

1980

## Session Law 80-085

Florida Senate & House of Representatives

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COMMITTEE ON REGULATED INDUSTRIES AND LICENSING

HB 659

OTHER COMMITTEES OF REFERENCE  
None

SPONSOR Rep. Ward

RELATING TO Plumbing Contractors

COMPANION/SIMILAR SB 286

April 18, 1980

I. Summary

A. Present Situation

Chapter 489 provides for the licensing and certification of various types of contractors. Among the contractors included, and represented on the Construction Industry Licensing Board, are roofing contractors, sheet metal contractors, air conditioning contractors, pool contractors and mechanical contractors. Plumbing contractors are not included in the provisions of chapter 489. By receiving state certification (including passing a test), a contractor may engage in contracting anywhere in the state without being required to fulfill competency requirements in each separate jurisdiction. Contractors not certified must register with the Department of Professional Regulation (DPR) once they have met local requirements.

Plumbing contractors do not have the option of certification for statewide operation. They must meet the local requirements in each locale in which they wish to work. This is expensive and time consuming.

Building construction standards are provided in chapter 553. Part I of that chapter (ss 553.01-553.13), entitled the Florida Plumbing Control Act of 1951, requires the bonding of a plumbing contractor under certain conditions. The bond is in the amount of \$5,000. Over half of Florida's counties are exempted from the provisions of chapter 553.

B. Effect on Present Situation

The bill defines plumbing contractor similar to the definition in chapter 553. In addition, one plumbing contractor is added to the 14 member Construction Industry Licensing Board, and one plumbing contractor is added to the 5 alternate members of that board.

Plumbing contractors will be eligible for certification by DPR to practice statewide.

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II. Private Sector/State/Local Fiscal Impact

A. Private Sector Impact

Qualification for statewide certification will involve some expense including fees for application, examination and registration. Offsetting this cost will be the savings in time and costs to qualify in each locale. The net cost, if any, may be passed on to consumers.

B. State Fiscal Impact

DPR and the Board will be responsible for implementing the bill. Estimated expenses and revenue (from fees) for the first year are set out below:

Expenses

Rule Adoption	\$5,000
Exam Development	5,000
Exam Testing Services (Administration and Grading, \$40/person)	40,000

Personnel

1 - Clerk Typist III	\$ 9,150	} Salary and Benefits
1 - Investigator	30,000	
1 - Complaint Analyst	15,000	
Miscellaneous (Equipment & Supplies)	3,000	
Board Members Travel (10 mtg./year)	<u>4,700</u>	
Total	<u>\$111,850</u>	

\*Revenue

Certification & Exam (1000 x \$150)	150,000
Registration (8000 x \$50)	<u>400,000</u>
Total	<u>\$550,000</u>

\*Fees used are based on the current fees. There are estimated to be 9,000 - 10,000 plumbing contractors in Florida.

III. Comments - None

IV. Amendments - None

Prepared by Chris Haughee  
Staff Director Warren Morgan

DATE: April 24, 198 ~~AK~~

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Ponder	<del>PS. Overstreet</del>	1. G.O.	Fav/CS
2. _____	_____	2. ECCA	_____
3. _____	_____	3. _____	_____

SUBJECT: Certification and Registration of Plumbing Contractors Under the Construction Industry Licensing Board

BILL NO. AND SPONSOR: CS/SB 286 by Governmental Operations and Senator Henderson

I. SUMMARY:

A. Present Situation:

Chapter 469, F.S., requires each city with a population over 7,500 to have a board of plumbing examiners. These boards give examinations and award certificates of competency to qualified plumbers.

Each city and town in the state must appoint or elect a plumbing inspector whose duty it is to assure compliance with all rules regarding plumbing in that jurisdiction.

Plumbers working in areas without a municipal board are regulated by counties. The counties require bonds and issue competency cards to applicants who pass plumbing examinations. There are many reciprocal agreements between counties, but some counties require plumbers to pass the county examination before working in the county.

There is no provision for statewide certification or registration of plumbers.

