upon a showing of just cause.

(5) An initial applicant shall, along with his application, and a licensee shall, upon requesting a change of status, submit to the board a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant or licensee. The credit report required for the initial applicant shall be considered the minimum evidence necessary to satisfy the board that he is financially responsible to be certified, that he has the necessary credit and business reputation to engage in contracting in the state, and that he has the minimum financial stability necessary to avoid the problem of diversion of funds. The board shall, by rule, adopt guidelines for determination of financial stability.

Section 8. Registration.--

(1) Any person engaged in the business of contracting in the state shall be registered in the proper classification, unless he is certified. Any person entering the business of contracting shall be registered prior to engaging in contracting, unless he is certified. To be initially registered, the applicant shall submit the required fee and file evidence, in a form provided by the department, of holding a current local occupational license issued by any municipality, county, or development district for the type of work for which registration is desired and evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. No examination shall be required for registration.

(2) Registration allows the registrant to engage in contracting only in the counties, municipalities, or development districts where he has complied with all local licensing requirements and only for the type of work covered by the registration.

(3) Upon findings of fact supporting the need therefor, the board may grant a limited nonrenewable registration to a contractor not domiciled in the state, for one project. During the period of such registration the board may require compliance with this and any other statute of the state.

(4) The application for a temporary license shall constitute appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of contracting for which the temporary license was issued.

(5) A special registration shall be granted to a specialty contractor whose work is limited to a specific phase of construction and whose responsibility is likewise limited to that particular phase of construction, provided local licensing is required for that phase of construction.

Section 9. Business organizations.--

(1) If an individual proposes to engage in contracting in his own name, registration or certification may be issued only to that individual.

(2) If the applicant proposes to engage in contracting as a partnership, corporation, business trust, or other legal entity, the applicant shall apply through a qualifying agent and the application shall state the name of the partnership and of its partners, the name of the corporation and of its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members, and the applicant shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the qualifying agent is legally qualified to act for the business organization in all matters connected with its contracting business and that he has authority to supervise construction undertaken by such business organization. The registration or certification, when issued upon application of a business organization, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon.

(3)(a) The qualifying agent shall be certified or registered under this act in order for the business organization to be certified or registered in the category of the business conducted for which the qualifying agent is certified or registered. If any qualifying agent ceases to be affiliated with such business organization, he shall so inform the department. In addition, if such qualifying agent is the only certified or registered individual affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have a minimum of 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed.

(b) The qualifying agent shall inform the department in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization, and he or such new business organization shall supply the same information to the department as required of applicants under this act.

(c) Upon a favorable determination by the board, after investigation, of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the department shall issue, without an examination, a new certificate or registration in the qualifying agent's name, and the name of the new business organization shall be noted thereon.

(4) When a certified qualifying agent, on behalf of a business organization, makes application for an occupational license in any municipality or county of this state, the application shall be made with the tax collector in the name of the qualifying agent and the name of the business organization, and the license, when issued, shall be issued to the qualifying agent and the business

organization, upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by the department, and the state license number shall be noted thereon.

(5) Each registered or certified contractor shall affix the number of his registration or certification to all his contracts and bids. Any official issuing building permits shall affix such number to each application for a building permit and on each building permit issued and recorded.

(6) Any qualifying agent shall pay the department an amount equal to the original fee for certification or registration of a new business entity. If the qualifying agent desires to qualify more than two business entities, he may be required by the board to appear before the board and present evidence of ability and financial responsibility of each such entity. The issuance of such certification or registration shall be discretionary with the board.

Section 10. Applicability.--

(1) Nothing in this act limits the power of a municipality or county to regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which are designed to secure compliance with and aid in the implementation of state and local building laws or the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(2) Nothing in this act limits the power of a municipality or county to collect occupational license and inspection fees for engaging in contracting, or examination fees from persons who are registered with the board pursuant to local examination requirements. However, nothing in this act shall be construed to require general contractors, building contractors, or residential contractors to obtain additional occupational licenses for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.

(3) Nothing in this act limits the power of municipalities or counties to adopt any system of permits requiring submission to and approval by the municipality or county of plans and specifications for work to be performed by contractors before commencement of the work.

(4) Nothing in this act shall be construed to waive any requirements of any existing ordinance or resolution of a board of county commissioners regulating the type of work required to be performed by a specialty contractor.

(5) Any official authorized to issue building or other related permits shall, before issuing the permit, ascertain that the applicant contractor is certified or is registered in the area where the construction is to take place.

