

CHAPTER 98-419

House Bill No. 4439

An act relating to regulation of contracting; amending s. 468.603, F.S.; providing definitions; creating s. 468.604, F.S.; providing responsibilities of building code administrators, plans examiners, and inspectors; amending s. 468.605, F.S.; providing membership of the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; providing standards for certification as an inspector, building code administrator, or plans examiner; eliminating the board's authority to issue temporary certificates; amending s. 468.617, F.S.; providing that nothing prohibits local governments from contracting with certified persons to perform inspections; amending s. 468.627, F.S.; increasing the initial examination fee; creating ss. 471.045, 481.222, F.S.; allowing architects and professional engineers to perform the duties of building code inspectors in specified circumstances; providing disciplinary guidelines; providing restrictions; amending s. 489.129, F.S.; deleting a ground for discipline; requiring the department to provide certain information to a contractor who is the subject of a complaint; amending s. 489.131, F.S.; requiring that bids for public projects be accompanied by certain evidence; requiring local boards or agencies that license contractors to transmit quarterly reports; clarifying the department's authority to initiate disciplinary actions; providing that local boards that license and discipline contractors must have at least 2 consumer representatives; amending s. 469.001, F.S.; redefining the terms "abatement" and "survey"; defining the term "project designer"; amending s. 469.002, F.S., relating to exemptions from state regulation of asbestos abatement; revising an exemption applicable to certain asbestos-related activities done by government employees; revising certain existing exemptions; amending s. 469.004, F.S.; eliminating provisions relating to prerequisites to issuance of a license and to continuing education; amending s. 469.005, F.S.; revising licensure requirements for asbestos consultants and asbestos contractors relating to required coursework; amending s. 469.006, F.S.; requiring applicants for business licensure to submit evidence of financial responsibility and an affidavit attesting to having obtained the required workers' compensation, public liability, and property damage insurance; amending s. 469.013, F.S.; revising continuing education requirements applicable to asbestos surveyors, management planners, and project monitors; repealing s. 469.015, F.S., relating to seals; amending ss. 255.551, 376.60, and 469.014, F.S.; conforming cross-references; amending s. 489.103, F.S.; providing exemptions from regulation for the sale, delivery, assembly, or tie-down of prefabricated portable sheds under certain conditions; amending s. 489.105, F.S.; revising and providing definitions applicable to contractors; amending s. 489.107, F.S.; eliminating reference to board jurisdiction over examinations; requiring the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to each appoint a committee to meet jointly at least

twice a year; amending s. 489.113, F.S.; providing that expansion of the scope of practice of any type of contractor does not limit the scope of practice of any existing type of contractor unless the Legislature expressly provides such limitation; repealing s. 489.1135, F.S., which provides for certification of underground utility and excavation contractors; creating s. 489.1136, F.S.; providing for medical gas certification for plumbing contractors who install, improve, repair, or maintain conduits used to transport gaseous or partly gaseous substances for medical purposes; requiring certain coursework; requiring an examination for certain persons; providing for discipline and penalties; providing a definition; amending s. 553.06, F.S.; providing that plumbing contractors who install, improve, repair, or maintain such conduits shall be governed by the National Fire Prevention Association Standard 99C; amending s. 489.115, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; amending s. 489.119, F.S.; detailing what constitutes an incomplete contract for purposes of work allowed a business organization under temporary certification or registration; amending s. 489.140, F.S.; eliminating a provision that requires the transfer of surplus moneys from fines into the Construction Industries Recovery Fund; amending s. 489.141, F.S.; clarifying provisions relating to conditions for recovery from the fund; eliminating a notice requirement; revising a limitation on the making of a claim; amending s. 489.142, F.S.; revising a provision relating to powers of the Construction Industry Licensing Board with respect to actions for recovery from the fund, to conform; amending s. 489.143, F.S.; revising provisions relating to payment from the fund; amending s. 489.503, F.S., relating to exemptions from part II of chapter 489, F.S., relating to electrical and alarm system contracting; revising an exemption that applies to telecommunications, community antenna television, and radio distribution systems, to include cable television systems; providing exemptions relating to the monitoring of alarm systems by law enforcement employees or officers or fire department employees or officials, by employees of state or federally chartered financial institutions, or by employees of a business; amending s. 489.505, F.S., and repealing subsection (24), relating to the definition of "limited burglar alarm system contractor"; redefining terms applicable to electrical and alarm system contracting; defining the term "monitoring"; amending s. 489.507, F.S.; requiring the Electrical Contractors' Licensing Board and the Construction Industry Licensing Board to each appoint a committee to meet jointly at least twice a year; amending s. 489.509, F.S.; eliminating reference to the payment date of the biennial renewal fee for certificateholders and registrants; eliminating an inconsistent provision relating to failure to renew an active or inactive certificate or registration; providing for transfer of a portion of certain fees applicable to regulation of electrical and alarm system contracting to fund certain projects relating to the building construction industry and continuing education programs related thereto; amending s. 489.511, F.S.; revising eligibility requirements for certification as an electrical or alarm

system contractor; authorizing the taking of the certification examination more than three times and providing requirements with respect thereto; eliminating an obsolete provision; amending s. 489.513, F.S.; revising registration requirements for electrical contractors; amending s. 489.517, F.S.; authorizing certificateholders and registrants to apply continuing education courses earned under other regulatory provisions under certain circumstances; providing for verification of public liability and property damage insurance; amending s. 489.519, F.S.; authorizing certificateholders and registrants to apply for voluntary inactive status at any time during the period of certification or registration; authorizing a person passing the certification examination and applying for licensure to place his or her license on inactive status without having to qualify a business; amending s. 489.521, F.S.; providing conditions on qualifying agents qualifying more than one business organization; providing for revocation or suspension of such qualification for improper supervision; providing technical changes; amending s. 489.525, F.S.; revising reporting requirements of the Department of Business and Professional Regulation to local boards and building officials; providing applicability with respect to information provided on the Internet; amending s. 489.533, F.S.; revising and providing grounds for discipline; providing penalties; reenacting s. 489.518(5), F.S., relating to alarm system agents, to incorporate the amendment to s. 489.533, F.S., in a reference thereto; amending s. 489.537, F.S.; authorizing registered electrical contractors to install raceways for alarm systems; providing that licensees under part II, ch. 489, F.S., are subject, as applicable, to certain provisions relating to local occupational license taxes; amending ss. 489.539, 553.19, F.S.; updating electrical and alarm standards; adding a national code relating to fire alarms to the minimum electrical and alarm standards required in this state; amending s. 489.505, F.S.; defining the term "fire alarm system agent"; creating s. 489.5185, F.S.; providing requirements for fire alarm system agents, including specified training and fingerprint and criminal background checks; providing for fees for approval of training providers and courses; providing applicability to applicants, current employees, and various licensees; requiring an identification card and providing requirements therefor; providing continuing education requirements; providing disciplinary penalties; creating s. 501.937, F.S.; providing requirements for use of professional titles by industrial hygienists and safety professionals; providing definitions; providing that violation of such requirements is a deceptive and unfair trade practice; amending s. 633.021, F.S.; defining the term "fire extinguisher"; amending s. 633.061, F.S.; requiring an individual or organization that hydrotests fire extinguishers and preengineered systems to obtain a permit or license from the State Fire Marshal; revising the services that may be performed under certain licenses and permits issued by the State Fire Marshal; providing additional application requirements; providing requirements for obtaining an upgraded license; amending ss. 633.065, 633.071, F.S.; providing requirements for installing and inspecting fire suppression equipment; amending s. 633.162, F.S.;

prohibiting an owner, officer, or partner of a company from applying for licensure if the license held by the company is suspended or revoked; revising the grounds upon which the State Fire Marshal may deny, revoke, or suspend a license or permit; providing restrictions on activities of former licenseholders and permittees; amending s. 633.171, F.S.; revising the prohibition against rendering a fire extinguisher or preengineered system inoperative to conform to changes made by the act; amending s. 633.547, F.S.; providing the State Fire Marshal authority to suspend and revoke certificates; providing restrictions on the activities of former certificateholders whose certificates are suspended or revoked; amending s. 489.105, F.S., relating to contracting; conforming a cross-reference to changes made by the act; amending s. 205.0535, F.S.; providing that businesses providing pay telephone service may not be assessed an occupational license tax on a per-instrument basis; amending s. 553.73, F.S., as amended; adding an exception from the Florida Building Code for certain electric utilities; providing an effective date.

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

Section 1. Paragraph (h) is added to subsection (6) of section 468.603, Florida Statutes, to read:

468.603 Definitions.—As used in this part:

(6) “Categories of building inspectors” include the following:

(h) “Electrical inspector” means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National electrical code.

Section 2. Section 468.604, Florida Statutes, is created to read:

468.604 Responsibilities of building code administrators, plans examiners and inspectors.—

(1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes which are required or adopted by municipal code, county ordinance, or state law. The building code administrator or building official shall faithfully perform these responsibilities without interference from any person. These responsibilities include:

(a) The review of construction plans to ensure compliance with all applicable codes. The construction plans must be reviewed before the issuance of any building, system installation, or other construction permit. The review of construction plans must be done by the building code administrator or

building official or by a person having the appropriate plans examiner license issued under this chapter.

(b) The inspection of each phase of construction where a building or other construction permit has been issued. The building code administrator or building official, or a person having the appropriate building code inspector license issued under this chapter, shall inspect the construction or installation to ensure that the work is performed in accordance with applicable codes.

(2) It is the responsibility of the building code inspector to conduct inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes required by municipal code, county ordinance, or state law. Each building code inspector must be licensed in the appropriate category as defined in s. 468.603. The building code inspector's responsibilities must be performed under the direction of the building code administrator or building official without interference from any unlicensed person.

(3) It is the responsibility of the plans examiner to conduct review of construction plans submitted in the permit application to assure compliance with all applicable codes required by municipal code, county ordinance, or state law. The review of construction plans must be done by the building code administrator or building official or by a person licensed in the appropriate plans examiner category as defined in s. 468.603. The plans examiner's responsibilities must be performed under the supervision and authority of the building code administrator or building official without interference from any unlicensed person.

Section 3. Subsection (2) of section 468.605, Florida Statutes, is amended to read:

468.605 Florida Building Code Administrators and Inspectors Board.—

(2) The board shall consist of nine members, as follows:

(a) One member who is an architect licensed pursuant to chapter 481, an engineer licensed pursuant to chapter 471, or a contractor licensed pursuant to chapter 489.

(b) Two members serving as building code administrators.

~~(c) Two members One member serving as an a building inspector who is without managerial authority in the employing agency.~~

(d) One member serving as a plans examiner.

(e) One member who is a representative of a city or a charter county.

~~(f) One member serving as a city manager.~~

~~(f)~~(g) Two consumer members who are not, and have never been, members of a profession regulated under this part, chapter 481, chapter 471, or chapter 489. One of the consumer members must be a person with a disability or a representative of an organization which represents persons with disabilities.

None of the board members described in paragraph (a) or paragraph ~~(f)~~ (g) may be an employee of a municipal, county, or state governmental agency.

Section 4. Section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(1) Except as provided in this part, any person who desires to be certified shall apply to the board, in writing upon forms approved and furnished by the board, to take the certification examination.

(2) A person shall be entitled to take the examination for certification as an inspector or plans examiner pursuant to this part if the person:

(a) Is at least 18 years of age;

(b) Is of good moral character; and

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

1. Demonstrates 5 years' combined experience in the field of construction or related field ~~or inspection, or plans review~~ corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, ~~or building inspection, or plans review~~; or

3. Currently holds a standard certificate as issued by the board and satisfactorily completes an inspector or plans examiner training program of not less than 200 hours in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs.

~~(3)~~3. A person shall be entitled to take the examination for certification as a building code administrator pursuant to this part if the person:

(a) Is at least 18 years of age;

(b) Is of good moral character; and

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

~~1. For certification as a building code administrator or building official, demonstrates 10 years' combined experience as an architect, engineer, plan examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least 5 years of such experience in supervisory positions; or-~~

2. Demonstrates a combination of postsecondary education in the field of construction or related field, no more than 5 years of which may be applied, and experience as an architect, engineer, plan examiner, building code inspector, registered or certified contractor, or construction superintendent which totals 10 years, with at least 5 years of such total being experience in supervisory positions.

~~(4)(3)~~ No person may engage in the duties of a building code administrator, plans examiner, or inspector pursuant to this part after October 1, 1993, unless such person possesses one of the following types of certificates, currently valid, issued by the board attesting to the person's qualifications to hold such position:

- (a) A standard certificate.
- (b) A limited certificate.
- (c) A provisional certificate.

~~(5)(4)(a)~~ To obtain a standard certificate, an individual must pass an examination approved by the board which demonstrates that the applicant has fundamental knowledge of the state laws and codes relating to the construction of buildings for which the applicant has code administration, plan examining, or inspection responsibilities. It is the intent of the Legislature that the examination approved for certification pursuant to this part be substantially equivalent to the examinations administered by the Southern Building Code Congress International, the Building Officials Association of Florida, the South Florida Building Code (Dade and Broward), and the Council of American Building Officials.

(b) A standard certificate shall be issued to each applicant who successfully completes the examination, which certificate authorizes the individual named thereon to practice throughout the state as a building code administrator, plans examiner, or inspector within such class and level as is specified by the board.

(c) The board may accept proof that the applicant has passed an examination which is substantially equivalent to the board-approved examination set forth in this section.

~~(6)(5)(a)~~ A building code administrator, plans examiner, or inspector holding office on July 1, 1993, shall not be required to possess a standard certificate as a condition of tenure or continued employment, but shall be required to obtain a limited certificate as described in this subsection.

(b) By October 1, 1993, individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or inspectors, who are not

eligible for a standard certificate, but who wish to continue in such employment, shall submit to the board the appropriate application and certification fees and shall receive a limited certificate qualifying them to engage in building code administration, plans examination, or inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

(c) The limited certificate shall be valid only as an authorization for the building code administrator, plans examiner, or inspector to continue in the position held, and to continue performing all functions assigned to that position, on July 1, 1993.