Chapter 633, F.S., relating to fire prevention, requires every person who works on fixed fire extinguisher sprinkler systems to be qualified and registered under that law.

Chapter 489, part I, F.S., Construction Contracting, provides that contractors who engage in general, building, residential, sheet metal, roofing, air conditioning, mechanical, or swimming pool contracting may apply for statewide registration or certification.

Subsection 489.113(3), F.S., provides that contractors shall subcontract the electrical, mechanical, plumbing, roofing, sheet metal, and air conditioning work for construction contracts, unless the contractor holds whatever license is necessary to perform such work. The statute also provides that the contractor shall not be required to subcontract the installation of roof shingles.

Certification is the higher form of licensing and permits the certificate holder to practice his trade statewide. Registration permits the holder to engage in the trade only in those areas where he has complied with local licensing requirements. Regulation and licensing are administered by the Department of Professional Regulation and the state Construction Industry Licensing Board. Plumbing contractors are not represented on the board.

B. Effect of Proposed Changes:

Would expand the Construction Industry Licensing Board to include plumbing contractors, and would provide for statewide registration and certification of plumbers. Would place a plumbing contractor and alternate on the board.

Would not change any provision of chapter 469, F.S., which relates to the regulation of plumbers by cities and towns.

There are approximately 9,000 plumbers in the state. Each would be required to be registered or certified.

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## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

Analyst: Ponder  
Staff Director: Overstreet  
Subject: Certification and Registration of  
Plumbing Contractors Under the  
Construction Industry Licensing Board

Bill No. And Sponsor:  
CS/SB 286 by  
Governmental Operations  
and Senator Henderson

Plumbers who choose to be registered would have to take county or municipal examinations and pay local examination fees just as they do now.

Plumbers who choose to be certified statewide would be required to take a state examination.

General contractors would not be required to subcontract the installation and construction of sewer and water mains for new site development work, commercial site developments, or mobile home parks.

## II. ECONOMIC IMPACT AND FISCAL NOTE:

### A. Public:

Registrants would be required to pay an initial fee of \$50 and a biennial renewal fee of \$50.

Plumbers who choose to become certified for statewide work would be required to pay an initial application and examination fee not to exceed \$250 and a biennial renewal fee not to exceed \$100.

Statewide certification could increase competition by permitting more plumbers to work in areas that they previously had not been licensed to work in.

The costs of licensure and compliance which are passed on to the public are broadly dispersed by the volume involved, but this factor remains a part of consumer costs. Increased competition usually results in reduced consumer costs; therefore, state certification tends to reduce consumer costs to some degree. This benefit to the consumer may offset the passed-on costs of regulation.

### B. Government:

Mr. James Linnan, Executive Director of the Florida Construction Industry Licensing Board, states that the bill would have no fiscal impact for the state because the fees collected pay for administration and examination expenses.

## III. COMMENTS:

Chapter 469, F.S., is scheduled for sunset in 1982. At that time, the provisions requiring cities to regulate plumbers and to administer examinations for plumbers will be reviewed by the legislature. This bill would not conflict with municipal regulation of plumbers. Municipal requirements would be superseded by statewide certification, however. For those plumbers who choose not to become certified, city examinations would still be required.

The definition of the scope of work of plumbing contractors in the bill is broad enough to include maintenance and installation of fire extinguishing systems, although that type of work requires qualifications and registration under chapter 633, F.S., relating to fire prevention.

Mr. Linnan states that the examination which would be given for statewide certification of plumbers would be more stringent than any county or municipal test now being given.

House bill 659 is similar to this bill.

## IV. AMENDMENTS:

None

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR SENATE BILL 286

1. Exempts general contractors from the requirement of sub-contracting the construction of sewer and water mains for new site developments, commercial sites, and mobile home parks.

