

Committee Substitute for Senate Bill No. 220

An act relating to regulation of nonmedical professions; amending s. 471.038, F.S., the "Florida Engineers Management Corporation Act"; providing purpose; providing for per diem and travel expenses for the board of directors and staff of the management corporation; providing for termination of initial appointments and for new appointments to the board of directors; revising powers and duties of the management corporation; providing additional requirements of the contract between the management corporation and the Department of Business and Professional Regulation; changing the submission date of the management corporation's annual status report; specifying that meetings of the board of directors are open to the public as provided by law; providing for maintenance of board records by the management corporation; providing rulemaking authority to the board to ensure the security of examinations; eliminating a provision requiring the Office of Program Policy Analysis and Government Accountability to conduct performance audits at the request of the Joint Legislative Auditing Committee; abrogating the repeal of s. 471.038, F.S., the "Florida Engineers Management Corporation Act," notwithstanding s. 5, ch. 97-312, Laws of Florida; amending s. 471.005, F.S.; providing definitions; revising cross-references; amending s. 471.0035, F.S.; conforming cross-references; amending ss. 471.011, 471.015, 471.017, 471.021, 471.023, 471.033, F.S.; transferring to the management corporation duties of the department relating to issuance, reissuance, and renewal of licenses, certifications, and temporary registrations and to purchase of the licensure examination; revising cross-references; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Legislative Committee on Intergovernmental Relations, to conduct a study of construction retainage methods; specifying areas to be examined; requiring study conclusions and recommendations; amending s. 468.603, F.S.; redefining "building code inspector" and "categories of building inspectors" and defining "building code enforcement official"; revising intent with respect to the examination required for certification as a building code administrator, plans examiner, or building code inspector; increasing the validity period of a provisional certificate; clarifying to whom a provisional certificate may be issued; authorizing newly employed or hired persons applying for provisional certification to perform for a specified period the duties of a plans examiner or building code inspector under the direct supervision of a building code administrator holding limited or provisional certification in counties with populations below a specified level and the municipalities therein; deleting obsolete standard certificate equivalency provisions; providing for consistency in terminology; creating s. 468.619, F.S.; establishing special disciplinary procedures for building code enforcement officials; amending ss. 112.3145, 125.56, 212.08, 252.924, 404.056, 468.603, 468.604, 468.605, 468.607, 468.617, 468.621, 468.627, 468.631, 468.633, 471.045, 481.222, and 489.103, F.S.; providing for

consistency in terminology; amending s. 725.06, F.S.; providing for indemnification in construction contracts and voiding all others as being against public policy; amending s. 471.025, F.S.; adding a circumstance under which engineering documents must be sealed; amending s. 489.105, F.S.; revising the scope of work of commercial and residential pool/spa contractors and swimming pool/spa servicing contractors; amending s. 489.118, F.S.; limiting the time period during which registered applicants must apply to receive certification; amending s. 489.128, F.S.; eliminating an exemption from a provision invalidating contracts with unlicensed contractors; amending s. 489.503, F.S.; revising exemptions from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.505, F.S.; revising the definition of "personal emergency response system"; amending s. 489.507, F.S.; limiting the rule making authority of the Electrical Contractors Licensing Board; amending s. 489.514, F.S.; revising grandfathering provisions for certification of registered electrical and alarm system contractors; amending s. 489.5185, F.S.; providing that persons who perform only monitoring are not required to complete the training required for fire alarm system agents; amending s. 489.522, F.S.; providing requirements when a qualifying agent ceases to qualify a business; amending s. 489.531, F.S.; providing penalties for violations by unlicensed persons of acts prohibited under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.532, F.S.; eliminating an exemption from a provision invalidating contracts with unlicensed contractors; amending s. 633.021, F.S.; adding a definition of "layout"; repealing s. 489.537(8), F.S., relating to obsolete provisions for the registration of alarm system contractors; amending ss. 489.505, 489.515, F.S.; deleting cross-references, to conform; providing effective dates.

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

Section 1. Section 471.038, Florida Statutes, is amended to read:

471.038 Florida Engineers Management Corporation.—

(1) This section may be cited as the "Florida Engineers Management Corporation Act."

~~(2) As used in this section, the term:~~

~~(a) "Board" means the Board of Professional Engineers.~~

~~(b) "Board of directors" means the board of directors of the Florida Engineers Management Corporation.~~

~~(c) "Corporation" means the Florida Engineers Management Corporation.~~

~~(d) "Department" means the Department of Business and Professional Regulation.~~

~~(c) “Secretary” means the Secretary of Business and Professional Regulation.~~

~~(2)(3)(a) It is the finding of the Legislature that the privatization of certain functions that are performed by the department for the board will encourage greater operational and economic efficiency and, therefore, will benefit regulated persons and the public.~~

~~(b) The purpose of this section is to create a public-private partnership by providing~~ It is the intent of the Legislature that a single nonprofit corporation be established to provide administrative, investigative, and prosecutorial services to the board and that no additional nonprofit corporation be created for these purposes.

