Session Law 84-160

Florida Senate & House of Representatives

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in the state.

read:

thereunder upon the effective date of this act.

violation of paragraph (a).

pers

or investment, the plaintiff shall recover an amount equa

s. 517.311; or

difference between:

practices; remedies. --

CHAPTER 84-159

is amended to read:

1s amended to read:

517.241 Remedies. --

(2) Nothing in this chapter shall limit any statutory or common-

law right of any person to bring any action in any court for any act

involved in the sale of securities or investments, or the right of

the state to punish any person for any violation of any law.

Section 10. Subsection (2) of section 517.241, Florida Statutes,
is amended to read:

517.241 Remedies. --

(2) Nothing in this chapter shall limit any statutory or common-

law right of any person to bring any action in any court for any act

involved in the sale of securities or investments, or the right of

the state to punish any person for any violation of any law.

Section 11. Section 517.251, Florida Statutes, is created to read:

517.251 Securities, investments, boiler rooms; prohibited

practices; remedies. --

(1) It is unlawful and a violation of this chapter for any

person:

(a) To offer or sell in or from this state any security or

investment when such offer or sale is in violation of s. 517.301 or

s. 517.311; or

(b) To directly or indirectly manage, supervise, control, or own,
either alone or in association with others, any boiler room in this

state which sells or offers for sale any security or investment in

violation of paragraph (a).

(2) Any purchaser of a security or investment sold in violation

of subsection (1) shall be entitled to rescind such purchase at any
time and recover damages as provided in s. 517.211(3)(a), (4), and

(6).

Section 12. Section 517.275, Florida Statutes, is created to read:

517.275 Commodities; prohibited practices. -- It is unlawful and

a violation of this chapter for any person to engage in or from this

state in any act or practice constituting a violation of any

provision of the Commodity Exchange Act (7 U.S.C. ss. 1 et seq.)
or the rules and regulations of the Commodity Futures Trading Commission

thereunder upon the effective date of this act.

Section 13. Subsection (1) of section 517.301, Florida Statutes, is amended to read:

517.301 Fraudulent transactions; falsification or concealment of

facts. -- It is unlawful and a violation of the provisions of this

chapter for any person:

(a) To employ any device, scheme, or artifice to defraud;

(b) To obtain money or property by means of any untrue statement of

a material fact or any omission to state a material fact necessary

in order to make the statements made, in the light of the

circumstances under which they were made, not misleading; or

(c) To engage in any transaction, practice, or course of business

which operates or would operate as a fraud or deceit upon any person.

Section 14. Subsections (3) and (4) of section 517.311, Florida

Statutes, are renumbered as subsections (4) and (5), respectively,

and a new subsection (3) is added to said section to read:

517.311 False representations; deceptive words; enforcement. --

(3) It is unlawful and a violation of this chapter for any person

in connection with the offer or sale of any investment to obtain

money or property by means of:

(a) A misrepresentation that the investment offered or sold is

guaranteed, sponsored, recommended, or approved by the state or any agency

or officer thereof or by the United States or any agency or officer thereof;
or

(b) A misrepresentation that such person is sponsored, recommended,
or approved, or that such person's abilities or qualifications have in any respect been passed upon, by the state or any agency or officer thereof or by the United States or any agency or officer thereof.

Section 15. Each section which is added to chapter 517, Florida

Statutes, by this act is repealed on October 1, 1990, and shall be

reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 16. This act shall take effect upon becoming a law.

Approved by the Governor June 11, 1984.

Filed in Office Secretary of State June 12, 1984.

CHAPTER 84-160

Committee Substitute for House Bill No. 836

An act relating to contracting; amending s. 489.103, F.S.;
exempting the installation and maintenance of certain
water conditioning units from provisions regulating
contracting; prohibiting political subdivisions from
law for board membership, who is connected in any way with any medical college, dental college, or community college may be appointed to any board so long as that connection does not result in a relationship wherein such college represents the person's principal source of income.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 11, 1984.

Filed in Office Secretary of State June 12, 1984.

CHAPTER 84-162

Committee Substitute for House Bill No. 852

An act relating to state railroad museums; creating s. 15.045, F.S.; establishing standards for such museums; specifying certain museums entitled to such designation; providing an effective date.

WHEREAS, museums have been organized to serve their communities, preserving for the people of Florida a part of the state's railroad history, including sites, structures, equipment, and memorabilia, NOW, THEREFORE,

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

Section 1. Section 15.045, Florida Statutes, is created to read:

15.045 Official state railroad museum.--

(1) Prior to representing to the general public that it is a Florida state railroad museum, a railroad museum shall be authorized under subsection (2) and meet the following standards and criteria:

(a) The stated purpose of the railroad museum shall be to preserve railroad history and historical railroad memorabilia, including, but not limited to, railroad locomotives and rolling stock.