(d) A building code administrator, plans examiner, or inspector holding a limited certificate can be promoted to a position requiring a higher level certificate only upon issuance of a standard certificate or provisional certificate appropriate for such new position.

~~(7)(6)(a) The board may provide for the issuance of provisional or temporary certificates valid for such period, not less than 1 year nor more than 3 years, as specified by board rule, to any newly employed or promoted building code administrator, plans examiner, or inspector newly employed or newly promoted who lacks the qualifications prescribed by the board or by statute as prerequisite to issuance of a standard certificate.~~

(b) No building code administrator, plans examiner, or inspector may have a provisional ~~or temporary~~ certificate extended beyond the specified period by renewal or otherwise.

(c) The board may provide for appropriate levels of provisional ~~or temporary~~ certificates and may issue these certificates with such special conditions or requirements relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters as the board may deem necessary to protect the public safety and health.

(d) A newly employed or hired person may perform the duties of a plans examiner or inspector for 90 days if a provisional certificate application has been submitted, provided such person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found such person qualified for a provisional certificate.

~~(8)(7)(a)~~ Any individual who holds a valid certificate under the provisions of s. 553.795, or who has successfully completed all requirements for certification pursuant to such section, shall be deemed to have satisfied the requirements for receiving a standard certificate prescribed by this part.

(b) Any individual who holds a valid certificate issued by the Southern Building Code Congress International, the Building Officials Association of Florida, the South Florida Building Code (Dade and Broward), or the Council of American Building Officials certification programs, or who has been approved for certification under one of those programs not later than October 1, 1995, shall be deemed to have satisfied the requirements for receiving a standard certificate in the corresponding category prescribed by this part.

Employees of counties with a population of less than 50,000, or employees of municipalities with a population of less than 3,500, shall be deemed to have satisfied the requirements for standard certification where such employee is approved for certification under one of the programs set forth in this paragraph not later than October 1, 1998.

~~(9)~~(8) Any individual applying to the board may be issued a certificate valid for multiple inspection classes, as deemed appropriate by the board.

~~(10)~~(9) Certification and training classes may be developed in coordination with degree career education centers, community colleges, the State University System, or other entities offering certification and training classes.

~~(11)~~(10) The board may by rule create categories of certification in addition to those defined in s. 468.603(6) and (7). Such certification categories shall not be mandatory and shall not act to diminish the scope of any certificate created by statute.

Section 5. Subsections (2) and (3) of section 468.617, Florida Statutes, are amended to read:

468.617 Joint inspection department; other arrangements.—

(2) Nothing in this part shall prohibit local governments from contracting with employing persons certified pursuant to this part to perform inspections or plan reviews on a contract basis. An individual or entity may not inspect or examine plans on projects in which the individual or entity designed or permitted the projects.

(3) Nothing in this part shall prohibit any county or municipal government from entering into any contract with any person or entity for the provision of services regulated under this part, and notwithstanding any other statutory provision, such county or municipal governments may enter into contracts which provide for payment of inspection or review fees directly to the contract provider.

Section 6. Section 468.627, Florida Statutes, is amended to read:

468.627 Application; examination; renewal; fees.—

(1) The board shall establish by rule fees to be paid for application, examination, reexamination, certification and certification renewal, inactive status application, and reactivation of inactive certificates. The board may establish by rule a late renewal penalty. The board shall establish fees which are adequate, when combined with revenue generated by the provisions of s. 468.631, to ensure the continued operation of this part. Fees shall be based on department estimates of the revenue required to implement this part.

(2) The initial application fee may not exceed \$25 for building code administrators, plans examiners, or inspectors.

(3) The initial examination fee may not exceed \$150 ~~\$50~~ for building code administrators, plans examiners, or inspectors.

~~(4) The initial certification fee may not exceed \$25 for building code administrators, plans examiners, or inspectors.~~

~~(5) The biennial certification renewal fee may not exceed \$25 for building code administrators, plans examiners, or inspectors.~~

~~(4)(6) Employees of local government agencies having responsibility for inspection, regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes shall pay no application fees or examination fees, and shall pay not more than \$5 each for initial certification and biennial certification renewal fees.~~

~~(5)(7) The certificateholder shall provide proof, in a form established by board rule, that the certificateholder has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate. The board shall by rule establish criteria for approval of continuing education courses and providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.~~

Section 7. Section 471.045, Florida Statutes, is created to read:

471.045 Professional engineers performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed under this chapter to practice as a professional engineer may provide building inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Board of Building Code Administrators and Inspectors under part XIII of chapter 468. When performing these building inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(g). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building inspection services shall be conducted by the Board of Professional Engineers rather than the Board of Building Code Administrators and Inspectors. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

Section 8. Section 481.222, Florida Statutes, is created to read:

481.222 Architects performing building code inspector duties.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building inspection services described in s. 468.603(6) and (7) to a local government or state agency upon its request, without being certified by the Board of Building Code Administrators and Inspectors under part XIII of chapter 468. With respect to the performance of such building inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(g). Any complaint processing, investigation, and discipline that arise out of an

architect's performance of building inspection services shall be conducted by the Board of Architecture and Interior Design rather than the Board of Building Code Administrators and Inspectors. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 9. Paragraph (d) of subsection (1) of section 489.129, Florida Statutes, is amended and subsection (12) is added to that section to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate, registration, or certificate of authority, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed \$5,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(d) ~~Knowingly violating the applicable building codes or laws of the state or of any municipalities or counties thereof.~~

(12) When an investigation of a contractor is undertaken, the department shall promptly furnish to the contractor or the contractor's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The department shall make the complaint and supporting documents available to the contractor. The complaint or supporting documents shall contain information regarding the specific facts that serve as the basis for the complaint. The contractor may submit a written response to the information contained in such complaint or document within 20 days after service to the contractor of the complaint or document. The contractor's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the board or the chair of the probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to a contractor if the act under investigation is a criminal offense.

Section 10. Subsections (2), (7) and (10) and paragraphs (c) of subsection (6) of section 489.131, Florida Statutes, are amended to read:

489.131 Applicability.—

(2) The state or any county or municipality shall require that bids submitted for construction, improvement, remodeling, or repair on ~~of~~ public projects buildings be accompanied by evidence that the bidder holds an

appropriate certificate or registration, unless the work to be performed is exempt under s. 489.103.

(6)

(c) Each local board or agency that licenses contractors must transmit ~~quarterly~~ monthly to the board a report of any disciplinary action taken against contractors and of any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor including any cease and desist orders issued pursuant to s. 489.113(2)(b) and any fine issued pursuant to s. 489.127(5).

(7)(a) It is the policy of the state that the purpose of regulation is to protect the public by attaining compliance with the policies established in law. Fines and other penalties are provided in order to ensure compliance; however, the collection of fines and the imposition of penalties are intended to be secondary to the primary goal of attaining compliance with state laws and local jurisdiction ordinances. It is the intent of the Legislature that a local jurisdiction agency charged with enforcing regulatory laws shall issue a notice of noncompliance as its first response to a minor violation of a regulatory law in any instance in which it is reasonable to assume that the violator was unaware of such a law or unclear as to how to comply with it. A violation of a regulatory law is a "minor violation" if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. A "notice of noncompliance" is a notification by the local jurisdiction agency charged with enforcing the ordinance, which is issued to the licensee that is subject to the ordinance. A notice of noncompliance should not be accompanied with a fine or other disciplinary penalty. It should identify the specific ordinance that is being violated, provide information on how to comply with the ordinance, and specify a reasonable time for the violator to comply with the ordinance. Failure of a licensee to take action correcting the violation within a set period of time would then result in the institution of further disciplinary proceedings.

(b) The local governing body of a county or municipality, or its local enforcement body, is authorized to enforce the provisions of this part as well as its local ordinances against locally licensed or registered contractors, as appropriate. The local jurisdiction enforcement body may conduct disciplinary proceedings against a locally licensed or registered contractor and may require restitution, impose a suspension or revocation of his or her local license, or a fine not to exceed \$5,000, or a combination thereof, against the locally licensed or registered contractor, according to ordinances which a local jurisdiction may enact. In addition, the local jurisdiction may assess reasonable investigative and legal costs for the prosecution of the violation against the violator, according to such ordinances as the local jurisdiction may enact.

(c) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for board action. This recommended penalty may include

a recommendation for no further action, or a recommendation for suspension, revocation, or restriction of the registration, or a fine to be levied by the board, or a combination thereof. The local jurisdiction enforcement body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the board penalty recommended, his or her rights to appeal, and the consequences should he or she decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the board of its action and the recommended board penalty.

(d) The department, the disciplined contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Construction Industry Licensing Board. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(e) Failure of the department, the disciplined contractor, or the complainant to challenge the local jurisdiction's recommended penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by board rule without further board action. The disciplined contractor may appeal this board action to the district court.

(f) 1. The department may investigate any complaint which is made with the department. However, the department may not initiate or pursue any if the department determines that the complaint against a registered contractor who is not also a certified contractor where a local jurisdiction enforcement body has jurisdiction over the complaint, unless summary procedures are initiated by the secretary pursuant to s. 455.225(8), or unless the local jurisdiction enforcement body has failed to investigate and prosecute a complaint, or make a finding of no violation, within 6 months of receiving the complaint. The department shall refer the complaint to the local jurisdiction enforcement body for investigation, and if appropriate, prosecution. However, the department may investigate such complaints to the extent necessary to determine whether summary procedures should be initiated is for an action which a local jurisdiction enforcement body has investigated and reached adjudication or accepted a plea of nolo contendere, including a recommended penalty to the board, the department shall not initiate prosecution for that action, unless the secretary has initiated summary procedures pursuant to s. 455.225(8).

2. Upon a recommendation by the department, the board may make conditional, suspend, or rescind its determination of the adequacy of the local government enforcement body's disciplinary procedures granted under s. 489.117(2).

(g) Nothing in this subsection shall be construed to allow local jurisdictions to exercise disciplinary authority over certified contractors.

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in subsection (7). Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the board has seven or more members, at least three of those members must be consumer representatives. The consumer representative may be any resident of the local jurisdiction that is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.

Section 11. The amendments to paragraph (f) of subsection (7) of section 489.131 of this act shall not affect any investigative activities or administrative actions commenced by the department as a result of complaints filed prior to the effective date of this legislation.

Section 12. Subsection (1) of section 469.001, Florida Statutes, is amended, present subsections (20) and (22) are renumbered as subsections (21) and (23), respectively, present subsection (21) is renumbered as subsection (22) and amended, and a new subsection (20) is added to that section, to read:

469.001 Definitions.—As used in this chapter:

(1) “Abatement” means the removal, encapsulation, enclosure, or disposal of asbestos.

(20) “Project designer” means a person who works under the direction of a licensed asbestos consultant and engages in the design of project specifications for asbestos abatement projects.

~~(22)~~(24) “Survey” means the process of inspecting a facility for the presence of asbestos-containing materials to determine the location and condition of asbestos-containing materials prior to transfer of property, renovation, demolition, or maintenance projects which may disturb asbestos-containing materials.

Section 13. Section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(1) This chapter does not apply to:

(a) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, public or private school, or private entity who has completed all training required by NESHAP and OSHA or by AHERA for the activities described in this paragraph and who is conducting abatement work solely for maintenance purposes within the scope of the person's employment involving less than 160 square feet of asbestos-containing materials or less than 260 linear feet of asbestos-containing material on pipe, so long as the employee is not available for hire or does not otherwise engage in asbestos abatement, contracting, or consulting.

(b) Asbestos-related activities which disturb asbestos-containing materials within manufacturing, utility, or military facilities and which are undertaken by regular full-time employees of the owner or operator who have completed all training required by this chapter or NESHAP and OSHA for conducting such activities in areas where access is restricted to authorized personnel who are carrying out specific assignments.

(c) Reinspections at public or private schools, whether K-12 or any other configuration, when conducted by an employee who has completed the AHERA-required training for such reinspections pursuant to this chapter and who is conducting work within the scope of the person's employment.

(d) Moving, removal, or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement

State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove, or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state, and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision who has completed all training required by NESHAP and OSHA or by AHERA for the activities described in this paragraph, while engaged in asbestos-related activities set forth in s. 255.5535 and asbestos-related activities involving the demolition of a residential building owned by that governmental unit, where such activities are within the scope of that employment and the employee does not hold out for hire or otherwise engage in asbestos abatement, contracting, or consulting.

(2) Licensure as an asbestos contractor is not required for the moving, removal, or disposal of asbestos-containing roofing material by a roofing contractor certified or registered under part I of chapter 489, if all such activities are performed under the direction of an onsite roofing supervisor trained as provided in s. 469.012.

(3) Licensure as an asbestos contractor or asbestos consultant is not required for the moving, removal, repair, maintenance, or disposal, or related inspections, of asbestos-containing resilient floor covering or its adhesive, if:

(a) The resilient floor covering is a Category I nonfriable material as defined in NESHAP and remains a Category I nonfriable material during removal activity.

(b) All such activities are performed in accordance with all applicable asbestos standards of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.

(c) The removal is not subject to asbestos licensing or accreditation requirements under federal asbestos NESHAP regulations of the United States Environmental Protection Agency.

(d) Written notice of the time, place, and company performing the removal and certification that all conditions required under this subsection are met are provided to the Department of Business and Professional Regulation at least 3 days prior to such removal. The contractor removing such flooring materials is responsible for maintaining proof that all the conditions required under this subsection are met.

The department may inspect removal sites to determine compliance with this subsection and shall adopt rules governing inspections.

(4) Licensure as an asbestos consultant or contractor is not required for the repair, maintenance, removal, or disposal of asbestos-containing pipe or conduit, if:

(a) The pipe or conduit is used for electrical, electronic, communications, sewer, or water service;

(b) The pipe or conduit is not located in a building;

(c) The pipe or conduit is made of Category I or Category II nonfriable material as defined in NESHAP; and

(d) All such activities are performed according to all applicable regulations, including work practices and training, of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.