~~(c) It is further the intent of the Legislature that the corporation assume, by July 1, 1998, all duties assigned to it.~~

~~(3)(4) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of part I of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The management corporation shall:~~

(a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of part I of chapter 455, ~~and this chapter, and the contract required by this section.~~

(c) Receive, hold, and administer property and make only prudent expenditures directly related to the responsibilities for the benefit of the board, ~~and in accordance with the contract required by this section.~~

(d) Be approved by the board and the department to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be laypersons not regulated by the board. All initial appointments shall expire on October 31, 2000. Current members may be appointed to one additional term that complies with the provisions of this paragraph. Two members shall be appointed for 2 years, three members shall be appointed for 3 years, and two members shall be appointed for 4 years. One layperson shall be appointed to a 3-year

term and one layperson shall be appointed to a 4-year term. Thereafter, all appointments shall be for 4-year terms. No new member shall serve more than two consecutive terms. Failure to attend three consecutive meetings shall be deemed a resignation from the board, and the vacancy shall be filled by a new appointment.

~~(g) The corporation shall~~ Select its officers in accordance with its bylaws. The members of the board of directors may be removed by the board, with the concurrence of the department, for the same reasons that a board member may be removed.

(h) Use a portion of the interest derived from the management corporation account to offset the costs associated with the use of credit cards for payment of fees by applicants or licensees.

~~(i)(g) Operate under an annual~~ a written contract with the department which is approved by the board and renewed annually. ~~The initial contract must be entered into no later than March 1, 1998. The contract must provide for, but is not limited to:~~

1. Approval of the articles of incorporation and bylaws of the management corporation by the department and the board.

2. Submission by the management corporation of an annual budget that complies with board rules for approval by the board and the department.

3. Annual certification by the board and the department that the management corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes. The contract must also provide for methods and mechanisms to resolve any situation in which the certification process determines noncompliance.

4. Employment by the department of a contract administrator to actively supervise the administrative, investigative, and prosecutorial activities of the management corporation to ensure compliance with the contract and the provisions of part I of chapter 455 and this chapter and to act as a liaison for the department, the board, and the management corporation to ensure the effective operation of the management corporation.

5. Funding of the management corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

6. The reversion to the board, or the state if the board ceases to exist, of moneys, records, data, and property held in trust by the management corporation for the benefit of the board, if the management corporation is no longer approved to operate for the board or the board ceases to exist. All records and data in a computerized database shall be returned to the department in a form that is compatible with the computerized database of the department.

7. The securing and maintaining by the management corporation, during the term of the contract and for all acts performed during the term of the

contract, of all liability insurance coverages in an amount to be approved by the department to defend, indemnify, and hold harmless the management corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The management corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the management corporation. Violation of this subparagraph shall be grounds for terminating the contract.

8. Payment by the management corporation, out of its allocated budget, to the department of all costs of representation by the board counsel, including salary and benefits, travel, and any other compensation traditionally paid by the department to other board counsels.

9. Payment by the management corporation, out of its allocated budget, to the department of all costs incurred by the management corporation or the board for the Division of Administrative Hearings of the Department of Management Services and any other cost for utilization of these state services.

10. Payment by the management corporation, out of its allocated budget, to the department of all costs associated with the contract administrator of the department, including salary and benefits, travel, and other related costs traditionally paid to state employees.

(j)(h) Provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with generally accepted auditing standards ~~in~~ conjunction with the Auditor General. The annual audit report shall include a detailed supplemental schedule of expenditures for each expenditure category and a management letter. The annual audit report must be submitted to the board, and the department, and the Auditor General for review and approval. Copies of the audit must be submitted to the secretary and the Legislature together with any other information requested by the secretary, the board, or the Legislature. The Auditor General may, pursuant to his or her own authority or at the direction of the Legislative Auditing Committee, conduct an audit of the corporation.

(k) Provide for persons charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in such an amount and according to such terms as shall be determined in the contract.

(l)(i) Submit to the secretary, the board, and the Legislature, on or before January 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations

administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(m) Develop, with the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation.

~~(4)~~⁽⁵⁾ The management corporation may not exercise any authority specifically assigned to the board under part I of chapter 455 or this chapter, including determining probable cause to pursue disciplinary action against a licensee, taking final action on license applications or in disciplinary cases, or adopting administrative rules under chapter 120.