(b) The railroad museum shall be devoted primarily to the history of railroads and railroading.

(c) The railroad museum shall be open to the general public, and memberships shall be offered to the general public regardless of race, color, creed, or national origin.

(d) The railroad museum shall be a recipient of a s. 501(c)(3) Internal Revenue Service designation.

(2) The following railroad museums shall be entitled to designation as provided in subsection (1) upon meeting the standards and criteria contained in said subsection:

(a) The Orange Blossom Special Railroad Museum, West Palm Beach.

(b) The Gold Coast Railroad Museum, Inc., and Gold Coast Railroad, Inc.
Contracting: exempts the installation & maintenance of certain water conditioning units from provisions regulating contracting; prohibits political subdivisions from regulating operators of water conditioning services. Amends 489.103. Effective Date: 10/01/84.

03/08/84 HOUSE Referred to Regulatory Reform, Finance & Taxation, Appropriations
03/11/84 HOUSE Introduced, referred to Regulatory Reform, Finance & Taxation, Appropriations - SJ 00046
03/12/84 SENATE Prefiled
04/11/84 SENATE On Committee agenda -- Economic, Community and Consumer Affairs, Appropriations -SJ 00149
04/17/84 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs: On Committee agenda -- ECCA, 04/17/84. 9:00 am, Rm. H
04/20/84 SENATE Now in Appropriations -SJ 00149
04/23/84 SENATE Withdrawn from Appropriations -SJ 00149
05/01/84 SENATE Placed on Special Order Calendar: CS passed; YEAS 33 NAYS 0 - SJ 00391
05/04/84 SENATE Reconsidered: Iden./Sim. House Bill substituted; Laid on table under Rule. Iden./Sim./Compare Bill passed, refer to CS/HB 838 (Ch. 84-160) - SJ 00411

06/11/84 SENATE Approved by Governor Chapter No. 84-160
GENERAL BILL/CS by Regulatory Reform, Gallagher (Identical CS/S 0519)

Contracting: exempts the installation & maintenance of certain water conditioning units from provisions regulating contracting; prohibits political subdivisions from regulating operators of water conditioning services. Amends 489.103. Effective Date: 10/01/84.

03/01/84 HOUSE Prefiled

03/08/84 HOUSE Referred to Regulatory Reform, Finance & Taxation, Appropriations

03/15/84 HOUSE Subreferred to Subcommittee on Department of Professional Regulation

04/03/84 HOUSE Introduced, referred to Regulatory Reform, Finance & Taxation, Appropriations -HJ 00083; Subreferred to Subcommittee on Department of Professional Regulation; On Committee agenda-- Subcomm., Reg. Reform, 16 HOB, 3:15 pm, 04/03/84

04/06/84 HOUSE On Committee agenda-- Regulatory Reform, 21 HOB, 1:15 pm, 04/10/84

04/18/84 HOUSE Comm. Report: CS by Regulatory Reform -HJ 00236; Now in Finance & Taxation

04/24/84 HOUSE On Committee agenda-- For subreferral, 21 HOB, 8:30am, 04/26/84

04/26/84 HOUSE Withdrawn from Finance & Taxation -HJ 00280: Now in Appropriations

05/07/84 HOUSE Withdrawn from Appropriations -HJ 00304; Placed on Calendar

05/23/84 HOUSE Placed on Consent Calendar: CS read first and second times; Amendments adopted; Read third time; CS passed as amended; YEAS 102 NAYS 3 -HJ 00350

05/24/84 SENATE Received: Substituted for CS/SB 519; Passed; YEAS 32 NAYS 0 -SJ 00411

05/28/84 HOUSE Withdrawn from Appropriations -SJ 00149; Placed on Calendar

05/31/84 HOUSE Signed by Officers and presented to Governor -HJ 01045

06/11/84 HOUSE Approved by Governor Chapter No. 84-160

GENERAL BILL/CS by Economic, Community and Consumer Affairs, Henderson (Identical CS/H 0836)

Contracting: exempts the installation & maintenance of certain water conditioning units from provisions regulating contracting; prohibits political subdivisions from regulating operators of water conditioning services. Amends 489.103. Effective Date: 10/01/84.