(6) Municipalities or counties may continue to provide examinations for their territorial area, provided that:

(a) To engage in contracting in the territorial area, an applicant shall also be registered with the board;

(b) Each local board or agency which licenses contractors transmits annually during May to the board a report of any disciplinary action taken against the licensee; and

(c) No examination is given the holder of a certificate.

(7) Upon request the board shall inform local licensing boards or agencies annually during October of the names of those contractors certified or registered and the status of the certificates or registrations.

(8) The right to create local boards in the future by any municipality or county is preserved.

(9) Notwithstanding any provisions to the contrary in s. 235.31, Florida Statutes, relating to prequalification of bidders, any person holding a certificate shall be deemed qualified to participate in any project thereunder.

(10) This act applies to any contractor performing work for the state or any county or municipality. Officers of the state or any county or municipality shall determine compliance with this act before awarding any contract for construction, improvement, remodeling, or repair.

(11) If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Such person shall notify the board within 30 days after the death of the contractor of his name and address. For purposes of this subsection, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his death or on which he was the low bidder and the contract is subsequently awarded to him regardless of whether any actual work has commenced under the contract before his death.

(12) No provision of this act shall be construed to permit a contractor to perform mechanical or plumbing work for which an examination for a certificate of competency or a license is required, unless such contractor holds such certificates of competency or such licenses as may be required by the appropriate local authority. If the appropriate local authority does not require a certificate of competency or a license for such trade, the provisions of this subsection do not apply.

(13) The state or any county or municipality may require that bids submitted for construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that the bidder holds an appropriate certificate or registration.

Section 11. Exemptions.--This act does not apply to:

(1) Contractors in work on bridges, roads, streets, highways, railroads, or utilities and services incidental thereto.

(2) Any employee of a licensee who is a subordinate of such licensee, if the employee does not hold himself out for hire or engage in contracting except as an employee.

(3) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, if the

employee does not hold himself out for hire or otherwise engage in contracting except in accordance with his employment.

(4) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not underway at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee.

(5) Public utilities on construction, maintenance, and development work performed by their employees, which work is incidental to their business.

(6) The sale or installation of any finished products, materials, or articles of merchandise which are not fabricated into and do not become a permanent fixed part of the structure, except for in-ground or above-ground swimming pools with a capacity in excess of 500 gallons.

(7) Owners of property building or improving farm outbuildings or one or two-family residences on such property for the occupancy or use of such owners and not offered for sale, or building or improving commercial buildings at a cost of under \$25,000 on such property for the occupancy or use of such owners and not offered for sale or lease. In all actions brought under this act, proof of the sale or lease, or offering for sale or lease, of more than one such structure by the owner-builder within 1 year after completion of same is presumptive evidence that the construction was undertaken for purposes of sale or lease.

(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States, or with respect to which federal law supersedes this act.

(9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation whether undertaken by the same or a different contractor or in which a division of the operation is made in contracts of amounts less than \$500 for the purpose of evading this act or otherwise.

(b) To a person who advertises that he is a contractor or otherwise represents that he is qualified to engage in contracting.

(10)(a) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches;

(b) Regularly constituted irrigation districts, reclamation districts; or

(c) Clearing or other work on the land in rural districts for fire prevention purposes or otherwise except when performed by a licensee.

(11) A registered architect, engineer, or residential designer acting in his professional capacity or any person exempted by the law regulating architects and engineers.

(12) Any person who only furnishes materials or supplies without fabricating them into or consuming them in the performance of the work of the contractor.

(13) Any person who is licensed under chapter 527, Florida Statutes.

(14) Any person who sells, services, or installs heating or air conditioning units which have a capacity no larger than 3 tons or 36,000 Btu and which have no ducts.

Section 12. Disciplinary proceedings.--

(1) The board may revoke, suspend, or deny the issuance or renewal of the certificate or registration of a contractor or impose an administrative fine not to exceed \$1,000, place the contractor on probation, reprimand or censure, a contractor if the contractor is found guilty of any of the following acts:

(a) Upon proof that a certificate or registration has been obtained by fraud or misrepresentation.

(b) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.

(c) Violation of chapter 455, Florida Statutes.

(d) Willful or deliberate disregard and violation of the applicable building codes or laws of the state or of any municipalities or counties thereof.

(e) Aiding or abetting any uncertified or unregistered person to evade any provision of this act.