~~(5)~~⁽⁶⁾ The department shall retain the independent authority to open, investigate, or prosecute any cases or complaints, as necessary to protect the public health, safety, or welfare. In addition, the department shall retain sole authority to issue emergency suspension or restriction orders pursuant to s. 120.60 and to prosecute unlicensed activity cases pursuant to ss. 455.228 and 455.2281.

~~(6)~~⁽⁷⁾ Management corporation records are public records subject to the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; however, public records exemptions set forth in ss. 455.217 and 455.229 for records created or maintained by the department shall apply to records created or maintained by the management corporation. In addition, all meetings of the board of directors are open to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution. The exemptions set forth in s. 455.225, relating to complaints and information obtained pursuant to an investigation by the department, shall apply to such records created or obtained by the management corporation only until an investigation ceases to be active. For the purposes of this subsection, an investigation is considered active so long as the management corporation or any law enforcement or administrative agency is proceeding with reasonable dispatch and has a reasonable, good faith belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the board has not exercised its option to pursue the case or 10 days after the board makes a determination regarding probable cause. All information, records, and transcriptions regarding a complaint that has been determined to be legally sufficient to state a claim within the jurisdiction of the board become available to the public when the investigation ceases to be active, except information that is otherwise confidential or exempt from s. 119.07(1). However, in response to an inquiry about the licensure status of an individual, the management corporation shall disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public. The board shall designate by rule those violations that involve the potential for substantial physical or financial harm. The department and the board shall have access

to all records of the management corporation, as necessary to exercise their authority to approve and supervise the contract.

(7) The management corporation is the sole source and depository for the records of the board, including all historical information and records. The management corporation shall maintain those records in accordance with the guidelines of the Department of State and shall not destroy any records prior to the limits imposed by the Department of State.

(8) The board shall provide by rule for the procedures the management corporation must follow to ensure that all licensure examinations are secure while under the responsibility of the management corporation and that there is an appropriate level of monitoring during the licensure examinations. The Office of Program Policy Analysis and Governmental Accountability within the Office of the Auditor General shall conduct a performance audit of the corporation for the period beginning January 1, 1998, through January 1, 2000, and thereafter at the request of the Joint Legislative Auditing Committee.

Section 2. Notwithstanding section 5 of chapter 97-312, Laws of Florida, section 471.038, Florida Statutes, shall not stand repealed on October 1, 2000, as scheduled by such law, but section 471.038, Florida Statutes, as amended by this act, is revived and readopted.

Section 3. Section 471.005, Florida Statutes, is amended to read:

471.005 Definitions.—As used in this chapter ss. 471.001-471.037, the term:

(1) “Board” means the Board of Professional Engineers.

(2) “Board of directors” means the board of directors of the Florida Engineers Management Corporation.

(3)(2) “Certificate of authorization” means a license to practice engineering issued by the management corporation department to a corporation or partnership.

(4)(3) “Department” means the Department of Business and Professional Regulation.

(5)(4) “Engineer” includes the terms “professional engineer” and “registered engineer” and means a person who is registered to engage in the practice of engineering under this chapter ss. 471.001-471.037.

(6)(5) “Engineer intern” means a person who has graduated from, or is in the final year of, an engineering curriculum approved by the board and has passed the fundamentals of engineering examination as provided by rules adopted by the board.

(7)(6) “Engineering” includes the term “professional engineering” and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application

of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services. A person who practices any branch of engineering; who, by verbal claim, sign, advertisement, letterhead, or card, or in any other way, represents himself or herself to be an engineer or, through the use of some other title, implies that he or she is an engineer or that he or she is registered under this chapter ss. 471.001-471.037; or who holds himself or herself out as able to perform, or does perform, any engineering service or work or any other service designated by the practitioner which is recognized as engineering shall be construed to practice or offer to practice engineering within the meaning and intent of this chapter ss. 471.001-471.037.

(8)(7) “License” means the registration of engineers or certification of businesses to practice engineering in this state.

(9) “Management corporation” means the Florida Engineers Management Corporation.

(10) “Secretary” means the Secretary of Business and Professional Regulation.

Section 4. Section 471.0035, Florida Statutes, is amended to read:

471.0035 Instructors in postsecondary educational institutions; exemption from registration requirement.—For the sole purpose of teaching the principles and methods of engineering design, notwithstanding the provisions of s. 471.005(7)(6), a person employed by a public postsecondary educational institution, or by an independent postsecondary educational institution licensed or exempt from licensure pursuant to the provisions of chapter 246, is not required to register under the provisions of this chapter ss. 471.001-471.037 as a registered engineer.