03/12/84 SENATE Prefiled

03/26/84 SENATE Referred to Economic, Community and Consumer Affairs, Appropriations

04/03/84 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Appropriations -SJ 00046

04/11/84 SENATE On Committee agenda-- ECCA, 04/11/84, Temporarily postponed

04/13/84 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs: On Committee agenda-- ECCA, 04/17/84, 9:00 am, Rm. H

04/17/84 SENATE Comm. Report: CS by Economic, Community and Consumer Affairs -SJ 00149; CS read first time 04/20/84 -SJ 00155

04/20/84 SENATE Now in Appropriations -SJ 00149

05/01/84 SENATE Withdrawn from Appropriations -SJ 00194; Placed on Calendar

05/23/84 SENATE Placed on Special Order Calendar; CS passed; YEAS 33 NAYS 0 -SJ 00391

05/24/84 SENATE Reconsidered: Iden./Sim. House Bill substituted; Laid on table under Rule. Iden./Sim./Compare Bill passed, refer to CS/HB 836 (Ch. 84-160) -SJ 00411
HB 836
Relating to Contracting

Other Committees of Reference:
Subcommittee: ______
Committee: ______

I. SUMMARY AND PURPOSE

HB 836 provides for the examination and licensure of water conditioning contractors by the Construction Industry Licensing Board.

II. CURRENT LAW AND EFFECT OF CHANGES

A. Current Law

Presently Part 1 of Ch. 489, F.S., contains provisions relating to the construction contracting and authorizes the certification or registration of individuals seeking to engage in the business of contracting. Specific provisions of Part 1 of Ch. 489 include: definitions; qualifications for certification and registration; fees; examinations; prohibitions and disciplinary proceedings.

B. Effect of Proposed Changes

The changes proposed by HB 836 to this regulatory scheme are examined on a section by section basis:
Section 1 - The section amends s. 489.105 and adds definition for water conditioning contractor to this regulatory scheme.

Section 2. - This section contains minimum requirements which applicants must meet in order to be eligible to take the certification examination. In addition, individuals certified by the Water Quality Association, prior to October 1, 1984, as water conditioning contractors will be certified as such by the CILB.

Section 3. - This section expresses legislative intent that the examination being administered by the Water Quality Association be used until such time as the CILB establishes a statewide test and that the test ultimately approved by the CILB be substantially similar that the Water Quality Association examination.

Section 4. - Reaffirms that ss. 489.105 and 489.111, as amended by HB 836 will be reviewed by the Legislature pursuant to the Sunset Act on October 1, 1988.

Section 5. - This section contains the effective date of July 1, 1984.

III. FISCAL DATA

A. Public Sector Considerations

The fiscal analysis prepared by the Department of Professional Regulation for HB 836 indicates the following:

Costs (Examinations, etc.) - $10,022
Revenue (License fees, renewal fees, etc.) - $1,070
Deficit Year 1 - ($8,953)

The DPR reports that the deficit is incurred because there appears to be very few water conditioning contractors in the State who would be licensed in this specialized area.

The Water Quality Association reports that there are approximately 295 water conditioning unit dealers in this state. This association reports that there are approximately 250 persons who would be licensed under the
act and there is approximately a 15-20% turnover rate in this occupation.

B. Private Sector Considerations

Individuals licensed under this act would be required to pay fees for examination and license as well as license renewal. The cost for examination and license is $150 and for license renewal is $80 for each licensee.

IV. AMENDMENTS

None.

Prepared by: John C. Davis, Staff Attorney

Staff Director: Chris Holland, Ph.D

CH/rn
A bill to be entitled
An act relating to contracting; amending s.
489.105, F.S., defining the term "water
conditioning contractor"; amending s. 489.111,
F.S., providing for the licensing and
examination of water conditioning contractors
by the Construction Industry Licensing Board;
providing for review and repeal; providing an
effective date.

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

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

489.105 Definitions.--As used in this act:
(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)-(n):

(n) "Water conditioning contractor" means a contractor
whose services are limited to a specialized field of water
conditioning unit installation and servicing for domestic,
commercial or industrial purposes.
Section 2. Paragraph (c) of subsection (2) of section 489.111, Florida Statutes, is amended to read:

489.111 Examinations.—

(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:

(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 has 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. 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 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.

7. a. An individual is eligible to take the water conditioning contractor's examination if he possesses a minimum of 1 year of proven experience or equivalent education in the field.

b. Any person who has been certified as a water conditioning contractor by the Water Quality Association prior to October 1, 1984, shall receive certification upon application to the board with proof of such certification being furnished to the board.

Section 3. It is the intention of the Legislature that until such time as the Construction Industry Licensing Board establishes a statewide water conditioning contractor examination, that the standard to be utilized for the implementation of this act shall be the examination which is currently being administered by the Water Quality Association; and it is further the intent of the Legislature that the examination as finally approved by the Board shall be substantially similar to such examination.
Section 4. Sections 489.105 and 489.111, Florida Statutes, as amended by this act are repealed on October 1, 1988, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 5. This act shall take effect July 1, 1984.
SUBCOMMITTEE REPORT/INFORMATION RECORD

File with Parent Committee

To Chairman, Committee on ____________________________

Regulatory Reform

Subcommittee on ____________________________

DPR

Date of meeting 4-5-84

Time 3:15 p.m.