(f) Knowingly combining or conspiring with an uncertified or unregistered person by allowing one's certificate or registration to be used by any uncertified or unregistered person with intent to evade the provisions of this act. When a certificate holder or registrant allows his certificate or registration to be used by one or more companies without having any active participation in the operations, management, or control of said companies, such act constitutes prima facie evidence of an intent to evade the provisions of this act.

(g) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificate holder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificate holder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this act.

(h) Diversion of funds or property received for prosecution or completion of a specified construction project or operation where as a result of the diversion the contractor is or will be unable to fulfill the terms of his obligation or contract.

(i) Disciplinary action by any municipality or county, which action shall be reviewed by the state board before the state board takes any disciplinary action of its own.

(j) Failure in any material respect to comply with the provisions of this act.

(k) Abandonment of a construction project in which the contractor is engaged or under contract as a contractor. A project is to be considered abandoned after 90 days if the contractor terminates said project without notification to the prospective owner and without just cause.

(l) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser or contractor; or falsely indicating that workmen's compensation and public liability insurance are provided.

(m) Upon proof and continued evidence that the licensee is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct in the practice of contracting.

(2) The board may specify, by rule, the acts or omissions which constitute violations of this section.

Section 13. Prohibitions; penalties.--

(1) No person shall:

(a) Falsely hold himself out as a licensee;

(b) Falsely impersonate a licensee;

(c) Present as his own the certificate or registration of another;

(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a certificate or registration; or

(e) Use or attempt to use a certificate or registration which has been suspended or revoked.

(2) Any person who violates any of the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 14. Notification of tax collectors.--The Secretary of State shall notify each county tax collector of the adoption of this act before September 1, 1979, and shall supply each with a summary of the requirements for registration and certification. Each tax collector shall notify each applicant for an occupational license as a contractor of the adoption of this act.

Section 15. Rules.--The rules of the Florida Construction Industry Licensing Board shall remain in effect and shall be enforceable by the Construction Industry Licensing Board until such time as they are repealed by the Construction Industry Licensing Board or until January 1, 1980. The rules of the Florida Construction Industry Licensing Board in effect on July 1, 1979, are repealed effective January 1, 1980.

Section 16. The Florida Construction Industry Licensing Board shall not be transferred from its present location on the effective date of this act without legislative authorization.

Section 17. Legislative review.--This act is repealed on July 1, 1985, and shall be reviewed by the Legislature pursuant to the Regulatory Reform Act of 1976.

Section 18. Part II, chapter 468, Florida Statutes, including section 468.1045, as created by chapter 78-142, Laws of Florida, section 468.109, as amended by chapters 78-142 and 78-236, Laws of Florida, and section 468.112, as amended by chapter 78-95, Laws of Florida, are hereby repealed.

Section 19. This act shall take effect July 1, 1979, but if it becomes a law after that date, it shall operate retroactively to July 1, 1979.

Approved by the Governor June 26, 1979.

Filed in Office Secretary of State June 27, 1979.

CHAPTER 79-201

Committee Substitute for Senate Bill No. 864

An act relating to cosmetology; creating s. 477.035, Florida Statutes; providing for the continuation of specialty licenses for facials and shampooing; providing an effective date.

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

Section 1. Section 477.035, Florida Statutes, is created to read:

477.035 Specialty licenses; facials and shampooing.--Any person holding a specialty license in the practice of facials or shampooing as specified in chapter 477, and who was licensed on January 1, 1979, shall be entitled to continue to engage in those practices without additional applications or fees.

Section 2. This act shall take effect January 1, 1980.

Approved by the Governor June 26, 1979.

Filed in Office Secretary of State June 27, 1979.

CHAPTER 79-202

Committee Substitute for Senate Bill No. 874

An act relating to the practice of public accounting; creating the Board of Accountancy within the Department of Professional Regulation and prescribing its composition, powers, and duties; authorizing the board to adopt certain rules; authorizing the board to establish certain fees and providing for their

History of Legislation 1979 Regular Session Florida Legislature



prepared by:

Legislative Information Division

Joint Legislative Management Committee

Capitol Building, Room 826 — 488-4371

04/18/79 SENATE SUBREFERRED TO SELECT COMMITTEE ON AGRICULTURE
-SJ 00139
04/19/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE AGRICULTURE
05/03/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE AGRICULTURE
05/23/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE AGRICULTURE
06/06/79 SENATE DIED IN COMMITTEE ON AGRICULTURE