Section 5. Subsection (2) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

(2) The initial application and examination fee shall not exceed \$125 plus the actual per applicant cost to the management corporation department to purchase the examination from the National Council of Examiners for Engineering and Surveying ~~Engineering Examiners~~ or a similar national organization. The examination fee shall be in an amount which 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 shall be nonrefundable.

Section 6. Subsections (1) and (4) of section 471.015, Florida Statutes, are amended to read:

471.015 Licensure.—

(1) The management corporation department shall issue a license to any applicant who the board certifies is qualified to practice engineering and who has passed the licensing examination.

(4) The management corporation department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of this chapter ss. 471.001-471.037 or of part I of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 7. Subsection (1) of section 471.017, Florida Statutes, is amended to read:

471.017 Renewal of license.—

(1) The management corporation department shall renew a license upon receipt of the renewal application and fee.

Section 8. Subsections (1) and (2) of section 471.021, Florida Statutes, are amended to read:

471.021 Engineers and firms of other states; temporary certificates to practice in Florida.—

(1) Upon approval of the board and payment of the fee set in s. 471.011, the management corporation department shall issue grant a temporary registration for work on one specified project in this state for a period not to exceed 1 year to an engineer holding a certificate to practice in another state, provided Florida registrants are similarly permitted to engage in work in such state and provided that the engineer be qualified for licensure by endorsement.

(2) Upon approval by the board and payment of the fee set in s. 471.011, the management corporation department shall issue grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration in accordance with subsection (1).

Section 9. Subsection (1) of section 471.023, Florida Statutes, is amended to read:

471.023 Certification of partnerships and corporations.—

(1) The practice of, or the offer to practice, engineering by registrants through a corporation or partnership offering engineering services to the public or by a corporation or partnership offering said services to the public through registrants under this chapter ss. 471.001-471.037 as agents, employees, officers, or partners is permitted only if the firm possesses a certification issued by the ~~management corporation department~~ pursuant to qualification by the board, subject to the provisions of this chapter ss. 471.001-471.037. One or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as engineers in this state shall be registered as provided by this chapter ss. 471.001-471.037. All final drawings, specifications, plans, reports, or documents involving practices registered under this chapter ss. 471.001-471.037 which are prepared or approved for the use of the corporation or partnership or for public record within the state shall be dated and shall bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to mean that a certificate of registration to practice engineering shall be held by a corporation. Nothing herein prohibits corporations and partnerships from joining together to offer engineering services to the public, provided each corporation or partnership otherwise meets the requirements of this section. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

Section 10. Subsection (4) of section 471.033, Florida Statutes, is amended to read:

471.033 Disciplinary proceedings.—

(4) The ~~management corporation department~~ shall reissue the license of a disciplined engineer or business upon certification by the board that the disciplined person has complied with all of the terms and conditions set forth in the final order.

Section 11. Effective upon this act becoming a law, the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Legislative Committee on Intergovernmental Relations, shall:

(1) Conduct a study of construction retainage methods for public and private construction within the state of Florida. OPPAGA shall examine all relevant information, including, but not limited to the following:

(a) Information from various state and local governmental entities, public universities, and community colleges within the state of Florida.

(b) Information from the federal government and other states who have addressed construction payment or retainage issues, including states that are of comparable size to the state of Florida or that have a comparable amount of public or private construction activity as the state of Florida.

(c) Information from public and private owners, general contractors, sub-contractors, material suppliers, construction managers, design-build professionals, architects, and engineers.

(d) Information from lenders and surety companies who are involved in public and private construction.

(2) Draw conclusions and make recommendations, as appropriate, with regard to the following issues:

(a) Whether the state should adopt new laws or modify existing laws to address the specific issues set forth below, and whether any existing statutes will require modification or repeal.

(b) The positive and negative impacts of the current systems of retainage being utilized throughout the state as applied to public sector and private sector construction contracts, and as between owners and contractors, between contractors and subcontractors, and between subcontractors and subcontractor.

(c) Whether the traditional 10 percent retainage practice in construction is equitable and whether there are viable alternatives to this practice.

(d) What may be an appropriate percentage of retainage to be held on all construction projects.

(e) What the purposes of retainage are for construction projects.

(f) Whether it is appropriate to hold all retainage until the end of a construction project or whether periodic release of retainage or release of retainage for specific divisions of work on a construction project is appropriate and reasonably manageable.

(g) What protections are currently in place for owners to insure that construction projects are progressing in a satisfactory manner, including, but not limited to, project management techniques, periodic inspections, services of project architects and engineers, and whether those protections are being adequately and properly utilized.

(h) What protections are currently in place or could be adopted for owners, contractors, and subcontractors through the utilization of construction payment and performance bonds.