Place ____________

Bill No. 836

FINAL ACTION:  X  FAVORABLE

__  FAVORABLE WITH ___ AMENDMENTS

__  FAVORABLE WITH SUBSTITUTE

__  UNFAVORABLE

VOTE:

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<th>YEAR</th>
<th>MEMBER</th>
<th>MAY</th>
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<td>JONES, DENNIS</td>
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<td>METCALF</td>
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Total Yes 5

Total Nays 0

NOTE: Please indicate by an "x" any State employee appearing at the request of Subcommittee Chairman.

(If additional persons, enter on reverse side and check here __)

H-74(1980)
### COMMITTEE INFORMATION RECORD

Committee on Regulatory Reform  
Date of meeting 4/10/84  
Time 1:15-3:15 p.m.  
Place 21 HOB

**Final Action:**
- **FAVORABLE**
- **FAVORABLE WITH AMENDMENTS**
- **FAVORABLE WITH SUBSTITUTE**
- **UNFAVORABLE**

**Vote:**

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<th>YEA</th>
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**Chairman**

**COMMITTEE APPEARANCE RECORD**

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

<table>
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<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>Wilbur Brewton</td>
<td>Water Quality Assoc.</td>
<td>225 S. Adams, Talla.</td>
</tr>
<tr>
<td>Barry Willis</td>
<td>Assoc. General Cont.</td>
<td>134 S. Bronough, Talla.</td>
</tr>
<tr>
<td>Michael Schwartz</td>
<td>DPR</td>
<td>130 N. Monroe Street, Talla</td>
</tr>
</tbody>
</table>

**NOTE:** Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here)

*File 2 copies with Clerk*
CS/HB 836

Relating to Contracting

Other Committees of Reference:

Subcommittee: __________

Committee: __________

I. SUMMARY AND PURPOSE

CS/HB 836 provides for the examination and licensure of water conditioning contractors by the Construction Industry Licensing Board.

II. CURRENT LAW AND EFFECT OF CHANGES

A. Current Law

Presently Part 1 of Ch. 489, F.S., contains provisions relating to the construction contracting and authorizes the certification or registration of individuals seeking to engage in the business of contracting. Specific provisions of Part 1 of Ch. 489 include: definitions; qualifications for certification and registration; fees; examinations; prohibitions and disciplinary proceedings.

B. Effect of Proposed Changes

The changes proposed by HB 836 to this regulatory scheme are examined on a section by section basis:

Section 1 - This section amends s. 489.105 to add a definition for water conditioning contractor which
includes language clarifying that such contractors need not be plumbers.

Section 2. - This section provides that persons shall be eligible to the licensure examination if they meet either of the three criteria:

- has a 4-year degree from an accredited college in an appropriate field and 1 year of experience in the category for which you need to qualify or

- has at least 3 years of active experience as a workman by serving an apprenticeship and at least 1 year of experience at the level of foreman or

- has a combination of 1 year experience as a foreman and not less than 3 years of credits or a combination of 2 years experience as a skilled workman, 1 year as foreman and not less than 1 year of college level courses.

Section 3. - This section grandfathers in persons who can demonstrate certification by the Water Quality Association prior to the effective date of this act as registered water conditioning contractors. The DPR is required to develop and implement certification examination for those registered contractors who wish to be certified with 180 days.

Section 4. - Reaffirms that ss. 489.105 and 489.111, as amended by CS/HB 836 will be reviewed by the Legislature pursuant to the Sunset Act on October 1, 1988.

Section 5. - This section contains the effective date of July 1, 1984.

III. FISCAL DATA

A. Public Sector Considerations

The fiscal analysis submitted by the Department of Professional Regulation indicates that the proposed regulatory scheme would incur a sizable deficit in the first year. The fiscal analysis submitted by the department is attached.

The Water Quality Association also submitted fiscal statement regarding the impact of HB 836. The statement projects a balance of approximately $22,400 as
opposed to the DPR's negative balance of approximately $6,000. The difference between the two involves the numbers to be licensed.

The DPR projects 40 licensees while the WQA relies on projection of 295 licensees. The WQA reports there are approximately 295 water conditioning unit dealers in this state. The association reports that each of these dealers would have at least one licensee. In addition, the WQA projects an annual turnover of approximately 15-20% for this occupation.

B. **Private Sector Considerations**

Individuals licensed under this act would be required to pay fees for examination and license as well as license renewal. The cost for examination and license is $150 and for license renewal is $80 for each licensee.