S 0299 GENERAL BILL BY TOBIASSEN
RETIREMENT; REQUIRES SPECIAL RISK MEMBERS OF F.R.S. TO CONTRIBUTE A
PERCENTAGE OF GROSS COMPENSATION; INCREASES SPECIAL RISK BENEFIT CREDIT.
AMENDS 121.071, .091. EFFECTIVE DATE: 01/01/80.
02/26/79 SENATE PREFILED
03/15/79 SENATE REFERRED TO WAYS AND MEANS SUBCOMMITTEE E; WAYS AND
MEANS
04/03/79 SENATE INTRODUCED; REFERRED TO WAYS & MEANS SUBCOMMITTEE E;
WAYS AND MEANS -SJ 00039; WITHDRAWN FROM WAYS AND
MEANS; SUBCOMMITTEE E; WAYS & MEANS; INDEFINITELY
POSTPONED -SJ 00065

S 0300 JOINT RESOLUTION BY FRANK (COMPARE S 0691, S 1126)
AD VALOREM TAXATION; CONSTITUTIONAL AMENDMENT TO AUTHORIZE REBATES OF AD
VALOREM TAXES PAID ON HOMESTEAD BY OWNER OR PAID INDIRECTLY THROUGH RENT
ON PERSONAL RESIDENCE BY RENTER, & ALLOWING SUCH REBATE TO BE BASED UPON
INCOME OF OWNER, RENTER, OR MEMBERS OF HOUSEHOLD. AMENDS S. 16, ART. 7.
02/26/79 SENATE PREFILED
03/15/79 SENATE REFERRED TO WAYS AND MEANS, RULES AND CALENDAR
04/03/79 SENATE INTRODUCED, REFERRED TO WAYS AND MEANS, RULES AND
CALENDAR -SJ 00039
04/10/79 SENATE SUBREFERRED TO WAYS AND MEANS SUBCOMMITTEE D -SJ 00096
04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
05/09/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
05/18/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
06/06/79 SENATE DIED IN COMMITTEE ON WAYS AND MEANS

S 0301 GENERAL BILL BY JENNE (COMPARE ENG/H 1603)
WITNESSES; PRESCRIBES METHODS OF SERVICE OF SUBPOENAS ON WITNESSES IN
CRIMINAL MISDEMEANOR CASES. AMENDS 914.001. EFFECTIVE DATE:
UPON BECOMING LAW.
02/26/79 SENATE PREFILED
03/15/79 SENATE REFERRED TO JUDICIARY-CIVIL
04/03/79 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL -SJ 00039
04/12/79 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY
JUDICIARY-CIVIL -SJ 00130
04/19/79 SENATE PASSED; YEAS 39 NAYS 0 -SJ 00180
04/25/79 HOUSE RECEIVED, REFERRED TO CRIMINAL JUSTICE -HJ 00358
05/14/79 HOUSE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY CRIMINAL
JUSTICE -HJ 00528
06/06/79 HOUSE DIED ON CALENDAR, IDEN./SIM./COMPARE BILL PASSED, REFER
TO HB 1603 (CH. 79-396)

S 0302 GENERAL BILL/CS BY GOVERNMENTAL OPERATIONS AND OTHERS
CONSTRUCTION INDUSTRY; REQUIRES CERTIFICATION OF SPECIFIED PERSONS
ENGAGING IN CONTRACTING ON STATEWIDE BASIS; REQUIRES CERTAIN WORK TO BE
SUBCONTRACTED; CREATES CONSTRUCTION INDUSTRY LICENSING BOARD; PROVIDES
PROCEDURES FOR CERTIFICATION OR LICENSURE OF BUSINESS ORGS., ETC.
REPEALS PT. II, CH. 468. EFFECTIVE DATE: 07/01/79.
02/26/79 SENATE PREFILED
03/15/79 SENATE REFERRED TO GOVERNMENTAL OPERATIONS, WAYS AND MEANS
04/03/79 SENATE INTRODUCED, REFERRED TO GOVERNMENTAL OPERATIONS, WAYS
AND MEANS -SJ 00039
04/13/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL
OPERATIONS
04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL
OPERATIONS
05/11/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL
OPERATIONS
05/17/79 SENATE COMM. REPORT: C/S BY GOVERNMENTAL OPERATIONS -SJ 00505
05/22/79 SENATE NOW IN WAYS AND MEANS -SJ 00505
05/23/79 SENATE WITHDRAWN FROM WAYS AND MEANS -SJ 00528; PLACED ON
CONTINUED ON NEXT PAGE