(5)(2) Nothing in this section shall be construed to alter or affect otherwise applicable Florida Statutes and rules promulgated thereunder, or Environmental Protection Agency or OSHA regulations regarding asbestos activities.

Section 14. Section 469.004, Florida Statutes, is amended to read:

469.004 License; asbestos consultant; asbestos contractor; ~~exceptions.~~—

(1) All asbestos consultants must be licensed by the department. An asbestos consultant's license may be issued only to an applicant who holds

a current, valid, active license as an architect issued under chapter 481; holds a current, valid, active license as a professional engineer issued under chapter 471; holds a current, valid, active license as a professional geologist issued under chapter 492; is a diplomat of the American Board of Industrial Hygiene; or has been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.

(2) All asbestos contractors must be licensed by the department. An asbestos contractor may not perform abatement activities involving work that affects building structures or systems. Work on building structures or systems may be performed only by a contractor licensed under chapter 489.

~~(3) Licensure as an asbestos contractor is not required for the moving, removal, or disposal of asbestos-containing roofing material by a roofing contractor certified or registered under part I of chapter 489, if all such activities are performed under the direction of an onsite roofing supervisor trained as provided in s. 469.012.~~

~~(4) Licensure as an asbestos contractor or asbestos consultant is not required for the moving, removal, or disposal, or related inspections, of asbestos-containing resilient floor covering or its adhesive, if:~~

~~(a) The resilient floor covering is a Category I nonfriable material as defined in NESHAP and remains a Category I nonfriable material during removal activity.~~

~~(b) All such activities are performed in accordance with all applicable asbestos standards of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.~~

~~(c) The removal is not subject to asbestos licensing or accreditation requirements under federal asbestos NESHAP regulations of the United States Environmental Protection Agency.~~

~~(d) Written notice of the time, place, and company performing the removal and certification that all conditions required under this subsection are met are provided to the Department of Business and Professional Regulation at least 3 days prior to such removal. The contractor removing such flooring materials is responsible for maintaining proof that all the conditions required under this subsection are met.~~

The department may inspect removal sites to determine compliance with this subsection and shall adopt rules governing inspections.

~~(5) Prior to the department's issuance of an asbestos consultant's license or an asbestos contractor's license, the applicant must provide evidence, as provided by the department by rule, that the applicant has met the requirements of s. 469.005.~~

~~(6) A license issued under this section must be renewed every 2 years. Before renewing a contractor's license, the department shall require proof that the licensee has completed a 1-day course of continuing education during each of the preceding 2 years. Before renewing a consultant's license,~~

the department shall require proof that the licensee has completed a 2-day course of continuing education during each of the preceding 2 years.

~~(7) Licensure as an asbestos consultant or contractor is not required for the repair, removal, or disposal of asbestos-containing pipe or conduit, if:~~

~~(a) The pipe or conduit is used for electrical, electronic, communications, sewer, or water service;~~

~~(b) The pipe or conduit is not located in a building;~~

~~(c) The pipe or conduit is made of Category I or Category II nonfriable material as defined in NESHAP; and~~

~~(d) All such activities are performed according to all applicable regulations, including work practices and training, of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.~~

Section 15. Section 469.005, Florida Statutes, is amended to read:

469.005 License requirements.—All applicants for licensure as either asbestos consultants or asbestos contractors shall:

(1) Pay the initial licensing fee.

(2) When applying for licensure as an asbestos consultant, successfully complete the following department-approved courses, as approved by the department:

(a) An asbestos contractor/supervisor abatement project management and supervision course. Such course shall consist of not less than 5 4 days of instruction and shall cover the nature of the health risks, the medical effects of exposure, federal and state asbestos laws and regulations, legal and insurance considerations, contract specifications, sampling and analytical methodology, worker protection, and work area protection.

(b) A course in building asbestos surveys and mechanical systems course. Such course shall consist of not less than 3 days of instruction.

(c) An A course in asbestos management planning course. Such course shall consist of not less than 2 days of instruction.

(d) A course in respiratory protection course. Such course shall consist of not less than 3 days of instruction.

(e) A project designer course. Such course shall consist of not less than 3 days of instruction.

(3) When applying for licensure as as asbestos contractor, successfully complete the following department-approved courses:

(a) An asbestos contractor/supervisor course. Such course shall consist of not less than 5 days of instruction.

(b) A respiratory protection course. Such course shall consist of not less than 3 days of instruction.

~~(4)~~(3) Provide evidence of satisfactory work on 10 asbestos projects within the last 5 years.

~~(5)~~(4) Provide evidence of financial stability.

~~(6)~~(5) Pass a department-approved examination of qualifications and knowledge relating to asbestos.

Section 16. Subsection (2) and paragraph (a) of subsection (5) of section 469.006, Florida Statutes, are amended to read:

469.006 Licensure of business organizations; qualifying agents.—

(2)(a) If the applicant proposes to engage in consulting or contracting as a partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name, the legal entity must apply for licensure through a qualifying agent or the individual applicant must apply for licensure under the fictitious name.

~~(b)~~(a) The application must state the name of the partnership and of each of its partners, the name of the corporation and of each of its officers and directors and the name of each of its stockholders who is also an officer or director, the name of the business trust and of each of its trustees, or the name of such other legal entity and of each of its members.

1. The application for primary qualifying agent must include an affidavit on a form provided by the department attesting that the applicant's signature is required on all checks, drafts, or payments, regardless of the form of payment, made by the entity, and that the applicant has final approval authority for all construction work performed by the entity.

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

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

(c) As a prerequisite to the issuance of a license under this section, the applicant shall submit the following:

1. An affidavit on a form provided by the department attesting that the applicant has obtained workers' compensation insurance as required by chapter 440, public liability insurance, and property damage insurance, in amounts determined by department rule. The department shall establish by rule a procedure to verify the accuracy of such affidavits based upon a random sample method.

2. Evidence of financial responsibility. The department shall adopt rules to determine financial responsibility which shall specify grounds on which the department may deny licensure. Such criteria shall include, but not be limited to, credit history and limits of bondability and credit.

~~(d)~~(b) A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with department rules.

~~(e)~~(c) The license, when issued upon application of a business organization, must be in the name of the business organization, and the name of the qualifying agent must be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

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

(5)(a) Each asbestos consultant or contractor shall affix the consultant's or contractor's signature seal, if any, and license number to each construction document, plan, or any other document prepared or approved for use by the licensee which is related to any asbestos abatement project and filed for public record with any governmental agency, and to any offer, bid, or contract submitted to a client.

Section 17. Subsection (1) of section 469.013, Florida Statutes, is amended to read:

469.013 Course requirements for asbestos surveyors, management planners, and project monitors.—

(1) All asbestos surveyors, management planners, and project monitors must comply with the requirements set forth in this section prior to commencing such activities and must also complete the a 1-day course of continuing education necessary to maintain certification each year ~~thereafter~~.

(a) Management planners must complete all requirements of s. 469.005(2)(c) and (e).

(b) Asbestos surveyors must complete all requirements of s. 469.005(2)(b).

(c) Project monitors must complete all requirements of s. 469.005(2)(a) and must also complete an asbestos sampling course which is equivalent to NIOSH Course 582.

Section 18. Section 469.014, Florida Statutes, is amended to read:

469.014 Approval of asbestos training courses and providers.—

(1) The department shall approve training courses and the providers of such courses as are required under this chapter. The department must also

approve training courses and the providers of such courses who offer training for persons who are exempt from licensure as an asbestos contractor or asbestos consultant under s. 469.002(3) ~~469.004(4)~~.

(2)(1) The department shall, by rule, prescribe criteria for approving training courses and course providers and may by rule modify the training required by this chapter.

(3)(2) The department may enter into agreements with other states for the reciprocal approval of training courses or training-course providers.

(4)(3) The department shall, by rule, establish reasonable fees in an amount not to exceed the cost of evaluation, approval, and recordmaking and recordkeeping of training courses and training-course providers.

(5)(4) The department may impose against a training-course provider any penalty that it may impose against a licensee under this chapter or s. 455.227, may decline to approve courses, and may withdraw approval of courses proposed by a provider who has, or whose agent has, been convicted of, or pled guilty or nolo contendere to, or entered into a stipulation or consent agreement relating to, without regard to adjudication, any crime or administrative violation in any jurisdiction which involves fraud, deceit, or false or fraudulent representations made in the course of seeking approval of or providing training courses.

Section 19. Section 469.015, Florida Statutes, is repealed.

Section 20. Subsection (1) of section 255.551, Florida Statutes, is amended to read:

255.551 Definitions; ss. 255.551-255.565.—As used in ss. 255.551-255.565:

(1) “Abatement” means the removal, encapsulation, or enclosure of asbestos, but does not include the removal of bituminous resinous roofing systems or the removal of resilient floor covering and its adhesive in accordance with the licensing exemption in s. 469.002(3) ~~469.004(4)~~.

Section 21. Section 376.60, Florida Statutes, is amended to read:

376.60 Asbestos removal program inspection and notification fee.—The Department of Environmental Protection shall charge an inspection and notification fee, not to exceed \$300 for a small business as defined in s. 288.703(1), or \$1,000 for any other project, for any asbestos removal project. Schools, colleges, universities, residential dwellings, and those persons otherwise exempted from licensure under s. 469.002(4) ~~469.004(7)~~ are exempt from the fees. Any fee collected must be deposited in the asbestos program account in the Air Pollution Control Trust Fund to be used by the department to administer its asbestos removal program.

(1) In those counties with approved local air pollution control programs, the department shall return 80 percent of the asbestos removal program inspection and notification fees collected in that county to the local government quarterly, if the county requests it.

(2) The fees returned to a county under subsection (1) must be used only for asbestos-related program activities.

(3) A county may not levy any additional fees for asbestos removal activity while it receives fees under subsection (1).

(4) If a county has requested reimbursement under subsection (1), the department shall reimburse the approved local air pollution control program with 80 percent of the fees collected in the county retroactive to July 1, 1994, for asbestos-related program activities.

(5) If an approved local air pollution control program that is providing asbestos notification and inspection services according to 40 C.F.R. part 61, subpart M, and is collecting fees sufficient to support the requirements of 40 C.F.R. part 61, subpart M, opts not to receive the state-generated asbestos notification fees, the state may discontinue collection of the state asbestos notification fees in that county.

Section 22. Subsections (17) and (18) are added to section 489.103, Florida Statutes, to read:

489.103 Exemptions.—This part does not apply to:

(17) The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with local building codes, local licensure requirements, or other local ordinance provisions.

(18) Any one-family, two-family, or three-family residence constructed by Habitat for Humanity International, Inc., or its local affiliates. Habitat for Humanity International, Inc., or its local affiliates, must:

(a) Obtain all necessary building permits; and

(b) Obtain all required building inspections.

Section 23. Paragraphs (a), (d), (f), (g), (h), (i), (l), and (n) of subsection (3) of section 489.105, Florida Statutes, are amended, and subsection (19) is added to that section, to read:

489.105 Definitions.—As used in this part:

(3) “Contractor” means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, “demolish” applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories

tall; and buildings or residences over three stories tall. 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)-(q):

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

(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, insulation, 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, including, but not limited to, fiberglass, 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, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system.

(f) "Class A air-conditioning contractor" means a contractor 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 systems, 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 any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system; 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, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install 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 water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(g) "Class B air-conditioning contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system 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 systems, 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 any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install 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 water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(h) "Class C air-conditioning contractor" means a contractor whose business is limited to the servicing of air-conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system ~~alterations in connection with those systems he or she is servicing~~, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. No person not previously registered or certified as a Class C air-conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air-conditioning contractors who held Class C licenses prior to October 1, 1988.

(i) "Mechanical contractor" means a contractor 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 systems, 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 any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system; 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 natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install 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 gas fuel lines within buildings, potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(l) “Swimming pool/spa servicing contractor” means a contractor whose scope of work involves the servicing and repair of any swimming pool or hot tub or spa, 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, reconstruction of decks, and reinstallation or addition of pool heaters. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

(n) “Underground utility and excavation contractor” means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021(7) beginning at the point where the piping is used exclusively for such system.

(19) “Initial issuance” means the first time a certificate or registration is granted to an individual or business organization, including the first time

an individual becomes a qualifying agent for that business organization and the first time a business organization is qualified by that individual.

Section 24. Subsections (4) and (6) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

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

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division I has jurisdiction over the ~~examination and~~ regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division II has jurisdiction over the ~~examination and~~ regulation of contractors defined in s. 489.105(3)(d)-(p).

(c) Jurisdiction for the ~~examination and~~ regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule.

(6) The Construction Industry Licensing Board and the Electrical Contractors' Licensing Board shall each appoint a committee to meet jointly ~~in joint session~~ at least twice a year.

Section 25. Subsection (10) of section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(10) The addition of a new type of contractor or the expansion of the scope of practice of any type of contractor under this part shall not limit the scope of practice of any existing type of contractor under this part unless the Legislature expressly provides such a limitation.

Section 26. Section 489.1135, Florida Statutes, is repealed.

Section 27. Section 489.1136, Florida Statutes, is created to read:

489.1136 Medical gas certification.—

(1)(a) In addition to the certification or registration required to engage in business as a plumbing contractor, any plumbing contractor who wishes to engage in the business of installation, improvement, repair, or maintenance of any tubing, pipe, or similar conduit used to transport gaseous or

partly gaseous substances for medical purposes shall take, as part of the contractor's continuing education requirement, at least once during the holding of such license, a course of at least of 6 hours. Such course shall be given by an instructional facility or teaching entity that has been approved by the board. In order for a course to be approved, the board must find that the course is designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall issue a certificate of completion to the taker of the course, which certificate shall be available for inspection by any entity or person seeking to have such contractor engage in the business of installation, improvement, repair, or maintenance of a medical gas system.