IV. **AMENDMENTS**

None.

Prepared by: John C. Davis, Staff Attorney

Staff Director: Chris Holland, Ph.D
Journal
of the
Florida
House of Representatives

Eighty-sixth
Regular Session
since Statehood in 1845
April 3 through June 1, 1984

Including a record of transmittal of Acts subsequent to sine die adjournment
Amendment 3—On page 7, between lines 20 & 21, add new subsection (5) to read: If a stolen vehicle, which is a rental or lease unit, has been removed from private property by a tow company, the owner or its agent shall not be charged or otherwise incur any storage fee on the recovered stolen motor vehicle until the expiration of at least 24 hours immediately following notification to the owner or its agent.

Rep. Hanson moved the adoption of the amendment, which was adopted without objection.

Representative Hanson offered the following title amendment.

Amendment 4—On page 1, line 14, after the word “penalty;” insert: providing that if a stolen rental or lease vehicle is towed from private property, the owner or its agent shall not be charged storage fees for a certain time period;

Rep. Hanson moved the adoption of the amendment, which was adopted without objection.

On motion by Rep. Hanson, the rules were waived and HB 572, as amended, was read the third time by title. On passage, the vote was:

Representative Hanson offered the following amendment

**Amendment 3**—On page 7, between lines 20 & 21, add new subsection (5) to read: If a stolen vehicle, which is a rental or lease unit, has been removed from private property by a tow company, the owner or its agent shall not be charged or otherwise incur any storage fee on the recovered stolen motor vehicle until the expiration of at least 24 hours immediately following notification to the owner or its agent.

Rep. Hanson moved the adoption of the amendment, which was adopted without objection.

Representative Hanson offered the following title amendment.

**Amendment 4**—On page 1, line 14, after the word “penalty;” insert: providing that if a stolen rental or lease vehicle is towed from private property, the owner or its agent shall not be charged storage fees for a certain time period;

Rep. Hanson moved the adoption of the amendment, which was adopted without objection.

On motion by Rep. Hanson, the rules were waived and HB 572, as amended, was read the third time by title. On passage, the vote was:

*Votes after roll call:*

**Yeas—**105

The Chair: Drage

Abrams: Dudley

Armstrong: Dunbar

Arnold: Easley

Bailey: Evans-Jones

Bankhead: Fogg

Bass: Friedman

Brantley: Gallagher

Bronson: Gardner

Brown, C.: Gordon

Brown, T. C: Grant

Burke: Grindle

Burnsed: Gustafson

Burrrall: Hanson

Carlton: Hargrett

Carpenter: Harris

Casas: Hawkins, L R

Clark: Hazouri

Clements: Healey

Combee: Hill

Cortina: Hollingsworth

Cosgrove: Jamerson

Crady: Johnson, B. L

Crotty: Johnson, R. M

Dantzler: Jones, C. F

Davis: Jones, D L

Deutsch: Kelly

Drage: Kutun

Dudley: Lewis

Dunbar: Lippman

Easley: Locke

Evans-Jones: Logan

Fogg: Mackenzie

Friedman: Martin

Gallagher: Martinez

Gardner: McKewan

Gordon: Meffert

Grant: Metcalf

Hanson: Morgan

Hargrett: Nergard

Harris: Ogden

Hawkins, L R: Petchett

Hazouri: Peeples

Healey: Press

Hill: Ready

Hollingsworth: Reaves

Jamerson: Reddick

Johnson, B. L.: Reynolds

Johnson, R. M.: Robinson

Jones, C. F.: Rochlin

Jones, D L.: Ros

Kelly: Sample

Kutun: Sanderson

Lewis: Sansom

Lippman: Selph

Locke: Shackelford

Logan: Silver

Mackenzie: Simon

Martin: Simone

Martinez: Smith

McKewan: Spaet

Meffert: Stewart

Morgan: Thompson

Morgan: Toobin

Nergard: Toobin

Ogden: Upchurch

Petchett: Wallace

Peeples: Ward

Press: Watt

Ready: Webster

Reaves: Weinstock

Reddick: Wetherell

Reynolds: Williams

Robinson: Woodruff

Rochlin: Young

Ros: Sample

Sanderson: Sansom

Selph: Shackelford

Silver: Smith

Simone: Toobin

Spaet: Smid

Stewart: Thompson

Thomas: Thomas

Tobin: Toobin

Toobin: Tom

Upchurch: Wallace

Wetherell: Smid

Woodruff: Smid

Young: Sample

Sample: Sample

Sanderson: Sansom

Sansom: Sansom

Sansom: Sansom

Tobin: Tobin

Tom: Tom

Ward: Ward

Watt: Watt

Webster: Webster

Weinstock: Weinstock

Watson: Watson

Williams: Williams

Woodruff: Woodruff

Young: Young

Sample: Sample

Sansom: Sansom

Tobin: Tobin

Tom: Tom

Ward: Ward

Watt: Watt

Webster: Webster

Weinstock: Weinstock

Watson: Watson

Williams: Williams

Woodruff: Woodruff

Young: Young

Sample: Sample

Sansom: Sansom

Tobin: Tobin

Tom: Tom

Ward: Ward

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Watson: Watson

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Woodruff: Woodruff

Young: Young

Sample: Sample

Sansom: Sansom

Tobin: Tobin

Tom: Tom

Ward: Ward

Watt: Watt

Webster: Webster

Weinstock: Weinstock

Watson: Watson

Williams: Williams

Woodruff: Woodruff

Young: Young
Representative Gallagher offered the following amendment:

Amendment 1—On page 1, line 13, strike everything after the enacting clause and insert. Section 1. Subsection (15) is added to section 489.103, Florida Statutes, to read:

489.103 Exemptions.—This act does not apply to.

(15) The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services. No municipality or county shall adopt an ordinance, rule, or regulation which requires such an operator to become licensed, certified, or registered as a plumber or which otherwise prevents the installation and maintenance of such water conditioning units by an operator.

Section 2. This act shall take effect October 1, 1984.

Rep. Gallagher moved the adoption of the amendment, which was adopted without objection.

Representative Gallagher offered the following title amendment:

Amendment 2—On page 1, lines 3 through 9, strike all of said lines and insert: 489.103, F.S.: exempting the installation and maintenance of certain water conditioning units from provisions regulating contracting; prohibiting political subdivisions from regulating operators of water conditioning services; providing an effective date.

Rep. Gallagher moved the adoption of the amendment, which was adopted without objection.

On motion by Rep. Gallagher, the rules were waived and CS/HB 836, as amended, was read the third time by title. On passage, the vote was:

Yeas-103
The Chair Dunbar, Kutun Sample
Abrams Easley Lehtinen Sanderson
Armstrong Evans-Jones Lewis Sansom
Arnold Figg Liberti Seipl
Bailey Friedman Lippman Shackelford
Bankhead Gallagher Locke Shelley
Bass Gardner Logan Silver
Brantley Gordon Mackenzie Simon
Bronson Grant McEwan Simone
Brown, C. Grindle Messeramith Smith
Brown, T. C. Gustafson Metcalf Spatz
Burke Hargrett Mills Stewart
Burnsed Harris Morgan Thomas
Burns Hawnkms, L. R. Murphy Thompson
Carpenter Hawkins, M. E. Nergard Tobassen
Casas Hazouri Ogden Toub
Clark Healey Patchett Upchurch
Clements Hill Peeples Wallace
Combee Hodges Press Ward
Corinns Jamerson Ready Watt
Cotgrove Johnson, B. L. Reaves Weinstock
Craey Johnson, R. C. Reddick Wetherell
Crotty Johnson, R. M. Reynolds Williams
Dantzler Jones, C. F. Robinson Woodruff
Deutsch Jones, D. L. Rochlin Young
Drage Kelly Ros

Nays-3
Dudley Hanson Webster

Rep. Davis abstained from voting.

So the bill passed and was immediately certified to the Senate.

REP HODGES IN THE CHAIR

By the Committee on Finance & Taxation and Representative B. L. Johnson—

CS/HB 688—A bill to be entitled An act relating to club licenses for the service or distribution of liquor; amending s. 561.20, F.S.; providing that qualified beach or cabana clubs may serve or distribute liquor upon payment of the club license tax; providing qualifications, providing an effective date.

—was read the first time by title. On motion by Rep. B. L. Johnson, the rules were waived and the bill was read the second time by title.
A bill to be entitled
An act relating to contracting; amending s.
489.105, F.S., defining the term "water
conditioning contractor"; amending s. 489.111,
F.S., providing for the licensing and
examination of water conditioning contractors
by the Construction Industry Licensing Board;
providing for review and repeal; providing an
effective date.

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

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

489.105 Definitions.--As used in this act:
(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)-(n):
(n) "Water conditioning contractor" means a contractor
whose services are limited to a specialized field of water
conditioning unit installation and servicing for domestic,
commercial or industrial purposes.
Section 2. Paragraph (c) of subsection (2) of section 489.111, Florida Statutes, is amended to read:

489.111 Examinations.--

(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:

(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 has 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. 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 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.

7.a. An individual is eligible to take the water conditioning contractor's examination if he possesses a minimum of 1 year of proven experience or equivalent education in the field.

b. Any person who has been certified as a water conditioning contractor by the Water Quality Association prior to October 1, 1984, shall receive certification upon application to the board with proof of such certification being furnished to the board.