05/23/79 CALENDAR
05/24/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S READ FIRST TIME
-SJ 00565; C/S PASSED AS AMENDED; YEAS 27 NAYS 0
-SJ 00566; RECONSIDERED; C/S PASSED AS FURTHER AMENDED;
YEAS 32 NAYS 0 -SJ 00568

05/29/79 HOUSE RECEIVED, REFERRED TO REGULATORY REFORM -HJ 00855
06/01/79 HOUSE COMM. REPORT; FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY REGULATORY REFORM -HJ 01187; READ SECOND TIME;
AMENDMENTS ADOPTED; READ THIRD TIME; PASSED AS AMENDED;
YEAS 99 NAYS 5 -HJ 01084

06/01/79 SENATE CONCURRED IN AMENDMENTS TOTALING 5; REFUSED TO CONCUR
IN ONE AMENDMENT; REQUESTED HOUSE TO RECEDE; C/S PASSED
AS FURTHER AMENDED; YEAS 30 NAYS 0 -SJ 00884

06/01/79 HOUSE RECEDED; PASSED AS AMENDED; YEAS 105 NAYS 0
-HJ 01186

06/18/79 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
06/26/79 APPROVED BY GOVERNOR CHAPTER NO. 79-200

S 0303 GENERAL BILL BY JENNE (SIMILAR H 0623)
STATE ATTORNEYS; REQUIRES STATE ATTORNEY TO ESTABLISH SALARY OF EACH
INVESTIGATOR EMPLOYED BY HIM, SUBJECT TO CERTAIN LIMITATIONS. AMENDS
27.255. EFFECTIVE DATE: 07/01/79.
02/26/79 SENATE FILED
03/15/79 SENATE REFERRED TO JUDICIARY-CIVIL, WAYS AND MEANS
04/03/79 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL, WAYS AND MEANS
-SJ 00039

04/04/79 SENATE COMM. REPORT; FAVORABLE BY JUDICIARY-CIVIL; NOW IN WAYS
AND MEANS -SJ 00079

04/10/79 SENATE SUBREFERRED TO WAYS AND MEANS SUBCOMMITTEE E -SJ 00096
04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
05/09/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
05/18/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
06/06/79 SENATE DIED IN COMMITTEE ON WAYS AND MEANS

S 0304 GENERAL BILL BY JENNE (SIMILAR H 0622)
STATE ATTORNEYS; REMOVES MAXIMUM LIMITATION ON SALARIES THAT MAY BE PAID
TO PERSONNEL EMPLOYED BY A STATE ATTORNEY. AMENDS 27.25.
EFFECTIVE DATE: UPON BECOMING LAW.
02/26/79 SENATE FILED
03/15/79 SENATE REFERRED TO JUDICIARY-CIVIL, WAYS AND MEANS
04/03/79 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL, WAYS AND MEANS
-SJ 00039

04/04/79 SENATE COMM. REPORT; FAVORABLE BY JUDICIARY-CIVIL; NOW IN WAYS
AND MEANS -SJ 00079

04/10/79 SENATE SUBREFERRED TO WAYS AND MEANS SUBCOMMITTEE E -SJ 00096
04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
05/09/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
05/18/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
06/06/79 SENATE DIED IN COMMITTEE ON WAYS AND MEANS

S 0305 GENERAL BILL BY JENNE (IDENTICAL S 0012, SIMILAR H 0290)
STATE ATTORNEYS; EXEMPTS STATE ATTORNEYS FROM PAYMENT OF FEES FOR COPIES
OF DOCUMENTS OR CERTIFICATES UNDER STATE SEAL; AUTHORIZES LOCAL
GOVERNMENTS TO CONTRACT WITH STATE ATTORNEY FOR PROSECUTION OF ORDINANCE
VIOLATIONS, ETC. CREATES 15.092; AMENDS 27.25, 34, 319.25.
EFFECTIVE DATE: 07/01/79.
02/26/79 SENATE FILED
03/15/79 SENATE REFERRED TO JUDICIARY-CIVIL, WAYS AND MEANS
04/03/79 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL, WAYS AND MEANS
-SJ 00039