(b) Any other natural person who is employed by a licensed plumbing contractor to provide work on the installation, improvement, repair, or maintenance of a medical gas system, except as noted in paragraph (c), shall, as a prerequisite to his or her ability to provide such service, take a course approved by the board. Such course shall be at least 8 hours and consist of both classroom and practical work designed to teach familiarity with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition) and also designed to teach familiarity and practical ability in performing and inspecting brazing duties required of medical gas installation, improvement, repair, or maintenance work. Such course shall also include the administration of a practical examination in the skills required to perform work as outlined above, including brazing, and each examination shall be reasonably constructed to test for knowledge of the subject matter. The person taking such course and examination must, upon successful completion of both, be issued a certificate of completion by the giver of such course, which certificate shall be made available by the holder for inspection by any person or entity seeking to have such person perform work on the installation, improvement, repair, or maintenance of a medical gas system.

(c) Any other natural person who wishes to perform only brazing duties incidental to the installation, improvement, repair, or maintenance of a medical gas system shall pass an examination designed to show that person's familiarity with and practical ability in performing brazing duties required of medical gas installation, improvement, repair, or maintenance. Such examination shall be from a test approved by the board. Such examination must test for knowledge of National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). The person taking such examination must, upon passing such examination, be issued a certificate of completion by the giver of such examination, and such certificate shall be made available by the holder for inspection by any person or entity seeking to have or employ such person to perform brazing duties on a medical gas system.

(d) It is the responsibility of the licensed plumbing contractor to ascertain whether members of his or her workforce are in compliance with this

subsection, and such contractor is subject to discipline under s. 489.129 for violation of this subsection.

(e) Training programs in medical gas piping installation, improvement, repair, or maintenance shall be reviewed annually by the board to ensure that programs have been provided equitably across the state.

(f) Periodically, the board shall review training programs in medical gas piping installation for quality in content and instruction in accordance with the National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). The board shall also respond to complaints regarding approved programs.

(g) Training required under this section for current licensees must be met by October 1, 2000.

(2)(a) On any job site where a medical gas system is being installed, improved, repaired, or maintained, it is required that a person qualified under paragraph (1)(a) or paragraph (1)(b) must be present. When any brazing work is performed by a person qualified under paragraph (1)(c), a person qualified under paragraph (1)(a) or paragraph (1)(b) must be present.

(b) It is the responsibility of the licensed contractor to ascertain whether members of his or her workforce are in compliance with paragraph (a), and such contractor is subject to discipline under s. 489.129 for violation of this subsection.

(3) The term “medical” as used in this section means any medicinal, life-supporting, or health-related purpose. Any and all gaseous or partly gaseous substance used in medical patient care and treatment shall be presumed for the purpose of this section to be used for medical purposes.

Section 28. Subsection (4) is added to section 553.06, Florida Statutes, to read:

553.06 State Plumbing Code.—

(4) All installations, improvements, maintenance, or repair relating to tubing, pipe, or similar conduit used to transport gaseous or partly gaseous substances for medical purposes shall be governed and regulated under National Fire Prevention Association Standard 99C (Standard on Gas and Vacuum Systems, latest edition). Notwithstanding the prohibition of s. 553.11, no county or municipality is exempt or excepted from the requirements of this subsection.

Section 29. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the State Minimum Building Codes and any alternate methodologies for providing such wind resistance which have been approved for use by the Board of Building Codes and Standards. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

(7) If a certificateholder or registrant holds a license under both this part and part II and is required to have continuing education courses under s. 489.517(3), the certificateholder or registrant may apply those course hours for workers' compensation, workplace safety, and business practices obtained under part II to the requirements under this part.

Section 30. Paragraph (a) of subsection (3) of section 489.119, Florida Statutes, is amended to read:

489.119 Business organizations; qualifying agents.—

(3)(a) The qualifying agent shall be certified or registered under this part in order for the business organization to be issued a certificate of authority 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 or she shall so inform the department. In addition, if such qualifying agent is the only certified or registered contractor affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have 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, unless the executive director or chair of the board has granted a temporary nonrenewable certificate or registration to the financially responsible officer, the president, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary certificate or registration shall only allow the entity to proceed with incomplete contracts as

defined in s. 489.121. For the purposes of this paragraph, an incomplete contract is one which has been awarded to, or entered into by, the business organization prior to the cessation of affiliation of the qualifying agent with the business organization or one on which the business organization was the low bidder and the contract is subsequently awarded, regardless of whether any actual work has commenced under the contract prior to the qualifying agent ceasing to be affiliated with the business organization.

Section 31. Section 489.140, Florida Statutes, is amended to read:

489.140 Construction Industries Recovery Fund.—There is created the Florida Construction Industries Recovery Fund as a separate account in the Professional Regulation Trust Fund.

(1) The Florida Construction Industries Recovery Fund shall be disbursed as provided in s. 489.143, on order of the board, as reimbursement to any natural person adjudged by a court of competent jurisdiction to have suffered monetary damages, or to whom the licensee has been ordered to pay restitution by the board, where the judgment or restitution order is based on a violation of s. 489.129(1)(d), (h), (k), or (l), committed by any contractor, financially responsible officer, or business organization licensed under the provisions of this part at the time the violation was committed, and providing that the violation occurs after July 1, 1993.

(2) The Construction Industries Recovery Fund shall be funded out of the receipts deposited in the Professional Regulation Trust Fund from the one-half cent per square foot surcharge on building permits collected and disbursed pursuant to s. 468.631.

~~(3) In addition, any surplus of moneys collected from the fines imposed by the board and collected by the department shall be transferred into the Construction Industries Recovery Fund.~~

Section 32. Section 489.141, Florida Statutes, is amended to read:

489.141 Conditions for recovery; eligibility.—

(1) Any person is eligible to seek recovery from the Construction Industries Recovery Fund after having made a claim and exhausting the limits of any available bond, cash bond, surety, guarantee, warranty, letter of credit, or policy of insurance, if:

(a) Such person has received final judgment in a court of competent jurisdiction in this state in any action wherein the cause of action was based on a construction contract or the Construction Industry Licensing Board has issued a final order directing the licensee to pay restitution to the claimant based upon a violation of s. 489.129(1)(d), (h), (k), or (l), where the contract was executed and the violation occurred on or after July 1, 1993, and provided that:

~~1. At the time the action was commenced, such person gave notice thereof to the board by certified mail; except that, if no notice has been given to the board, the claim may still be honored if the board finds good cause to waive the notice requirement;~~

1.a.2. Such person has caused to be issued a writ of execution upon such judgment, and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor or licensee liable to be levied upon in satisfaction of the judgment can be found or that the amount realized on the sale of the judgment debtor's or licensee's property pursuant to such execution was insufficient to satisfy the judgment; or

b.3. If such person is unable to comply with sub-subparagraph a. subparagraph 2. for a valid reason to be determined by the board, such person has made all reasonable searches and inquiries to ascertain whether the judgment debtor or licensee is possessed of real or personal property or other assets subject to being sold or applied in satisfaction of the judgment and by his or her search has discovered no property or assets or has discovered property and assets and has taken all necessary action and proceedings for the application thereof to the judgment but the amount thereby realized was insufficient to satisfy the judgment; or

2.(b) The claimant has made a diligent attempt, as defined by board rule, to collect the restitution awarded by the board; ~~and~~

(b)(c) A claim for recovery is made within 2 years from the time of the act giving rise to the claim or within 2 years from the time the act is discovered or should have been discovered with the exercise of due diligence; however, in no event may a claim for recovery be made more than 4 years after the date of the act giving rise to the claim or more than 1 year after the conclusion of any civil or administrative action based on the act, whichever is later; ~~and~~

(c)(d) Any amounts recovered by such person from the judgment debtor or licensee, or from any other source, have been applied to the damages awarded by the court or the amount of restitution ordered by the board; and

(d)(e) Such person is not a person who is precluded by this act from making a claim for recovery.

(2) A person is not qualified to make a claim for recovery from the Construction Industries Recovery Fund, if:

(a) The claimant is the spouse of the judgment debtor or licensee or a personal representative of such spouse;

(b) The claimant is a licensee certificateholder or registrant who acted as the contractor in the transaction which is the subject of the claim;

(c) Such person's claim is based upon a construction contract in which the licensee certificateholder or registrant was acting with respect to the property owned or controlled by the licensee certificateholder or registrant;

(d) Such person's claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract; or

(e) Such person was associated in a business relationship with the licensee certificateholder or registrant other than the contract at issue.

(f) Such person has suffered damages as the result of making improper payments to a contractor as defined in chapter 713, part I.

Section 33. Section 489.142, Florida Statutes, is amended to read:

~~489.142 Board powers relating to recovery upon notification of commencement of action.—With respect to actions for recovery from the Construction Industries Recovery Fund~~ When the board receives certified notice of any action, as required by s. 489.141(1)(a), the board may intervene, enter an appearance, file an answer, defend the action, or take any action it deems appropriate and may take recourse through any appropriate method of review on behalf of the State of Florida.

Section 34. Section 489.143, Florida Statutes, is amended to read:

489.143 Payment from the fund.—

(1) Any person who meets all of the conditions prescribed in s. 489.141(1) may apply to the board to cause payment to be made to such person from the Construction Industries Recovery Fund in an amount equal to the judgment or restitution order, exclusive of postjudgment interest, against the licensee certificateholder or \$25,000, whichever is less, or an amount equal to the unsatisfied portion of such person's judgment or restitution order, exclusive of postjudgment interest, or \$25,000, whichever is less, but only to the extent and amount reflected in the judgment or restitution order as being actual or compensatory damages. The fund is not obligated to pay any portion of any judgment, or any judgment or restitution order, or any portion thereof, which is not expressly based on one of the grounds for recovery set forth in s. 489.140(1).

(2) Upon receipt by a claimant under subsection (1) of payment from the Construction Industries Recovery Fund, the claimant shall assign his or her additional right, title, and interest in the judgment or restitution order, to the extent of such payment, to the board, and thereupon the board shall be subrogated to the right, title, and interest of the claimant; and any amount subsequently recovered on the judgment or restitution order by the board, to the extent of the right, title, and interest of the board therein, shall be for the purpose of reimbursing the Construction Industries Recovery Fund.

(3) Payments for claims arising out of the same transaction shall be limited, in the aggregate, to \$25,000, regardless of the number of claimants involved in the transaction.

(4) Payments for claims against any one licensee certificateholder or registrant shall not exceed, in the aggregate, \$100,000.

(5) Claims shall be paid in the order filed, up to the aggregate limits for each transaction and licensee and to the limits of the amount appropriated to pay claims against the fund for the fiscal year in which the claims were filed.

(6) If the annual appropriation is exhausted with claims pending, such claims shall be carried forward to the next fiscal year. Any moneys in excess

of pending claims remaining in the Construction Industries Recovery Fund at the end of the fiscal year shall be paid as provided in s. 468.631.

~~(5) If at any time the claims pending against the fund exceed 80 percent of the fund balance plus anticipated revenue for the next two quarters, the board shall accept no further claims until such time as the board is given express authorization and funding from the Legislature.~~

~~(7)(6)~~ Upon the payment of any amount from the Construction Industries Recovery Fund in settlement of a claim in satisfaction of a judgment or restitution order against a licensee certificateholder as described in s. 489.141(1), the license of such licensee certificateholder shall be automatically suspended, without further administrative action, upon the date of payment from the fund. The license of such licensee certificateholder shall not be reinstated until he or she has repaid in full, plus interest, the amount paid from the fund. A discharge of bankruptcy does not relieve a person from the penalties and disabilities provided in this section.

Section 35. Subsection (14) of section 489.503, Florida Statutes, is amended, and subsections (17), (18), and (19) are added to that section, to read:

489.503 Exemptions.—This part does not apply to:

(14) The installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof, when those items are for the purpose of transmitting data, voice communications, or commands as part of:

(a) A system of telecommunications, including computers, telephone customer premises equipment, or premises wiring; or

(b) A cable television, community antenna television, or radio distribution system.

The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, current edition, or 47 C.F.R. part 68. Additionally, a company certified under chapter 364 is not subject to any local ordinance that requires a permit for work performed by its employees related to low voltage electrical work, including related technical codes and regulations. This exemption shall apply only if such work is requested by the company's customer, is required in order to complete phone service, is incidental to provision of telecommunication service as required by chapter 364, and is not actively competitive in nature or the subject of a competitive bid. The definition of "employee" established in subsection (1) applies to this exemption and does not include subcontractors.

(17) The monitoring of an alarm system without fee by a direct employee of a law enforcement agency or of a county, municipal, or special-district fire department or by a law enforcement officer or fire official acting in an official capacity.

(18) The monitoring of an alarm system by a direct employee of any state or federally chartered financial institution, as defined in s. 655.005(1)(h), or any parent, affiliate, or subsidiary thereof, so long as:

(a) The institution is subject to, and in compliance with, s. 3 of the Federal Bank Protection Act of 1968, 12 U.S.C. s. 1882;

(b) The alarm system is in compliance with all applicable firesafety standards as set forth in chapter 633; and

(c) The monitoring is limited to an alarm system associated with:

1. The commercial property where banking operations are housed or where other operations are conducted by a state or federally chartered financial institution, as defined in s. 655.005(1)(h), or any parent, affiliate, or subsidiary thereof; or

2. The private property occupied by the institution's executive officers, as defined in s. 655.005(1)(f),

and does not otherwise extend to the monitoring of residential systems.

(19) The monitoring of an alarm system of a business by the direct employees of that business, so long as:

(a) The alarm system is the exclusive property of, or is leased by, the business;

(b) The alarm system complies with all applicable firesafety standards as set forth in chapter 633; and

(c) The alarm system is designed to protect only the commercial premises leased by the business endeavor or commercial premises owned by the business endeavor and not leased to another.

This exemption is intended to allow businesses to monitor their own alarm systems and is not limited to monitoring a single location of that business. However, it is not intended to enable the owner of any apartment complex, aggregate housing, or commercial property to monitor alarm systems on property leased or rented to the residents, clients, or customers thereof.