Section 3. It is the intention of the Legislature that until such time as the Construction Industry Licensing Board establishes a statewide water conditioning contractor examination, that the standard to be utilized for the implementation of this act shall be the examination which is currently being administered by the Water Quality Association; and it is further the intent of the Legislature that the examination as finally approved by the board shall be substantially similar to such examination.
Section 4. Sections 489.105 and 489.111, Florida Statutes, as amended by this act are repealed on October 1, 1988, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 5. This act shall take effect July 1, 1984.

*****************************************

HOUSE SUMMARY

Provides for the licensing of water conditioning contractors by the Construction Industry Licensing Board.
The Committee on........ECCA........recommended the following amendment which was moved by Senator.............and adopted: and failed:

Amendment

On page ..1........, strike

Everything after the enacting clause

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

Section 1. Subsection (15) of section 489.103, F.S., is created to read:

(15) The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services. No municipality or county shall adopt an ordinance, rule, or regulation which requires such an operator to become licensed, certified, or registered as a plumber or which otherwise prevents the installation and maintenance of such water conditioning units by an operator.

Section 2. This act shall take effect October 1, 1984.
The Committee on ECCA recommended the following amendment which was moved by Senator and adopted:

Title Amendment

In title, on page ..., line ..., strike "amending s."

and on lines 3, 4, 5, 6, 7, 8, and 9, strike all of said lines

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

amending s. 489.103, F.S., to include water conditioning unit installation and maintenance;

providing an effective date.
I. SUMMARY:

A. Present Situation:

Water conditioning contractors are not regulated under Florida law. The installation and maintenance of portable water softening units is specifically exempted from the regulation of plumbing (s. 469.05(1), F.S.). Chapter 489, Florida Statutes, which relates to various types of construction-related contractors, does not include water conditioning contractors.

B. Effect of Proposed Changes:

Construction contracting is presently regulated by the Department of Professional Regulation (DPR) pursuant to part I, chapter 489, Florida Statutes. The act defines and subjects various types of construction-related contractors, including general contractors, building contractors, residential contractors, sheet metal contractors, roofing contractors, certain air conditioning contractors, mechanical contractors, commercial and residential pool contractors, swimming pool servicing contractors, and plumbing contractors, to regulation. This bill provides for the regulation of water conditioning contractors under part I, chapter 489, Florida Statutes, and defines water conditioning contractor as a contractor whose services are limited to a specialized field of water conditioning unit installation and servicing for domestic, commercial, or industrial purposes.

The contracting statute provides for contractors to operate either on a statewide or a local basis. Contractors wishing to engage in contracting on a statewide basis must become certified by establishing their competency and qualifications through successful completion of the appropriate examination administered by the DPR. A contractor who wishes to practice on other than a statewide basis must become registered with the DPR by presenting evidence of compliance with local examination and licensing requirements, if any, of any municipality, county, or development district for the type of work for which registration is sought. No exam is required for registration. This bill requires water conditioning contractors to become certified or registered in the manner outlined above in order to engage in their business.

The bill provides for administration of a water conditioning contractor's examination to individuals who possess a minimum of 1 year of proven experience or equivalent education in the field. It further provides that any person who has been certified as a water conditioning contractor by the Water Quality Association prior to October 1, 1984, shall receive certification upon application to the board.

The bill provides that until such time as the Construction Industry Licensing Board establishes a statewide water conditioning contractor exam, the standards to be used for the
implementation of the provisions of the bill shall be the exam administered by the Water Quality Association. The bill directs that the exam finally approved by the board be substantially similar to the association's exam.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Water conditioning contractors who have not been certified by the Water Quality Association prior to October 1, 1984 and wish to engage in contracting on a statewide basis will have to establish their competency and qualifications to be certified (s. 489.113(1)), P.S.). Establishing such competency and qualifications will mean successfully completing the water conditioning contractor's examination described in the bill. Contractors desiring certification will be required to pay an examination fee and a biennial license fee of $80. Applicants for certification will also be required to submit proof of public liability and property damage insurance and furnish evidence of financial responsibility.

Contractors who desire only to practice in a certain locality or localities, and not statewide, will have to meet the competency requirements in the jurisdiction for which registration is sought and will have to pay a biennial registration fee of $40 to the department.

It is assumed that water conditioning contractors, like other professionals, pass the cost of regulation on to consumers of their services in the form of higher fees. Thus, any increase or decrease in the cost of regulation will ultimately be borne by the public.