04/04/79 SENATE COMM. REPORT; FAVORABLE BY JUDICIARY-CIVIL; NOW IN WAYS
AND MEANS -SJ 00079

04/10/79 SENATE SUBREFERRED TO WAYS AND MEANS SUBCOMMITTEE E -SJ 00096
04/27/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
05/09/79 SENATE EXTENSION OF TIME GRANTED COMMITTEE WAYS AND MEANS
05/17/79 SENATE WITHDRAWN FROM WAYS AND MEANS -SJ 00489; PLACED ON
CALENDAR

05/23/79 SENATE PLACED ON SPECIAL ORDER CALENDAR; AMENDMENT ADOPTED
-SJ 00523; PASSED AS AMENDED; YEAS 31 NAYS 1

CONTINUED ON NEXT PAGE

DATE: May 21, 1979

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Wills</u>	<u>Overstreet</u>	1. <u>G.O.</u>	<u>Fav/CS</u>
2. _____	_____	2. <u>W&M</u>	_____
3. _____	_____	3. _____	_____

SUBJECT: Reenactment of state regulation of the construction industry. --Sunset Legislation

BILL No. AND SPONSOR: CS/SB 302 by G.O. and Senators Maxwell and Williamson

I. SUMMARY:

A. Present Situation:

State regulation for the construction industry is provided in part II, chapter 468, F.S. The trades regulated in this part are prime contractors designated as general, building, and residential; and subcontractors providing services in the sheet metal, roofing, air conditioning, mechanical, and swimming pool trades. State regulation is enforced by the Florida Construction Industry Licensing Board composed of 13 members who are appointed by the Governor to four-year non-successive terms. Board membership consists of three general contractors, three building or residential contractors (Division I), and one member and an alternate for each of the subcontractor trades (Division II). Two public members, and a local building official member serve on both divisions of the board.

State regulation consists of either certification allowing statewide work without fulfilling local competency requirements, or registration based on fulfillment of local competency requirements. Violation of the provisions of this part is a misdemeanor of the second degree.

Part II of chapter 468, F.S., was designated for repeal effective July 1, 1979, pursuant to the Regulatory Reform Act of 1976.

B. Effect of Proposed Changes:

Would replace Part II, Chapter 468, F.S., with a new law regulating the designated trades in the construction industry. There would be no change in the composition of the board, although the current members would be replaced by January 1, 1980. The board would function pursuant to the provisions of CS/SB 727, which will become law on July 1, 1979. The bill would not change any certification or registration prerequisites, but would delete fire sprinkling systems from the definition of mechanical contractors. Violation of the provisions of this act would be a misdemeanor of the first degree.

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

Analyst: Willis
 Staff Director: Overstreet
 Subject: Reenactment of state regulation
 of the construction industry.
 --Sunset Legislation

CS/SB 302
 By: G.O. and Senators
 Maxwell and Williamson

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Initial and renewal fees would be changed as follows:

1. Construction Industry:

	<u>Present Fees</u> <u>Max/Actual</u>	<u>Proposed</u> <u>Maximum Fees</u>
Certification	\$300/\$150	\$250
Biennial Renewal	\$300/\$ 75	\$100
Registration:		
General	\$100/\$ 50	\$ 50
Building	\$ 50/\$ 25	\$ 50
Residential	\$ 20/\$ 10	\$ 50
All Subcon- tractors	\$ 40/\$ 30	\$ 50

Biennial renewal registration fees are presently set at a rate not to exceed half the initial application fee. The biennial renewal fee for all registrations would not exceed \$50.

B. Government:

All fees are presently based upon the financial potential of the business entities, not the cost of regulation, according to Mr. James Linnan, Executive Director of the Construction Industry Licensing Board. The proposed fee schedule would more clearly reflect the actual costs of regulation.

Centralization of budgetary, personnel, and legal services in the department should reduce costs and allow lower fees than the current schedule.

III. COMMENTS:

Staff review, pursuant to the Regulatory Reform Act of 1976, found that state regulation of the construction trades was necessary to the protection of the public health, safety, and welfare.

IV. AMENDMENTS: None

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL 302

Blw

Part II, chapter 468, F.S., is repealed and replaced with a new law which would create a Construction Industry Licensing Board. The board would function pursuant to CS/SB 727 (Chapter 79-36, Laws of Florida), which reorganized the Department of Professional and Occupational Regulation. Provisions relating to the board which were addressed in CS/SB 727 are deleted from the practice act. Licensure by endorsement is provided.

copy

Committee on Governmental Operations

John Christensen

Chairman or Staff Director