(i) Whether the documentation required for construction projects contributes to delays in progress payments, final payments, and release of retainage; whether such requirements could be simplified or standardized to streamline the process; and whether it is appropriate for the Legislature to address this issue.

(j) Whether the Legislature should limit the percentage of retainage that can be held on public and private construction projects.

(k) Whether the Legislature should provide for periodic release of retainage on public and private construction projects.

(1) Whether the Legislature should establish requirements and time limits for owners and contractors to release final payment and retainage on all construction projects.

(3) OPPAGA shall present a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, minority leaders of the Senate and House of Representatives, and chairs of the House Business Regulation & Consumer Affairs Committee and the Senate Regulated Industries Committee by January 1, 2001.

Section 12. Subsections (2) and (6) of section 468.603, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

468.603 Definitions.—As used in this part:

(2) “Building code inspector” ~~or “inspector”~~ means any of those employees of local governments or state agencies with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

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

(a) “Building inspector” means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.

(b) “Coastal construction inspector” means a person who is qualified to inspect and determine that buildings and structures are constructed to resist near-hurricane and hurricane velocity winds in accordance with the provisions of the governing building code.

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

(d) “Residential electrical inspector” means a person who is qualified to inspect and determine the electrical safety of one and two family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.

(e) “Mechanical inspector” means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.

(f) “Plumbing inspector” means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.

(g) “One and two family dwelling inspector” means a person who is qualified to inspect and determine that one and two family dwellings and accessory structures are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.

(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.

(8) “Building code enforcement official” or “enforcement official” means a licensed building code administrator, building code inspector, or plans examiner.

Section 13. Section 468.604, Florida Statutes, is amended to read:

468.604 Responsibilities of building code administrators, plans examiners, and building code 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 14. Paragraph (c) of 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:

(c) Two members serving as building code inspectors.

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

Section 15. Section 468.607, Florida Statutes, is amended to read:

468.607 Certification of building code administration and inspection personnel.—The board shall issue a certificate to any individual whom the board determines to be qualified, within such class and level as provided in this part and with such limitations as the board may place upon it. No person may be employed by a state agency or local governmental authority to perform the duties of a building code administrator, plans examiner, or building code inspector after October 1, 1993, without possessing the proper valid certificate issued in accordance with the provisions of this part.

Section 16. 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 a building code ~~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 a related field, building code inspection, or plans review corresponding to the certification category sought;

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

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

4. Currently holds a standard certificate as issued by the board and satisfactorily completes a building code ~~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.

(d) Demonstrates successful completion of the core curriculum and specialized or advanced module coursework approved by the Florida Building Commission, as part of the Building Code Training Program established pursuant to s. 553.841, appropriate to the licensing category sought or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification.

(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. Demonstrates 10 years' combined experience as an architect, engineer, plans 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, plans 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.

(d) Demonstrates successful completion of the core curriculum and specialized or advanced module coursework approved by the Florida Building Commission, as part of the Building Code Training Program established pursuant to s. 553.841, appropriate to the licensing category sought or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification.

(4) No person may engage in the duties of a building code administrator, plans examiner, or building code 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)(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 building code administration, plans examination examining, or building code 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 building code 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)(a) A building code administrator, plans examiner, or building code 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 building code 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 building

code 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 building code 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 building code 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)(a) The board may provide for the issuance of provisional certificates valid for such period, not less than 3 years ~~1-year~~ nor more than 5 3 years, as specified by board rule, to any newly employed or promoted building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3) building code administrator, plans examiner, or inspector.

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

(c) The board may provide for appropriate levels of provisional 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 building code 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. However, direct supervision and the determination of qualifications under this paragraph may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

~~(8)(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.~~

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

(9)(10) 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.

(10)(14) 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 17. Section 468.617, Florida Statutes, is amended to read:

468.617 Joint building code inspection department; other arrangements.—

(1) Nothing in this part shall prohibit any local jurisdiction from entering into and carrying out contracts with any other local jurisdiction under which the parties agree to create and support a joint building code inspection department for conforming to the provisions of this part. In lieu of a joint building code inspection department, any local jurisdiction may designate a building code ~~an~~ inspector from another local jurisdiction to serve as a building code ~~an~~ inspector for the purposes of this part.

(2) Nothing in this part shall prohibit local governments from contracting with persons certified pursuant to this part to perform building code inspections or plan reviews. 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 building code inspection services regulated under this part, and notwithstanding any other statutory provision, such county or municipal governments may enter into contracts.