B. Government:

The DPR estimates that development of a water conditioning contractors' examination by the department would cost $10,022. Additional administrative expenses are not expected to be significant. The DPR estimates revenues to be:

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<th>Description</th>
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<tr>
<td>Examination &amp; License</td>
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<td>Biennial Certification Fee</td>
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<td>$10,022</td>
</tr>
<tr>
<td>Deficit Year 1</td>
<td>($6,072)</td>
</tr>
</tbody>
</table>

III. COMMENTS:

According to the DPR, there are presently approximately 40 individuals in Florida who would be regulated under this bill. A significant number of them would be eligible to be grandfathered in as certified under proposed section 489.113(2)(c)7.a. and 7.b. The department reports that grandfathering contractors in as certified is unprecedented in the area of regulating contracting.

This bill provides that the Construction Industry Licensing Board adopt the Water Quality Association's examination until the board develops a state exam. It further requires that the state exam, once developed and approved by the board, be substantially similar to the association's exam. According to the DPR, these requirements are also unprecedented in the area of regulating contracting.
The DPR notes that approximately five examinees per year are anticipated. The cost of developing the examination is estimated to be $10,022. Recovering the cost of developing the examination from such a small number of examinees will be difficult.

Contractors specified in part I, chapter 489, Florida Statutes, are exempted from the definition of specialty contractor provided in section 489.105(11), Florida Statutes. If Water Quality Contractors are specified in part I, chapter 489, Florida Statutes, it may be desirable to conform section 489.105(11), Florida Statutes, exempting them also from the definition.

An identical bill, HB 836, has been introduced in the House this session.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

Construction contracting is presently regulated by the Department of Professional Regulation (DPR) pursuant to part I, chapter 489, Florida Statutes. The act defines and subjects various types of construction-related contractors, including general contractors, building contractors, residential contractors, sheet metal contractors, roofing contractors, certain air conditioning contractors, mechanical contractors, commercial and residential pool contractors, swimming pool servicing contractors, and plumbing contractors, to regulation. Contractors wishing to engage in contracting on a statewide basis must become certified by establishing their competency and qualifications through successful completion of the appropriate examination administered by the DPR. A contractor who wishes to practice on other than a statewide basis must become registered with the DPR by presenting evidence of compliance with local examination and licensing requirements, if any, of any municipality, county, or development district for the type of work for which registration is sought.

Water conditioning contractors are not regulated under Florida law. The installation and maintenance of portable water softening units is specifically exempted from the regulation of plumbing (s. 469.05(1), F.S.). Chapter 489, Florida Statutes, which relates to various types of construction-related contractors, does not include water conditioning contractors.

B. Effect of Proposed Changes:

This bill provides that the construction contracting act shall not apply to the installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services. It further provides that no municipality or county shall adopt an ordinance, rule, or regulation which requires such an operator to become licensed, certified, or registered as a plumber or which otherwise prevents the installation and maintenance of such water conditioning units by an operator.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

This bill will allow operators who install and maintain water conditioning units to continue to do business in Florida without having to become plumbers and will prevent local governments from otherwise restricting their ability to install and maintain water conditioning units.

It is assumed that water conditioning contractors, like other professionals, pass the cost of regulation on to consumers of
their services in the form of higher fees. Thus, any increase or decrease in the cost of regulation will ultimately be borne by the public.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
Deletes all provisions requiring certification, registration, and other regulation pursuant to chapter 489, Florida Statutes, relating to construction contracting.

Provides that the installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services are exempt from the provisions of chapter 489, Florida Statutes.

Prohibits local governments from adopting regulations which would require such operators to become licensed as plumbers or would otherwise prevent those operators from installing and servicing water conditioning units.
I. SUMMARY:

A. Present Situation:

Construction contracting is presently regulated by the Department of Professional Regulation (DPR) pursuant to part I, chapter 489, Florida Statutes. The act defines and subjects various types of construction-related contractors, including general contractors, building contractors, residential contractors, sheet metal contractors, roofing contractors, certain air conditioning contractors, mechanical contractors, commercial and residential pool contractors, swimming pool servicing contractors, and plumbing contractors, to regulation. Contractors wishing to engage in contracting on a statewide basis must become certified by establishing their competency and qualifications through successful completion of the appropriate examination administered by the DPR. A contractor who wishes to practice on other than a statewide basis must become registered with the DPR by presenting evidence of compliance with local examination and licensing requirements, if any, of any municipality, county, or development district for the type of work for which registration is sought.

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It is assumed that water conditioning contractors, like other professionals, pass the cost of regulation on to consumers of
their services in the form of higher fees. Thus, any increase or decrease in the cost of regulation will ultimately be borne by the public.

B. Government:

None.

III. COMMENTS:

An identical bill, CS/HB 836, was approved by the Governor on June 11, 1984, and appears as chapter 84-150, Laws of Florida.

IV. AMENDMENTS:

None