Section 36. Subsection (24) of section 489.505, Florida Statutes, is repealed, subsections (1), (7), (19), and (23) are amended, present subsections (25), (26), and (27) are redesignated as subsections (24), (25), and (26), respectively, and new subsections (27) and (28) are added to that section, to read:

489.505 Definitions.—As used in this part:

(1) "Alarm system" means any electrical device, signaling device, or combination of electrical devices used to signal or detect a situation which causes an alarm in the event of a burglary, fire, robbery, or medical emergency, or equipment failure.

(7) “Certified alarm system contractor” means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.

(19) “Specialty contractor” means a contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, ~~installation and maintenance of elevators,~~ and fabrication, erection, installation, and maintenance of electrical ~~outdoor~~ advertising signs together with the interrelated parts and supports thereof. Categories of specialty contractor shall be established by board rule.

(23) “Registered residential alarm system contractor” means an alarm system contractor whose business is limited to burglar alarm systems in single-family residential, quadruplex housing, and mobile homes ~~and to fire alarm systems~~ of a residential occupancy class and who is registered with the department pursuant to s. 489.513 or s. 489.537(8). The board shall define “residential occupancy class” by rule. A registered residential alarm system contractor may contract only in the jurisdiction for which his or her registration is issued.

~~(24) “Limited burglar alarm system contractor” means an alarm system contractor whose business is limited to the installation of burglar alarms in single-family homes and two-family homes, mobile homes, and small commercial buildings having a square footage of not more than 5,000 square feet and who is registered with the department pursuant to s. 489.513 or s. 489.537(8).~~

~~(24)(25)~~ “Licensure” means any type of certification or registration provided for in this part.

~~(25)(26)~~ “Burglar alarm system agent” means a person:

(a) Who is employed by a licensed alarm system contractor or licensed electrical contractor;

(b) Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling onsite, or monitoring an intrusion or burglar alarm system for compensation.

(26)(27) “Personal emergency response system” means any device which is simply plugged into a telephone jack or electrical receptacle and which is designed to initiate a telephone call to a person who responds to, or has a responsibility to determine the proper response to, personal emergencies.

(27) “Monitoring” means to receive electrical or electronic signals, originating from any building within the state, produced by any security, medical, fire, or burglar alarm, closed circuit television camera, or related or similar protective system and to initiate a response thereto. A person shall not have committed the act of monitoring if:

(a) The person is an occupant of, or an employee working within, protected premises;

(b) The person initiates emergency action in response to hearing or observing an alarm signal;

(c) The person’s action is incidental to his or her primary responsibilities; and

(d) The person is not employed in a proprietary monitoring facility, as defined by the National Fire Protection Association pursuant to rule adopted under chapter 633.

(28) “Fire alarm system agent” means a person:

(a) Who is employed by a licensed fire alarm contractor or certified unlimited electrical contractor;

(b) Who is performing duties which are an element of an activity that constitutes fire alarm system contracting requiring certification under this part; and

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling onsite, or monitoring a fire alarm system for compensation.

Section 37. Subsection (5) of section 489.507, Florida Statutes, is amended to read:

489.507 Electrical Contractors’ Licensing Board.—

(5) The Electrical Contractors’ Licensing Board and the Construction Industry Licensing Board shall each appoint a committee to meet jointly in joint session at least twice a year.

Section 38. Section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(1) The board, by rule, shall establish fees to be paid for applications, examination, reexamination, transfers, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for certification of electrical contractors may not exceed \$400. The initial application fee for registration may not exceed \$150. The biennial renewal fee may not exceed \$400 for certificateholders and \$200 for registrants, ~~and shall be paid by June 30 of each biennial period.~~ The fee for initial application and examination for certification of alarm system contractors may not exceed \$400. The biennial renewal fee for certified alarm system contractors may not exceed \$450. The board may establish a fee for a temporary certificate as an alarm system contractor not to exceed \$75. The board may also establish by rule a delinquency fee not to exceed \$50. ~~Failure to renew an active or inactive certificate or registration within 90 days after the date of renewal will result in the certificate or registration becoming delinquent.~~ The fee to transfer a certificate or registration from one business organization to another may not exceed \$200. The fee for reactivation of an inactive license may not exceed \$50. The board shall establish fees that are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of electrical contractors and alarm system contractors.

(2) A person who is registered or holds a valid certificate ~~from the board~~ may go on inactive status during which time he or she shall not engage in contracting, but may retain the certificate or registration on an inactive basis, on payment of a renewal fee during the inactive period, not to exceed \$50 per renewal period.

(3) Four dollars of each fee under subsection (1) paid to the department at the time of application or renewal shall be transferred at the end of each licensing period to the Department of Education to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the Department of Education on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of Education. The Department of Education must allocate 50 percent of the funds to a graduate program in building construction in a Florida university and 50 percent of the funds to 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. The Department of Education shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of Education shall report to the board in October of each year, summarizing

the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects. The Commissioner of Education is directed to appoint one electrical contractor and one certified alarm system contractor to the Building Construction Industry Advisory Committee.

Section 39. Paragraph (a) of subsection (2), subsection (3), and paragraph (b) of subsection (5) of section 489.511, Florida Statutes, are amended to read:

489.511 Certification; application; examinations; endorsement.—

(2)(a) A person shall be entitled to take the certification examination for the purpose of determining whether he or she is qualified to engage in contracting throughout the state as a contractor if the person:

1. Is at least 18 years of age;
2. Is of good moral character; and
3. Meets eligibility requirements according to one of the following criteria:

a. Has, within the 6 years immediately preceding the filing of the application, at least 3 years' proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent;

b. Has, within the 8 years immediately preceding the filing of the application, at least 4 years' experience as a ~~foreman~~, supervisor, or contractor in the trade for which he or she is making application;

c. Has, within the 12 years immediately preceding the filing of the application, at least 6 years of comprehensive training, technical education, or supervisory broad experience associated with an electrical or alarm system contracting business, or at least 6 years of technical experience in electrical or alarm system work with the Armed Forces or a governmental entity installation or servicing endeavor; or

d. Has, within the 12 years immediately preceding the filing of the application, been licensed for 3 years as a professional an engineer who is qualified by education, training, or experience to practice electrical engineering;
or

e. Has any combination of qualifications under sub-subparagraphs a.-c. totaling 6 years of experience.

(3) On or after October 1, 1998, every applicant who is qualified shall be allowed to take the examination three times, notwithstanding the number of times the applicant has previously failed the examination. If an applicant fails the examination three times after October 1, 1998, the board shall require the applicant to complete additional college-level or technical education courses in the areas of deficiency, as determined by the board, as a condition of future eligibility to take the examination. The applicant must

~~also submit a new application that meets all certification requirements at the time of its submission and must pay all appropriate fees. Any registered unlimited electrical contractor or certified or registered specialty contractor who, prior to October 1, 1987, passed an examination determined by the board to be substantially equivalent to the examination required for certification as either an unlimited electrical contractor or an alarm system contractor and who has satisfied the other requirements of this section shall be certified as an alarm system contractor I without further examination.~~

(5)

(b) For those specialty electrical or alarm system contractors applying for certification under this part who work in jurisdictions that do not require local licensure for those activities for which the applicant desires to be certified, the experience requirement may be met by demonstrating at least 6 years of comprehensive training, technical education, or supervisory broad experience, within the 12 years immediately preceding the filing of the application, in the type of specialty electrical or alarm system work for which certification is desired. An affidavit signed by the applicant's employer stating that the applicant performed the work required under this paragraph shall be sufficient to demonstrate to the board that the applicant has met the experience requirement.

Section 40. Subsection (3) of section 489.513, Florida Statutes, is amended to read:

489.513 Registration; application; requirements.—

~~(3)(a) To be registered as an electrical contractor, the applicant shall file evidence of holding a current occupational license or a current license issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, together with evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired, accompanied by the registration fee fixed pursuant to this part. No examination may be required for registration as an electrical contractor except for any examination required by a local government to obtain the local licensure.~~

~~(b) To be registered as an electrical contractor, an alarm system contractor I, an alarm system contractor II, or a residential alarm system contractor, the applicant shall file evidence of holding a current occupational license or a current license issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, if such a license is required by that municipality or county, together with evidence of having passed an appropriate local examination, written or oral, designed to test skills and knowledge relevant to the technical performance of the profession, accompanied by the registration fee fixed pursuant to this part. For any person working or wishing to work in any local jurisdiction which does not issue a local license as an electrical or alarm system contractor or does not require an examination for its license, the applicant may apply and shall be considered qualified to be issued a registration in the appropriate electrical or alarm system category, provided that~~

he or she shows that he or she has scored at least 75 percent on an examination which is substantially equivalent to the examination approved by the board for certification in the category and that he or she has had at least 3 years' technical experience in the trade. The requirement to take and pass an examination in order to obtain a registration shall not apply to persons making application prior to the effective date of this act.

Section 41. Subsections (4) and (5) are added to section 489.517, Florida Statutes, to read:

489.517 Renewal of certificate or registration; continuing education.—

(4)(a) If a certificateholder or registrant holds a license under both this part and part I and is required to have continuing education courses under s. 489.115(4)(b)1., the certificateholder or registrant may apply those course hours for workers' compensation, workplace safety, and business practices obtained under part I to the requirements under this part.

(b) Of the 14 classroom hours of continuing education required, at least 7 hours must be on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, and 1 hour on business practices.

(5) By applying for renewal, each certificateholder or registrant certifies that he or she has continually maintained the required amounts of public liability and property damage insurance as specified by board rule. The board shall establish by rule a procedure to verify the public liability and property damage insurance for a specified period, based upon a random sampling method.

Section 42. Section 489.519, Florida Statutes, is amended to read:

489.519 Inactive status.—

(1) A certificate or registration that has become inactive may be reactivated under s. 489.517 upon application to the department. The board may prescribe, by rule, continuing education requirements as a condition of reactivating a certificate or registration. The continuing education requirements for reactivating a certificate or registration may not exceed 12 classroom hours for each year the certificate or registration was inactive.

(2) Notwithstanding any provision of s. 455.271 to the contrary, a certificateholder or registrant may apply to the department for voluntary inactive status at any time during the period of certification or registration.

~~(3)(2)~~ The board shall impose, by rule, continuing education requirements for ~~voluntary~~ inactive certificateholders, when ~~voluntary~~ inactive status is sought by certificateholders who are also building code administrators, plans examiners, or inspectors certified pursuant to part XIII of chapter 468.

(4) After January 1, 1999, any person who passes the certification examination must submit an application either to qualify a business or to place the person's license on inactive status.

Section 43. Section 489.521, Florida Statutes, is amended to read:

489.521 Business organizations; qualifying agents.—

(1) If an individual proposes to engage in contracting as a sole proprietorship, certification, ~~when granted,~~ shall be issued only in the name of that individual. If a fictitious name is used, the applicant shall furnish evidence of statutory compliance.

(2)(a)1. If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, other than a sole proprietorship, the application shall state the name of the partnership and its partners; the name of the corporation and its officers and directors and the name of each of its stockholders who is also an officer or director; the name of the business trust and its trustees; or the name of such other legal entity and its members. In addition, 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 electrical or alarm system contracting business and that he or she has authority to supervise electrical or alarm system contracting undertaken by such business organization.~~ A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that shall be qualified in accordance with board rules. 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. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

2. Any person certified or registered pursuant to this part who has had his or her license revoked shall not be eligible for a 5-year period to be a partner, officer, director, or trustee of a business organization as defined by this section. Such person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years.

(b) The applicant application shall also show that the proposed qualifying agent is legally qualified to act for the business organization in all matters connected with its electrical or alarm system contracting business and concerning regulations by the board and that he or she has authority to supervise electrical or alarm system contracting work undertaken by the business organization.

(c) The proposed qualifying agent shall demonstrate that he or she possesses the required skill, knowledge, and experience to qualify the business organization in the following manner:

1. Having met the qualifications provided in s. 489.511 and been issued a certificate of competency pursuant to the provisions of s. 489.511; or

2. Having demonstrated that he or she possesses the required experience and education requirements provided in s. 489.511 which would qualify him or her as eligible to take the certification examination.

(3)(a) The applicant ~~business organization~~ shall furnish evidence of financial responsibility, credit, and business reputation of the business organization, as well as the name of the qualifying agent. The board shall adopt rules defining financial responsibility based upon the business organization'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 determine that a business organization is not qualified to engage in contracting.

(b) In the event a qualifying agent must take the certification examination, the board shall, within 60 days from the date of the examination, inform the business organization in writing whether or not its qualifying agent has qualified.

(c) If the qualifying agent of a business organization applying to engage in contracting, after having been notified to do so, does not appear for examination within 1 year from the date of filing of the application, the examination fee paid by it shall be credited as an earned fee to the department. A new application to engage in contracting shall be accompanied by another application fee fixed pursuant to this act. Forfeiture of a fee may be waived by the board for good cause.

(d) Once the board has determined that the business organization's proposed qualifying agent has qualified, the business organization shall be authorized to engage in the contracting business. The certificate, when issued, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon.