Section 18. Section 468.619, Florida Statutes, is created to read:

468.619 Building code enforcement officials' bill of rights.—

(1) It is the finding of the Legislature that building code enforcement officials are employed by local jurisdictions to exercise police powers of the state in the course of their duties and are in that way similar to law enforce-

ment personnel, correctional officers, and firefighters. It is the further finding of the Legislature that building code enforcement officials are thereby sufficiently distinguishable from other professionals regulated by the department so that their circumstances merit additional specific protections in the course of disciplinary investigations and proceedings against their licenses.

(2) All enforcement officials licensed under this part shall have the rights and privileges specified in this section. Such rights are not exclusive to other rights, and an enforcement official does not forfeit any rights otherwise held under federal, state, or local law. In any instance of a conflict between a provision of this section and a provision of chapter 455, the provision of this section shall supersede the provision of chapter 455.

(3) Whenever an enforcement official is subjected to an investigative interview for possible disciplinary action by the department, such interview shall be conducted pursuant to the requirements of this subsection.

(a) The interview shall take place at a reasonable hour. If the interview is taken in person, it shall take place not more than 30 miles from where the licensee works, or at any other mutually agreeable location or time.

(b) An enforcement official may not be subjected to an interview without first receiving written notice of sufficient details of the complaint in order to be reasonably apprised of the nature of the investigation and of the substance of the allegations made. The enforcement official shall be informed prior to the interview whether the complaint originated from the department or from a consumer.

(c) At his or her request, an enforcement official under investigation shall have the right to be represented by counsel or by any other representative of his or her choice, who shall be present at such time as the enforcement official wishes during the interview.

(d) During the interview, the enforcement official may not be subjected to offensive language. No promise may be made or reward offered to the enforcement official as an inducement to answer any question.

(e) If requested by the enforcement official, the interview of an enforcement official, including notation of all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the enforcement official, a copy of any such recording of the interview must be made available to the enforcement official no later than 72 hours following the interview, excluding holidays and weekends. The expense of the recording and transcript shall be borne by the enforcement official.

(f) If the testimony is transcribed, the transcript must be furnished to the enforcement official for examination, and shall be read to or by the enforcement official, unless waived by all parties involved. Any changes in form or substance that the enforcement official wants to make shall be listed in writing, with a statement of the reasons for making the changes. The

changes shall be attached to the transcript. Any transcript of an interview with an enforcement official which is to be used in any proceeding against the enforcement official shall be sworn or affirmed to and acknowledged by the enforcement official.

(4) The investigation of a complaint against an enforcement official is subject to the time restrictions set forth in this subsection, and failure to comply with any time restriction set forth in this subsection shall result in dismissal of the complaint against the enforcement official. An investigation of a complaint against an enforcement official that was dismissed for failure to comply with a time restriction set forth in this subsection may not be reopened. However, in any instance of an additional complaint being initiated, information or investigation related to the dismissed complaint may be used.

(a) The department must inform the enforcement official of any legally sufficient complaint received, including the substance of the allegation, within 10 days after receipt of the complaint by the department.

(b) The enforcement official shall be given thirty (30) days to respond to any legally sufficient complaint.

(c) No longer than 180 days from the date of the receipt of the complaint, the department shall submit the investigation, whether complete or not, to the probable cause panel for review. In the event the investigation is not complete, the probable cause panel shall review and instruct the department to complete the investigation within a time certain and, in no event, greater than ninety (90) days or dismiss the complaint with prejudice.

(5) The enforcement official shall be considered an agent of the governmental entity employing him or her and as such shall be defended by that entity in any action brought by the department or the board, provided the enforcement official is working within the scope of his or her employment.

(6) An enforcement official shall not be subject to disciplinary action in regard to his or her certification for exercising his or her rights under this section.

(7) If any action taken against the enforcement official by the department or the board is found to be without merit by a court of competent jurisdiction, or if judgment in such an action is awarded to the enforcement official, the department or the board, or the assignee of the department or board, shall reimburse the enforcement official or his or her employer, as appropriate, for reasonable legal costs and reasonable attorney's fees incurred. The amount awarded shall not exceed the limit provided in s. 120.595.

(8) An enforcement official may bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered pursuant to the performance of the enforcement official's duties or for abridgment of the enforcement official's civil rights arising out of the enforcement official's performance of official duties.

(9) Notwithstanding any other provision in law, while under investigation the enforcement official shall not be denied any and all the rights and privileges of a licensee in good standing.

Section 19. Subsection (3) of section 468.621, Florida Statutes, is amended to read:

468.621 Disciplinary proceedings.—

(3) Where a certificate is suspended, placed on probation, or has conditions imposed, the board shall reinstate the certificate of a disciplined building code administrator, plans examiner, or building code inspector upon proof the disciplined individual has complied with all terms and conditions set forth in the final order.