Committee on Governmental Operations

  
Chairman or Staff Director

C14(4-74) (File 2 copies with Committee Substitutes)

paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(m)††:

(m) "Plumbing contractor" means any person whose services are unlimited in the plumbing trade and who has the experience, knowledge, and skill necessary for the installation, maintenance, extension, and alteration of all piping fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building, structure, or conveyance, including the practice and materials used in the installation, maintenance, extension, or alteration of the storm water or sewerage and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

Section 2. Subsections (2), (5), and (6) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.--

(2) The board shall consist of:

(a) Fifteen ~~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;

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2.2/17
2.2/18
2.2/19
2.2/20
2.2/21
2.2/22
2.2/23
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- 6. One is primarily engaged in business as a mechanical contractor;
7. One is primarily engaged in business as a pool contractor;
8. One is primarily engaged in business as a plumbing contractor;
9. ~~8~~ Two are lay persons who are not, and have never been, members or practitioners of a profession regulated by the board or members of any closely related profession; and
10. ~~9~~ One is a building official of a municipality or county, ~~†-and~~
(b) Six Five ~~Six~~ 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; ~~and~~
5. One is primarily engaged in business as a pool contractor; ~~and~~
6. One is primarily engaged in business as a plumbing contractor.
(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) 9 ~~8~~ and shall have jurisdiction over the examination and regulation of general



155-45-1-0

By Representative Ward

1 contractors, building contractors, and residential  
2 contractors.

3 (b) Division II shall be comprised of the regular and  
4 alternate mechanical contractor, pool contractor, roofing  
5 contractor, sheet metal contractor, air conditioning  
6 contractor, plumbing contractor, and building official members  
7 of the board and one of the members appointed pursuant to  
8 subparagraph (2)(a) ~~9. 8~~ and shall have jurisdiction over the  
9 examination and regulation of mechanical contractors, pool  
10 contractors, roofing contractors, air conditioning  
11 contractors, plumbing contractors, and sheet metal  
12 contractors.

13  
14 The building official member shall serve as a member, with  
15 full voting rights, of both Division I and Division II.

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

22 Section 3. If chapter 489, Florida Statutes, is  
23 repealed in accordance with the intent expressed in chapter  
24 79-200, Laws of Florida, or as subsequently amended, it is the  
25 intent of the Legislature that this act shall also be repealed  
26 on the same date as is therein provided.

27 Section 4. This act shall take effect October 1, 1980.

28 HOUSE SUMMARY

29 Defines "plumbing contractor" and provides for the  
30 supervision of plumbing contractors by the Construction  
31 Industry Licensing Board. Adds one regular and one  
alternate member to the board to represent plumbing  
contractors and increases by one the number of votes  
needed to constitute a quorum.

4.19/10

5.0/2

5.0/3

5.0/4

5.0/6

5.0/7

5.0/8

5.0/9

5.0/10

5.11

5.12

5.12/2

5.12/3

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5.12/5

5.12/6

5.12/7

5.12/8

This public document was promulgated at a cost of \$10.62 per page for the information of members of the Legislature and the public.

1 A bill to be entitled

2 An act relating to the Construction Industry  
3 Licensing Board; amending s. 489.105(3), the  
4 introductory paragraph, and adding subsection  
5 (m) thereto, defining "plumbing contractor" and  
6 providing for the inclusion of such contractors  
7 among Division II contractors supervised by the  
8 board; amending s. 489.107(2), (5), and (6),  
9 Florida Statutes; increasing regular and  
10 alternate membership of the board to provide  
11 for representation of plumbing contractors;  
12 increasing from four to five the number of  
13 votes needed for a quorum; providing for  
14 conditional repeal; providing an effective  
15 date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. The introductory paragraph of subsection  
20 (3) of section 489.105, Florida Statutes, is amended, and  
21 paragraph (m) is added to said subsection to read:

22 489.105 Definitions.--As used in this act:

23 (3) "Contractor" means the person who is qualified for  
24 and responsible for the entire project contracted for and  
25 means, except as exempted in this act, the person who, for  
26 compensation, undertakes to, submits a bid to, or does himself  
27 or by others construct, repair, alter, remodel, add to,  
28 subtract from, or improve any building or structure, including  
29 related improvements to real estate, for others or for resale  
30 to others. Contractors are subdivided into two divisions,  
31 Division I, consisting of those contractors defined in