(4) As a prerequisite to the initial issuance ~~or the renewal~~ of a certificate, the applicant ~~certificateholder~~ or the business organization he or she qualifies shall submit evidence ~~an affidavit on a form provided by the board attesting to the fact that he or she or the business organization has obtained public liability and property damage insurance for the safety and welfare of the public in an amount to be determined by board rule by the board. The board shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random sample method. In addition to the affidavit of insurance, as a prerequisite to the initial issuance of a certificate, the applicant shall furnish evidence of financial responsibility, credit, and business reputation of either himself or herself or the business organization he or she desires to qualify. The board shall adopt rules defining financial responsibility based upon the 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 to engage in the contracting business. If, within 60 days from the date the certificateholder or business organization is notified that he or she has qualified, he or she does not provide the evidence required, he or she shall apply to the department for an extension of time which shall be granted upon a showing of just cause. Thereupon, the board shall certify to the department that the certificateholder or the business organization is competent and qualified to engage in contracting. However, the provisions of this subsection do not apply to inactive certificates.~~

(5) At least one ~~officer member~~ or supervising employee of the business organization must be qualified under this act in order for the business organization to be qualified to engage in contracting in the category of the business conducted for which the member or supervising employee is qualified. If any individual so qualified on behalf of the business organization ceases to ~~qualify be affiliated with~~ the business organization, he or she shall notify the board and the department thereof within 30 days after such occurrence. In addition, if the individual is the only ~~qualified individual who~~ qualifies affiliated with the business organization, the business organization shall notify the board and the department of the individual's termination, and it shall have a period of 60 days from the termination of the individual individual's affiliation with the business organization in which to qualify another person under the provision of this act, failing which, the board shall determine that the business organization is no longer qualified to engage in contracting. The individual shall also inform the board in writing when he or she proposes to engage in contracting in his or her own name or in affiliation with another business organization, and the individual, or such new business organization, shall supply the same information to the board as required for applicants under this act. After an investigation of the financial responsibility, credit, and business reputation of the individual or the new business organization and upon a favorable determination, the board shall certify the business organization as qualified, and the department shall issue, without examination, a new certificate in the individual's name, which shall include the name of the new business organization, as provided in this section.

(6) When a business organization qualified to engage in contracting 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 business organization, and the license, when issued, shall be issued to the business organization upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by the department.

(7)(a) Each registered or certified contractor shall affix the number of his or her registration or certification to each application for a building permit and to each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of a building permit, that the contractor applying for the permit provide verification giving the number of his or her registration or certification under this part.

(b) The registration or certification number of a contractor shall be stated in each offer of services, business proposal, or advertisement, regardless of medium, used by that contractor. For the purposes of this part, the term "advertisement" does not include business stationery or any promotional novelties such as balloons, pencils, trinkets, or articles of clothing. The board shall assess a fine of not less than \$100 or issue a citation to any contractor who fails to include that contractor's certification or registration number when submitting an advertisement for publication, broadcast, or printing. In addition, any person who claims in any advertisement to be a certified or registered contractor, but who does not hold a valid state certification or

registration, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Each qualifying agent shall pay the department an amount equal to the original fee for certification or registration to qualify any additional business organizations. If the qualifying agent for a business organization desires to qualify additional business organizations, the board shall require him or her to present evidence of supervisory ability and financial responsibility of each such organization. Allowing a licensee to qualify more than one business organization shall be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization in accordance with s. 489.522(1). The board shall not limit the number of business organizations which the licensee may qualify except upon the licensee's failing to provide such information as is required under this subsection or upon a finding that such information or evidence as is supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the board that the licensee has failed in the licensee's responsibility to adequately supervise the operations of that business organization in accordance with s. 489.522(1). Failure of the responsibility to adequately supervise the operations of a business organization in accordance with s. 489.522(1) shall be grounds for denial to qualify additional business organizations. The issuance of such certification or registration is discretionary with the board.

(9) If a business organization or any of its partners, officers, directors, trustees, or members is disciplined for violating s. 489.533(1), the board may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization.

Section 44. Section 489.525, Florida Statutes, is amended to read:

489.525 Reports of certified contractors to local building officials.—

~~(1) The department shall inform all local boards or building officials prior to October of each year of the names of all certificateholders and the status of the certificates.~~

~~(2) The department may shall include in the report of certified contractors provided in subsection (1) a report to all county tax collectors, local boards, and building officials, containing:~~

~~(a) the contents of this part; and~~

~~(b) the contents of the rules of the board and the contents of the rules of the department which affect local government as determined by the department. Any information that is available through the Internet or other electronic means may be excluded from the report.~~

Section 45. Subsections (1) and (2) of section 489.533, Florida Statutes, are amended to read:

489.533 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for disciplinary actions as provided in subsection (2):

(a) Failure to comply with ~~Violating~~ any provision of ~~s. 489.531~~ or chapter 455.

(b) Attempting to procure a certificate or registration to practice electrical or alarm system contracting by bribery or fraudulent or willful misrepresentations.

(c) Having a certificate or registration to practice contracting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, ~~of~~ a crime in any jurisdiction which directly relates to the practice of electrical or alarm system contracting or the ability to practice electrical or alarm system contracting.

(e) Making or filing a report or record which the certificateholder or registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a certified electrical or alarm system contractor.

(f) Committing fraud or deceit, or negligence, incompetency, or misconduct in the practice of electrical or alarm system contracting.

(g) Violating chapter 633 or the rules of the State Fire Marshal.

(h) Practicing on a revoked, suspended, inactive, or delinquent certificate or registration.

(i) Willfully or deliberately disregarding and violating the applicable building codes or laws of the state or any municipality or county thereof.

(j) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.

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

(l) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration or in accordance

with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration or as later changed as provided in this part.

(m) Committing financial mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs if:

1. A valid lien has been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job, the contractor has received funds from the customer to pay for the supplies or services, and the contractor has not had the lien removed from the property, by payment or by bond, within 75 days after the date of the lien;

2. A contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price that had been paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain the excess funds under the terms of the contract or refunds the excess funds within 30 days after the date of abandonment;
~~or~~

3. The contractor's job has been completed and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer; or

4. The contractor fails, within 18 months, to pay or comply with a repayment schedule of a judgment obtained against the contractor or a business qualified by the contractor and relating to the practice of contracting.

(n) Being disciplined by any municipality or county for an act that is a violation of this section.

(o) Failing in any material respect to comply with the provisions of this part and the rules adopted pursuant thereto.

(p) Abandoning a project which the contractor is engaged in or is under contractual obligation to perform. A project is to be considered abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the prospective owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.

(q) Failing to affix a registration or certification number as required by s. 489.521(7).

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

- (s) Practicing beyond the scope of a certification or registration.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

(2) When the board finds any applicant, contractor, or business organization for which the contractor is a primary qualifying agent or secondary qualifying agent responsible under s. 489.522 guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

- (a) Denial of an application for certification or registration.
- (b) Revocation or suspension of a certificate or registration.
- (c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
- (d) Issuance of a reprimand.
- (e) Placement of the contractor on probation for a period of time and subject to such conditions as the board may specify, including requiring the contractor to attend continuing education courses or to work under the supervision of another contractor.
- (f) Restriction of the authorized scope of practice by the contractor.
- (g) Require financial restitution to a consumer.

Section 46. For the purpose of incorporating the amendment to section 489.533, Florida Statutes, in a reference thereto, subsection (5) of section 489.518, Florida Statutes, is reenacted to read:

489.518 Alarm system agents.—

(5) Failure to comply with any of the provisions of this section shall be a disciplinable offense against the contractor pursuant to s. 489.533.

Section 47. Paragraph (b) of subsection (2) of section 489.537, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

489.537 Application of this part.—

(2)

(b) A registered electrical contractor may bid on electrical contracts which include alarm systems contracting as a part of the contract, provided that the individual shall subcontract such alarm systems contracting, except raceway systems, to a properly certified or registered alarm system contractor. Registered electrical contractors may install raceways for alarm systems. However, if the registered electrical contractor is properly certified or registered as an alarm system contractor, the individual is not required to subcontract out the alarm system contracting.

(9) Persons licensed under this part are subject to ss. 205.0535(1) and 205.065, as applicable.

Section 48. Section 489.539, Florida Statutes, is amended to read:

489.539 Adoption of electrical and alarm standards.—For the purpose of establishing minimum electrical and alarm standards in this state, the current edition of the following standards are adopted:

(1) “National Electrical Code 1990,” NFPA No. 70 70-1990.

(2) Underwriters’ Laboratories, Inc., “Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps,” UL 57 57-1982, and UL 153 153-1983.

(3) Underwriters’ Laboratories, Inc., “Standard for Electric Signs,” UL 48 48-1982.

(4) The provisions of the following which prescribe minimum electrical and alarm standards:

(a) NFPA No. 56A 56A-1978, “Inhalation Anesthetics 1978.”

(b) NFPA No. 56B 56B-1982, “Respiratory Therapy 1982.”

(c) NFPA No. 56C 56C-1980, “Laboratories in Health-related Institutions 1980.”

(d) NFPA No. 56D 56D-1982, “Hyperbaric Facilities.”

(e) NFPA No. 56F 56F-1983, “Nonflammable Medical Gas Systems 1983.”

(f) NFPA No. 72, “National Fire Alarm Code.”

(g)(f) NFPA No. 76A 76A-1984, “Essential Electrical Systems for Health Care Facilities 1984.”

(5) Chapter 10D-29 of the rules of the Department of Health and Rehabilitative Services, entitled “Nursing Homes and Related Facilities Licensure.”

(6) The minimum standards for grounding of portable electric equipment, chapter 8C-27, as recommended by the Industrial Standards Section of the Division of Workers’ Compensation of the Department of Labor and Employment Security.

Section 49. Section 553.19, Florida Statutes, is amended to read:

553.19 Adoption of electrical and alarm standards.—For the purpose of establishing minimum electrical and alarm standards in this state, the current edition of the following standards are adopted:

(1) “National Electrical Code 1990,” NFPA No. 70 70-1990.

(2) Underwriters' Laboratories, Inc., "Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps," UL 57 57-1982 and UL 153 153-1983.

(3) Underwriters' Laboratories, Inc., "Standard for Electric Signs," UL 48 48-1982.

(4) The provisions of the following which prescribe minimum electrical and alarm standards:

(a) NFPA No. 56A 56A-1978, "Inhalation Anesthetics 1978."

(b) NFPA No. 56B 56B-1982, "Respiratory Therapy 1982."

(c) NFPA No. 56C 56C-1980, "Laboratories in Health-related Institutions 1980."

(d) NFPA No. 56D 56D-1982, "Hyperbaric Facilities."

(e) NFPA No. 56F 56F-1983, "Nonflammable Medical Gas Systems 1983."

(f) NFPA No. 72, "National Fire Alarm Code."

(g)(f) NFPA No. 76A 76A-1984, "Essential Electrical Systems for Health Care Facilities 1984."

(5) Chapter 10D-29 of the rules and regulations of the Department of Health and Rehabilitative Services, entitled "Nursing Homes and Related Facilities Licensure."

(6) The minimum standards for grounding of portable electric equipment, chapter 8C-27 as recommended by the Industrial Standards Section, Division of Workers' Compensation, Department of Labor and Employment Security.

Section 50. Section 489.5185, Florida Statutes, is created to read:

489.5185 Fire alarm system agents.—

(1) A certified unlimited electrical contractor or licensed fire alarm contractor may not employ a person to perform the duties of a fire alarm system agent unless the person:

(a) Is at least 18 years of age or has evidence of a court-approved declaration of emancipation.

(b) Has successfully completed a minimum of 18 hours of initial training, to include basic fire alarm system technology in addition to related training in National Fire Protection Association (NFPA) codes and standards and access control training. Such training must be from a board-approved provider, and the employee or applicant for employment must provide proof of successful completion to the licensed employer. The board, by rule, shall establish criteria for the approval of training courses and providers. The

board shall approve qualified providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers, not to exceed \$200, and a fee for the approval of courses at \$25 per credit hour, not to exceed \$100 per course.

(c) Has not been convicted within the last 3 years of a crime that directly relates to the business for which employment is being sought. Although the employee is barred from operating as a fire alarm system agent for 3 years subsequent to his or her conviction, the employer shall be supplied the information regarding any convictions occurring prior to that time, and the employer may at his or her discretion consider an earlier conviction to be a bar to employment as a fire alarm system agent. To ensure that this requirement has been met, a certified unlimited electrical contractor or licensed fire alarm contractor must obtain from the Florida Department of Law Enforcement a completed fingerprint and criminal background check for each applicant for employment as a fire alarm system agent or for each individual currently employed on the effective date of this act as a fire alarm system agent.

(d) Has not been committed for controlled substance abuse or been found guilty of a crime under chapter 893 or any similar law relating to controlled substances in any other state within the 3-year period immediately preceding the date of application for employment, or immediately preceding the effective date of this act for an individual employed as a fire alarm system agent on that date, unless the person establishes that he or she is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

(2)(a) Any applicant for employment as a fire alarm system agent, or any individual employed as a fire alarm system agent on the effective date of this act, who has completed alarm system agent or burglar alarm system agent training prior to the effective date of this act in a board-certified program is not required to take additional training in order to comply with the initial training requirements of this section.

(b) A state-certified electrical contractor, a state-certified fire alarm system contractor, a state-registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, or an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications is not required to complete the training required for fire alarm system agents. A state-registered electrical contractor is not required to complete the training required for fire alarm system agents, so long as he or she is only doing electrical work up to the alarm panel.

(c) A nonsupervising employee working as a helper or apprentice under the direct, onsite, continuous supervision of a state-certified electrical contractor, a state-registered electrical contractor, a state-certified fire alarm system contractor, a state-registered fire alarm system contractor, a journeyman electrician licensed by any local jurisdiction, an alarm technician licensed by a local jurisdiction that requires an examination and experience or training as licensure qualifications, or a qualified fire alarm system agent

is not required to complete the training otherwise required and is not required to be 18 years of age or older.

(d) A burglar alarm system agent employed by a licensed fire alarm contractor or certified unlimited electrical contractor who has fulfilled all requirements of s. 489.518 prior to the effective date of this act is not required to complete the initial training required by this section for fire alarm system agents.

(3) An applicant for employment as a fire alarm system agent may commence employment, or an individual employed as a fire alarm system agent on the effective date of this act may continue employment, pending completion of both the training and the fingerprint and criminal background checks required by this section, for a period not to exceed 90 days after the date of application for employment or 90 days after the effective date of this act for individuals employed as fire alarm system agents on that date. However, the person must work under the direction and control of a sponsoring certified unlimited electrical contractor or licensed fire alarm contractor until completion of both the training and the fingerprint and criminal background checks. If an applicant or an individual employed on the effective date of this act does not complete the training or receive satisfactory fingerprint and criminal background checks within the 90-day period, the employment must be terminated immediately.