Section 20. Subsections (2), (3), and (4) of section 468.627, Florida Statutes, are amended to read:

468.627 Application; examination; renewal; fees.—

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

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

(4) Employees of local government agencies having responsibility for building code inspection, building construction 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.

Section 21. Section 468.631, Florida Statutes, is amended to read:

468.631 Building Code Administrators and Inspectors Fund.—The provisions of this part shall be funded through a surcharge, to be assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of one-half cent per square foot of under-roof floor space permitted, including new construction, renovations, alterations, and additions. The unit of government responsible for collecting permit fees pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and shall remit the funds to the department on a quarterly calendar basis beginning not later than December 31, 1993, for the preceding quarter, and continuing each third month thereafter; and such unit of government may retain an amount up to 10 percent of the surcharge collected to fund projects and activities intended to improve the quality of building code enforcement. There is created within the Professional Regulation Trust Fund a separate account to be known as the Building Code Administrators and Inspectors Fund, which shall deposit and disburse funds as necessary for the implementation of this part. The department shall annually establish the amount needed to fund the certification and regulation of building code administrators, plans examiners, and building code inspectors. Any funds collected in excess of the amount needed to adequately fund the certification and regulation of building code administrators, plans examiners, and building code

inspectors shall be deposited into the Construction Industries Recovery Fund established by s. 489.140. If the Construction Industries Recovery Fund is fully funded as provided by s. 489.140, any remaining funds shall be distributed to the Construction Industry Licensing Board for use in the regulation of certified and registered contractors.

Section 22. Subsection (1) of section 468.633, Florida Statutes, is amended to read:

468.633 Authority of local government.—

(1) Nothing in this part may be construed to restrict the authority of local governments to require as a condition of employment that building code administrators, plans examiners, and building code inspectors possess qualifications beyond the requirements for certification contained in this part.

Section 23. Paragraph (a) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(a) “Local officer” means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board; commission; authority, including any expressway authority or transportation authority established by general law; community college district board of trustees; or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building code inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

Section 24. Subsection (3) of section 125.56, Florida Statutes, is amended to read:

125.56 Adoption or amendment of building code; inspection fees; inspectors; etc.—

(3) The board of county commissioners of each of the several counties may employ a building code inspector and such other personnel as it deems necessary to carry out the provisions of this act and may pay reasonable salaries for such services.

Section 25. Paragraph (g) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(g) Building materials used in the rehabilitation of real property located in an enterprise zone.—

1. Beginning July 1, 1995, building materials used in the rehabilitation of real property located in an enterprise zone shall be exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, which includes:

- a. The name and address of the person claiming the refund.
- b. An address and assessment roll parcel number of the rehabilitated real property in an enterprise zone for which a refund of previously paid taxes is being sought.
- c. A description of the improvements made to accomplish the rehabilitation of the real property.
- d. A copy of the building permit issued for the rehabilitation of the real property.
- e. A sworn statement, under the penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to accomplish the rehabilitation of the real property, which statement lists the building materials used in the rehabilitation of the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. In the event

that a general contractor has not been used, the applicant shall provide this information in a sworn statement, under the penalty of perjury. Copies of the invoices which evidence the purchase of the building materials used in such rehabilitation and the payment of sales tax on the building materials shall be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes due thereon is documented by a general contractor or by the applicant in this manner, the cost of such building materials shall be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.

f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.

g. A certification by the local building code inspector that the improvements necessary to accomplish the rehabilitation of the real property are substantially completed.

h. Whether the business is a small business as defined by s. 288.703(1).

i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a city, county, or other governmental agency through a refund of previously paid taxes if the building materials used in the rehabilitation of real property located in an enterprise zone are paid for from the funds of a community development block grant or similar grant or loan program. To receive a refund pursuant to this paragraph, a city, county, or other governmental agency must file an application which includes the same information required to be provided in subparagraph 1. by an owner, lessee, or lessor of rehabilitated real property. In addition, the application must include a sworn statement signed by the chief executive officer of the city, county, or other governmental agency seeking a refund which states that the building materials for which a refund is sought were paid for from the funds of a community development block grant or similar grant or loan program.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 1. or subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 1. or subparagraph 2. and meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the Department of Revenue. The applicant shall be responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the rehabilitation of the property is deemed to be substantially completed by the local building code inspector.

5. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. No more than one exemption through a refund of previously paid taxes for the rehabilitation of real property shall be permitted for any one parcel of real property. No refund shall be granted pursuant to this paragraph unless the amount to be refunded exceeds \$500. No refund granted pursuant to this paragraph shall exceed the lesser of 97 percent of the Florida sales or use tax paid on the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.e. or \$5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount of refund granted pursuant to this paragraph shall not exceed the lesser of 97 percent of the sales tax paid on the cost of such building materials or \$10,000. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the rehabilitated real property is located and shall transfer that amount to the General Revenue Fund.