(4)(a) A certified unlimited electrical contractor or licensed fire alarm contractor must furnish each of his or her fire alarm system agents with an identification card.

(b) The card shall follow a board-approved format, to include a picture of the agent; shall specify at least the name of the holder of the card and the name and license number of the certified unlimited electrical contractor or licensed fire alarm contractor; and shall be signed by both the contractor and the holder of the card. Each identification card shall be valid for a period of 2 years after the date of issuance. The identification card must be in the possession of the fire alarm system agent while engaged in fire alarm system agent duties.

(c) Each person to whom an identification card has been issued is responsible for the safekeeping thereof, and may not loan, or allow any other person to use or display, the identification card.

(d) Each identification card must be renewed every 2 years and in a board-approved format to show compliance with the 6 hours of continuing education necessary to maintain certification as a fire alarm system agent.

(5) Each fire alarm system agent must receive 6 hours of continuing education on fire alarm system installation and repair every 2 years from a board-approved sponsor of training and through a board-approved training course.

(6) Failure to comply with any of the provisions of this section shall be grounds for disciplinary action against the contractor pursuant to s. 489.533.

Section 51. Section 501.937, Florida Statutes, is created to read:

501.937 Industrial hygienists and safety professionals; use of professional titles; failure to comply.—

(1) Any person representing himself or herself as a “safety professional” or “industrial hygienist” must accurately disclose his or her credentials.

(2) A person may not represent himself or herself as a “certified safety professional,” “associate safety professional,” “certified occupational health and safety technologist,” “industrial hygienist in training,” or “certified industrial hygienist” unless he or she holds a current valid certificate in the field of safety or industrial hygiene from either the American Board of Industrial Hygiene or the Board of Certified Safety Professionals, or unless the Department of Business and Professional Regulation has, upon request, examined another certification program and has formally concluded that the certification standards of that certification program are substantially equivalent to the standards for certificates issued by those organizations; nor may the person mislead or deceive anyone by the unauthorized use of any certification mark that has been awarded by the United States Patent and Trademark Office.

(3)(a) A “safety professional” is a person having a baccalaureate degree in safety, engineering, chemistry, physics, or a closely related physical or biological science who has acquired competency in the field of safety. The studies and training necessary to acquire such competency should have been sufficient in all of the above cognate sciences to provide the abilities to anticipate, identify, and evaluate hazardous conditions and practices; to develop hazard control designs, methods, procedures, and programs; to implement, administer, and advise others on hazard controls and hazard control programs; and to measure, audit, and evaluate the effectiveness of hazard controls and hazard control programs.

(b) An “industrial hygienist” is a person having a baccalaureate degree in engineering, chemistry, physics, or a closely related physical or biological science who has acquired competency in the field of industrial hygiene. The studies and training necessary to acquire such competency should have been sufficient in all of the above cognate sciences to provide the abilities to anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on people and their well-being; to evaluate, on the basis of training and experience and with the aid of quantitative measurement techniques, the magnitude of these factors and stresses in terms of ability to impair human health and well-being; and to prescribe methods to eliminate, control, or reduce such factors and stresses when necessary to alleviate their effects.

(4) Failure to comply with this section constitutes a deceptive and unfair trade practice.

Section 52. Present subsections (7) through (25) of section 633.021, Florida Statutes, are redesignated as subsections (8) through (26), respectively, and a new subsection (7) is added to that section, to read:

633.021 Definitions.—As used in this chapter:

(7) A “fire extinguisher” is a cylinder that:

(a) Is portable and can be carried or is on wheels.

(b) Is manually operated.

(c) May use a variety of extinguishing agents that are expelled under pressure.

(d) Is rechargeable or nonrechargeable.

(e) Is installed, serviced, repaired, recharged, inspected, and hydrottested according to applicable procedures of the manufacturer, standards of the National Fire Protection Association, and the Code of Federal Regulations.

(f) Is listed by a nationally recognized testing laboratory.

Section 53. Section 633.061, Florida Statutes, is amended to read:

633.061 License or permit required of organizations and individuals servicing, recharging, repairing, testing, marking, inspecting, or installing, or hydrottesting fire extinguishers and preengineered systems.—

(1) It is unlawful for any organization or individual to engage in the business of servicing, repairing, recharging, testing, marking, inspecting, or installing, or hydrottesting any fire extinguisher or preengineered system in this state except in conformity with the provisions of this chapter. Each organization or individual ~~that~~ which engages in such activity must possess a valid and subsisting license issued by the State Fire Marshal. All fire extinguishers and preengineered systems required by statute or by rule must be serviced by an organization or individual licensed under the provisions of this chapter. The licensee is legally qualified to act for the business organization in all matters connected with its business, and the licensee must supervise all activities undertaken by such business organization. Each licensee shall maintain a specific business location. A further requirement, in the case of multiple locations where such servicing or recharging is taking place, is that each licensee who maintains more than one place of business where actual work is carried on must possess an additional license, as set forth in this section, for each location, except that ~~a~~ no licensed individual may not qualify for more than five locations. A licensee is limited to a specific type of work performed depending upon the class of license held. Licenses and license fees are required for the following:

(a) Class A \$150
To service, recharge, repair, install, or inspect all types of fire extinguishers, ~~including recharging carbon dioxide units,~~ and to conduct hydrostatic tests on all types of fire extinguishers, ~~including carbon dioxide units.~~

(b) Class B \$100
To service, recharge, repair, install, or inspect all types of fire extinguishers, including recharging carbon dioxide units and conducting hydrostatic tests

on all water, water chemical, and dry chemical types of fire extinguishers, except carbon dioxide units only.

(c) Class C \$100
To service, recharge, repair, install, or inspect all types of fire extinguishers, except recharging carbon dioxide units, and to conduct hydrostatic tests on all water, water chemical, and dry chemical types of fire extinguishers, except carbon dioxide units only.

(d) Class D \$125
To service, repair, recharge, hydrotest, install, or inspect all types of preengineered fire extinguishing systems.

(e) Licenses issued as duplicates or to reflect a change of address \$10

Any fire equipment dealer licensed pursuant to this subsection who does not want to engage in the business of servicing, inspecting, recharging, repairing, hydrotesting, or installing halon equipment must file an affidavit on a form provided by the division so stating. Licenses will be issued by the division to reflect the work authorized thereunder. It is unlawful, unlicensed activity for any person or firm to falsely hold himself or herself or a business organization out to perform any service, inspection, recharge, repair, hydrotest, or installation except as specifically described in the license.

(2) Each individual actually performing the work of servicing, recharging, repairing, hydrotesting, installing, testing, or inspecting fire extinguishers or preengineered systems must possess a valid and subsisting permit issued by the State Fire Marshal. Permittees are limited as to specific type of work performed dependent upon the class of permit held which shall be a class allowing work no more extensive than the class of license held by the licensee under whom the permittee is working. Permits and fees therefor are required for the following:

(a) Class 1 \$50
Servicing, recharging, repairing, installing, or inspecting all types of fire extinguishers, including carbon dioxide units, and conducting hydrostatic tests on all types of fire extinguishers, including carbon dioxide units.

(b) Class 2 \$50
Servicing, recharging, repairing, installing, or inspecting all types of fire extinguishers, including carbon dioxide units, and conducting hydrostatic tests on all water, water chemical, and dry chemical types of fire extinguishers, except carbon dioxide units only.

(c) Class 3 \$50
Servicing, recharging, repairing, installing, or inspecting all types of fire extinguishers, except recharging carbon dioxide units, and conducting hydrostatic tests on all water, water chemical, and dry chemical types of fire extinguishers, except carbon dioxide units only.

(d) Class 4 \$65
Servicing, repairing, hydrotesting, recharging, installing, or inspecting all types of preengineered fire extinguishing systems.

(e) Permits issued as duplicates or to reflect a change of address \$10

Any fire equipment permittee licensed pursuant to this subsection who does not want to engage in servicing, inspecting, recharging, repairing, hydro-testing, or installing halon equipment must file an affidavit on a form provided by the division so stating. Permits will be issued by the division to reflect the work authorized thereunder. It is unlawful, unlicensed activity for any person or firm to falsely hold himself or herself out to perform any service, inspection, recharge, repair, hydrotest, or installation except as specifically described in the permit.

(3)(a) Such licenses and permits shall be issued by the State Fire Marshal for each license year beginning January 1 and expiring the following December 31. The failure to renew a license or permit by December 31 will cause the license or permit to become inoperative. The holder of an inoperative license or permit shall not engage in any activities for which a license or permit is required by this section. A license or permit which is inoperative because of the failure to renew it shall be restored upon payment of the applicable fee plus a penalty equal to the applicable fee, if the application for renewal is filed no later than the following March 31. If the application for restoration is not made before the March 31st deadline, the fee for restoration shall be equal to the original application fee and the penalty provided for herein, and, in addition, the State Fire Marshal shall require reexamination of the applicant. Each licensee or permittee shall successfully complete a course or courses of continuing education for fire equipment technicians within 5 years of initial issuance of a license or permit and within every 5-year period thereafter or no such license or permit shall be renewed. The State Fire Marshal shall adopt rules describing the continuing education requirements.

(b) The forms of such licenses and permits and applications therefor shall be prescribed by the State Fire Marshal; in addition to such other information and data as that officer determines is appropriate and required for such forms, there shall be included in such forms the following matters. Each such application shall be in such form as to provide that the data and other information set forth therein shall be sworn to by the applicant or, if a corporation, by an officer thereof. An application for a permit shall include the name of the licensee employing such permittee, and the permit issued in pursuance of such application shall also set forth the name of such licensee. A permit is valid solely for use by the holder thereof in his or her employment by the licensee named in the permit.

(c) A license of any class shall not be issued or renewed by the State Fire Marshal and a license of any class shall not remain operative unless:

1. The applicant has submitted to the State Fire Marshal evidence of registration as a Florida corporation or evidence of compliance with s. 865.09.

2. The State Fire Marshal or his or her designee has by inspection determined that the applicant possesses the equipment required for the class of

license sought. The State Fire Marshal shall give an applicant a reasonable opportunity to correct any deficiencies discovered by inspection. A fee of \$50, payable to the State Fire Marshal, shall be required for any subsequent reinspection.

3. The applicant has submitted to the State Fire Marshal proof of insurance providing coverage for comprehensive general liability for bodily injury and property damage, products liability, completed operations, and contractual liability. The State Fire Marshal shall adopt rules providing for the amounts of such coverage, but such amounts shall not be less than \$300,000 for Class A or Class D licenses, \$200,000 for Class B licenses, and \$100,000 for Class C licenses; and the total coverage for any class of license held in conjunction with a Class D license shall not be less than \$300,000. The State Fire Marshal may, at any time after the issuance of a license or its renewal, require upon demand, and in no event more than 30 days after notice of such demand, the licensee to provide proof of insurance, on a form provided by the State Fire Marshal, containing confirmation of insurance coverage as required by this chapter. Failure, for any length of time, to provide proof of insurance coverage as required shall result in the immediate suspension of the license until proof of proper insurance is provided to the State Fire Marshal. An insurer which provides such coverage shall notify the State Fire Marshal of any change in coverage or of any termination, cancellation, or nonrenewal of any coverage.

4. The applicant successfully completes a prescribed training course offered by the State Fire College or an equivalent course approved by the State Fire Marshal. This subparagraph does not apply to any holder of or applicant for a permit under paragraph (d) or to a business organization or a governmental entity seeking initial licensure or renewal of an existing license solely for the purpose of inspecting, servicing, repairing, marking, recharging, and maintaining fire extinguishers used and located on the premises of and owned by such organization or entity.

5. The applicant has a current retestor identification number that is appropriate for the license for which the applicant is applying and that is listed with the U.S. Department of Transportation.

6.5. The applicant has passed, with a grade of at least 70 percent, a written examination testing his or her knowledge of the rules and statutes regulating the activities authorized by the license and demonstrating his or her knowledge and ability to perform those tasks in a competent, lawful, and safe manner. Such examination shall be developed and administered by the State Fire Marshal, or his or her designee. An applicant shall pay a nonrefundable examination fee of \$50 for each examination or reexamination scheduled. No reexamination shall be scheduled sooner than 30 days after any administration of an examination to an applicant. No applicant shall be permitted to take an examination for any level of license more than a total of four times during 1 year, regardless of the number of applications submitted. As a prerequisite to taking the examination, the applicant:

- a. Must be at least 18 years of age.

b. Must have 4 years of proven experience as a fire equipment permittee at a level equal to or greater than the level of license applied for or have a combination of education and experience determined to be equivalent thereto by the State Fire Marshal. Having held a permit at the appropriate level for the required period constitutes the required experience.

c. Must not have been convicted of, or pled nolo contendere to, any felony. If an applicant has been convicted of any such felony, the applicant must comply with s. 112.011(1)(b).

This subparagraph does not apply to any holder of or applicant for a permit under paragraph (d) or to a business organization or a governmental entity seeking initial licensure or renewal of an existing license solely for the purpose of inspecting, servicing, repairing, marking, recharging, hydrotesting, and maintaining fire extinguishers used and located on the premises of and owned by such organization or entity.

(d)6. An applicant who fails the examination may take it three more times during the 1-year period after he or she originally filed an application for the examination. If the applicant fails the examination within 1 year after the application date and seeks to retake the examination, he or she must file a new application, pay the application and examination fees, and successfully complete a prescribed training course approved by the State Fire College or an equivalent course approved by the State Fire Marshal. An applicant may not submit a new application within 6 months after the date of his or her last reexamination.

(e) A fire equipment dealer licensed under this section may apply to upgrade the license currently held, if the licensed dealer:

1. Submits an application for the license on a form in conformance with paragraph (b). The application must be accompanied by a fee as prescribed in subsection (1) for the type of license requested.

2. Provides evidence of 2 years' experience as a licensed dealer and meets such relevant educational requirements as are established by rule by the State Fire Marshal for purposes of upgrading a license.

3. Meets the requirements of paragraph (c).

(f)(d) No permit of any class shall be issued or renewed to a person by the State Fire Marshal, and no permit of any class shall remain operative, unless the person has:

1. Submitted a nonrefundable examination fee in the amount of \$50;

2. Successfully completed a training course offered by the State Fire College or an equivalent course approved by the State Fire Marshal; and

3. Passed, with a grade of at least 70 percent, a written examination testing his or her knowledge of the rules and statutes regulating the activities authorized by the permit and demonstrating his or her knowledge and ability to perform those tasks in a competent, lawful, and safe manner. Such

examination shall be developed and administered by the State Fire Marshal. An examination fee shall be paid for each examination scheduled. No reexamination shall be scheduled sooner than 30 days after any administration of an examination to an applicant. No applicant shall be permitted to take an examination for any level of permit more than four times during 1 year, regardless of the number of applications submitted. As a prerequisite to taking the permit examination, the applicant must be at least 16 years of age.

(g)(e) An applicant who fails the examination may take it three more times during the 1-year period after he or she originally filed an application for the examination. If the applicant fails the examination within 1 year after the application date and he or she seeks to retake the examination, he or she must file a new application, pay the application and examination fees, and successfully complete a prescribed training course offered by the State Fire College or an equivalent course approved by the State Fire Marshal. The applicant may not submit a new application within 6 months after the date of his or her last reexamination.

(4)(a) It is unlawful for a fire equipment dealer to engage in training an individual to perform the work of installing, testing, recharging, repairing, or inspecting portable extinguishers or preengineered systems except in conformity with this section. Each individual engaging in such training activity must be registered with the State Fire Marshal. The dealer must register the trainee prior to the trainee performing any work. The dealer must submit training criteria to the State Fire Marshal for review and approval.

(b) No trainee shall perform work requiring a permit unless an individual possessing a valid and current fire equipment permit for the type of work performed is physically present. The trainee's registration shall be valid for a 90-day period from the date of issuance and is nontransferable and nonrenewable. The initial training period may be extended for an additional 90 days of training if the applicant has filed an application for permit and enrolled in the 40-hour course at the State Fire College within 60 days after the date of registration as a trainee and either the training course at the State Fire College was unavailable to the applicant within the initial training period, at no fault of the applicant, or the applicant attends and fails the 40-hour training course or the competency examination. At no time will an individual be registered as a trainee for more than two 90-day periods as provided in this paragraph. The trainee must:

1. Be 18 years of age.
2. Possess on his or her person at all times a valid Florida driver's license or a valid state identification card, issued by the Department of Highway Safety and Motor Vehicles. A trainee must produce identification to the State Fire Marshal or his or her designated representative upon demand.
3. Pay a fee for registration of \$10 per trainee for a 90-day period.

(c) No more than two trainees shall be under the supervision of a single trainer, who shall be directly responsible for all work performed by any

trainee while under his or her supervision. No trainee shall perform any work not within the scope of the license or permit held by the fire equipment dealer or permittee directly supervising his or her work.

(d) Upon completion of a training period, an individual must comply with the provisions of this section to obtain a permit.

(5) The State Fire Marshal shall adopt rules providing for the approval of the time, place, and curriculum of each training course required by this section.

(6) Every permittee must have a valid and subsisting permit upon his or her person at all times while engaging in the servicing, recharging, repairing, testing, inspecting, or installing of fire extinguishers and preengineered systems, and every licensee or permittee must be able to produce such license or permit upon demand. In addition, every permittee shall at all times carry an identification card containing his or her photograph and other identifying information as prescribed by the State Fire Marshal or the State Fire Marshal's designee, which shall be produced on demand. The State Fire Marshal shall supply this card at a fee which shall be related to the cost of producing the card.

(7) The fees collected for any such licenses and permits and the filing fees for license and permit examination are hereby appropriated for the use of the State Fire Marshal in the administration of this chapter and shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

(8) The provisions of this chapter do not apply to inspections by fire chiefs, fire inspectors, fire marshals, or insurance company inspectors.

(9) All fire extinguishers and preengineered systems ~~that which~~ are required by statute or by rule must be serviced, recharged, repaired, hydro-tested, tested, inspected, and installed in compliance with this chapter and with the rules adopted by the State Fire Marshal. The State Fire Marshal may adopt by rule the standards of the National Fire Protection Association and of other reputable national organizations.

(10) If the licensee leaves the business organization or dies, the business organization shall immediately notify the State Fire Marshal of the licensee's departure, shall return the license to the State Fire Marshal, and shall have a grace period of 60 days in which to license another person under the provisions of this chapter, failing which the business shall no longer perform those activities for which a license under this section is required.

Section 54. Paragraph (b) of subsection (1) of section 633.065, Florida Statutes, is amended to read:

633.065 Requirements for installation, inspection, and maintenance of fire suppression equipment.—

(1) The requirements for installation of fire extinguishers and preengineered systems are as follows:

(b) Equipment supplied shall be listed by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc. Equipment supplied for new installations or alterations of existing systems must be currently listed as described in this section. The State Fire Marshal shall adopt by rule procedures for determining whether a laboratory is nationally recognized, taking into account the laboratory's facilities, procedures, use of nationally recognized standards, and any other criteria reasonably calculated to reach an informed determination.

Section 55. Subsection (1) of section 633.071, Florida Statutes, is amended to read:

633.071 Standard service tag required on all fire extinguishers and pre-engineered systems; serial number required on all portable fire extinguishers.—

(1) The State Fire Marshal shall adopt by rule specifications as to the size, shape, color, and information and data contained thereon of service tags to be attached to all fire extinguishers and preengineered systems required by statute or by rule, whether they be portable, stationary, or on wheels when they are placed in service, installed, serviced, repaired, tested, recharged, or inspected. Fire extinguishers may be tagged only after meeting all standards as set forth by this chapter, the standards of the National Fire Protection Association, and ~~all manufacturer's specifications requirements.~~ Preengineered systems may be tagged only after a system has been inspected, serviced, installed, repaired, tested, ~~and recharged,~~ and hydrotested in compliance with this chapter, the standards of the National Fire Protection Association, and the manufacturer's specifications, and after a report, as specified by rule, has been completed in detail, indicating any and all deficiencies or deviations from the manufacturer's specifications and the standards requirements of the National Fire Protection Association. A copy of the inspection report shall be provided to the owner at the time of inspection, and, if a system is found to be in violation of this chapter, the manufacturer's specifications, or the standards of the National Fire Protection Association, a copy shall be forwarded to the state or local authority having jurisdiction within 30 days from the date of service. It shall be unlawful to place in service, service, test, repair, inspect, install, hydrotest, or recharge any fire extinguisher or preengineered system without attaching one of these tags completed in detail, including the actual month work was performed, or to use a tag not meeting the specifications set forth by the State Fire Marshal.

Section 56. Section 633.162, Florida Statutes, is amended to read:

633.162 Disciplinary action; fire extinguisher or preengineered systems; grounds for denial, nonrenewal, suspension, or revocation of license or permit.—

(1) The violation of any provision of this chapter or any rule adopted and promulgated pursuant hereto or the failure or refusal to comply with any notice or order to correct a violation or any cease and desist order by any person who possesses a license or permit issued pursuant to s. 633.061 is cause for denial, nonrenewal, revocation, or suspension of such license or

permit by the State Fire Marshal after such officer has determined that the person is guilty of such violation. An order of suspension shall state the period of time of such suspension, which period may not be in excess of 2 years from the date of such order. An order of revocation may be entered for a period not exceeding 5 years. Such orders shall effect suspension or revocation of all licenses or permits then held by the person, and during such period of time no license or permit shall be issued to such person. During the suspension or revocation of any license or permit, the former licensee or permittee shall not engage in or attempt or profess to engage in any transaction or business for which a license or permit is required under this chapter or directly or indirectly own, control, or be employed in any manner by any firm, business, or corporation for which a license or permit under this chapter is required. If, during the period between the beginning of proceedings and the entry of an order of suspension or revocation by the State Fire Marshal, a new license or permit has been issued to the person so charged, the order of suspension or revocation shall operate to suspend or revoke such new license or permit held by such person.

(2) The department shall not, so long as the revocation or suspension remains in effect, grant any new license or permit for the establishment of any new firm, business, or corporation of any person or qualifier that has or will have the same or similar management, ownership, control, employees, permittees, or licensees, or will use a same or similar name as a previously revoked or suspended firm, business, corporation, person, or qualifier.

(3) The State Fire Marshal may deny, nonrenew, suspend, or revoke the license or permit of:

(a) Any person, firm, or corporation the license of which under this chapter has been suspended or revoked;

(b) Any firm or corporation if an officer, qualifier, director, stockholder, owner, or person interested directly or indirectly in the firm or corporation has had his or her license or permit under this chapter suspended or revoked; or

(c) Any person who is or has been an officer, qualifier, director, stockholder, or owner of a firm or corporation, or who was interested directly or indirectly in a firm or corporation, the license or permit of which has been suspended or revoked under this chapter.

~~(4)~~⁽²⁾ In addition to the grounds set forth in subsection (1), it is cause for denial, nonrenewal, revocation, or suspension of a license or permit by the State Fire Marshal if she or he determines that the licensee or permittee has:

(a) Rendered inoperative a fire extinguisher or preengineered system required by statute or by rule, except during such time as the extinguisher or preengineered system is being inspected, serviced, repaired, hydrotested, or recharged, or except pursuant to court order.

(b) Falsified any record required to be maintained by this chapter or rules adopted pursuant hereto.

(c) Improperly serviced, recharged, repaired, hydrottested, tested, or inspected a fire extinguisher or preengineered system.

(d) While holding a permit or license, allowed another person to use the permit number or license number, or used a license number or permit number other than her or his valid license number or permit number.

(e) Failed to provide proof of insurance to the State Fire Marshal or failed to maintain in force the insurance coverage required by s. 633.061.

(f) Failed to obtain, retain, or maintain one or more of the qualifications for a license or permit as specified in this chapter.

(g) Made a material misstatement, misrepresentation, or committed a fraud in obtaining or attempting to obtain a license or permit.

(h) Failed to notify the State Fire Marshal, in writing, within 30 days after a change of residence, principal business address, or name.

(3) In addition, the Department of Insurance shall not issue a new license or permit if it finds that the circumstance or circumstances for which the license or permit was previously revoked or suspended still exist or are likely to recur.

Section 57. Section 633.171, Florida Statutes, is amended to read:

633.171 Penalty for violation of law, rule, or order to cease and desist or for failure to comply with corrective order.—

(1) The violation of any provision of this law, or any order or rule of the State Fire Marshal or order to cease and desist or to correct conditions issued hereunder, shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) It shall constitute a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to intentionally or willfully:

(a) Render a fire extinguisher or preengineered system required by statute or by rule inoperative except during such time as the said extinguisher or preengineered system is being serviced, hydrottested, tested, repaired, or recharged, except pursuant to court order.

(b) Obliterate the serial number on a fire extinguisher for purposes of falsifying service records.

(c) Improperly service, recharge, repair, hydrottest, test, or inspect a fire extinguisher or preengineered system.

(d) Use the license or permit number of another person.

(e) Hold a permit and allow another person to use said permit number.

(f) Use, or permit the use of, any license by any individual or organization other than the one to whom the license is issued.

Section 58. Present subsections (4) and (5) of section 633.547, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and new subsections (4) and (5) are added to that section, to read:

633.547 Disciplinary action; fire protection system contractors; grounds for denial, nonrenewal, suspension, or revocation of certificate.—

(4) During the suspension or revocation of the certificate, the former certificateholder shall not engage in or attempt to profess to engage in any transaction or business for which a certificate is required under this chapter or directly or indirectly own, control, or be employed in any manner by any firm or corporation for which a certificate under this chapter is required. The department shall not, so long as the revocation or suspension remains in effect, grant any new certificate for the establishment of any new firm, business, or corporation of any person that has or will have the same or similar management, ownership, control, or employees or that will use a same or similar name as a previously revoked or suspended firm, business, or corporation.

(5) The State Fire Marshal may deny, suspend, or revoke the certificate of:

(a) Any person, firm, or corporation the certificate of which under this chapter has been suspended or revoked.

(b) Any firm or corporation if an officer, director, stockholder, owner, or person interested directly or indirectly has had his or her certificate under this chapter suspended or revoked.

(c) Any person who is or has been an officer, director, stockholder, or owner of a firm or corporation, or who was interested directly or indirectly in a corporation, the certificate of which has been suspended or revoked under this chapter.

Section 59. Paragraph (n) of subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) “Contractor” means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, “demolish” applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. 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)-(q):

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021 ~~s. 633.021(7)~~ beginning at the point where the piping is used exclusively for such system.

Section 60. Subsection (1) of section 205.0535, Florida Statutes, is amended to read:

205.0535 Reclassification and rate structure revisions.—

(1) By October 1, 1995, any municipality or county may, by ordinance, reclassify businesses, professions, and occupations and may establish new rate structures, if the conditions specified in subsections (2) and (3) are met. A person who is engaged in the business of providing local exchange telephone service or a pay telephone service in a municipality or in the unincorporated area of a county and who pays the occupational license tax under the category designated for telephone companies or a pay telephone service provider certified pursuant to s. 364.3375 is deemed to have but one place of business or business location in each municipality or unincorporated area of a county. Pay telephone service providers may not be assessed an occupational license tax on a per-instrument basis.

Section 61. Effective January 1, 2001, paragraph (f) is added to subsection (8) of section 553.73, Florida Statutes, as amended by CS for CS for HB 4181, 1998 Regular Session, to read:

553.73 Florida Building Code.—

(8) The following buildings, structures, and facilities may be exempted from the Florida Building Code as provided by law and any further exemptions shall be as determined by the Legislature and provided by law:

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

Section 62. This act shall take effect October 1, 1998.

Became a law without the Governor's approval June 17, 1998.

Filed in Office Secretary of State June 11, 1998.