8. For the purposes of the exemption provided in this paragraph:

a. "Building materials" means tangible personal property which becomes a component part of improvements to real property.

b. "Real property" has the same meaning as provided in s. 192.001(12).

c. "Rehabilitation of real property" means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

9. The provisions of this paragraph shall expire and be void on December 31, 2005.

Section 26. Paragraph (a) of subsection (2) of section 252.924, Florida Statutes, is amended to read:

252.924 Party state responsibilities.—

(2) The authorized representative of a party state may request assistance of another party state by contacting the authorizing representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 90 days of the verbal request. Requests shall provide the following information:

(a) A description of the emergency service function for which assistance is needed, such as, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building code inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

Section 27. Paragraph (j) of subsection (3) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and programs; radon protection.—

(3) CERTIFICATION.—

(j) The department may set criteria and requirements for the application, certification, and annual renewal of certification for radon measurement and mitigation businesses, which may include:

1. Requirements for measurement devices and measurement procedures, including the disclosure of mitigation materials, systems, and other mitigation services offered.

2. The identification of certified specialists and technicians employed by the business and requirements for specialist staffing and duties.

3. The analysis of measurement devices by proficient analytical service providers.

4. Requirements for a quality assurance and quality control program.

5. The disclosure of client measurement reporting forms and warranties and operating instructions for mitigation systems.

6. Requirements for radon services publications and the identification of the radon business certification number in advertisements.

7. Requirements for a worker health and safety program.

8. Requirements for maintaining radon records.

9. The operation of branch office locations.

10. Requirements for supervising subcontractors who install mitigation systems.

11. Requirements for building code inspections and evaluation and standards for the design and installation of mitigation systems.

12. Prescribing conditions of mitigation measurements.

Section 28. Section 471.045, Florida Statutes, is amended 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 code 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 Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building code inspection services shall be conducted by the Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board. 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 29. Section 481.222, Florida Statutes, is amended 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 code 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 Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the Board of Architecture and Interior Design rather than the Florida Building Code Administrators and Inspectors Board. 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 30. Paragraph (b) of subsection (18) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(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:

(b) Obtain all required building code inspections.

Section 31. Section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification.—

(1) A construction contract may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

(2) Except as specifically provided in subsection (1), a construction contract may not require one party to indemnify the other party, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision is void as against public policy of this state.

~~Any portion of any agreement or contract for, or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating connected with it, or any guarantee of, or in connection with, any of them, between an owner of real property and an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman, or between any combination thereof, wherein any party referred to herein obtains indemnification from liability for damages to persons or property caused in whole or in part by any act, omission, or default of that party arising from the contract or its performance shall be void and unenforceable unless:~~

~~(1) The contract contains a monetary limitation on the extent of the indemnification and shall be a part of the project specifications or bid documents, if any, or~~

~~(2) The person indemnified by the contract gives a specific consideration to the indemnitor for the indemnification that shall be provided for in his or her contract and section of the project specifications or bid documents, if any.~~

Section 32. Subsections (1) and (3) of section 471.025, Florida Statutes, are amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain an impression-type metal seal in the form aforesaid and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record and all final bid documents provided to the owner or the owner's representative shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, final bid documents, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

(3) No registrant shall affix or permit to be affixed his or her seal, name, or digital signature to any plan, specification, drawing, final bid document, or other document ~~that~~ which depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein.

Section 33. Paragraphs (j), (k), and (l) of subsection (3) of section 489.105, Florida Statutes, are 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):

(j) “Commercial pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes, including the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and ~~or~~ the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, as necessary. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters and also includes the scope of work of a swimming pool/spa servicing contractor. However, The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, 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, 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.

(k) “Residential pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes, including the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and or the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, as necessary. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, installation of housing for pool equipment, and installation of package pool heaters and also includes the scope of work of a swimming pool/spa servicing contractor. However, The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, 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, 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.

(l) “Swimming pool/spa servicing contractor” means a contractor whose scope of work involves, ~~but is not limited to, the repair and the servicing and repair~~ of any swimming pool, or hot tub or spa, whether public or private, ~~or otherwise, regardless of use. The scope of such work includes the repair or may include any necessary piping and repairs, replacement and repair of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the or installation of new pool/spa additional equipment, interior refinishing, the reinstallation or addition of pool heaters, the as necessary. The scope of such work includes the reinstallation of tile and coping, repair or and replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of any repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines 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.

Section 34. Section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p).

(2) Has, for that category, passed a written examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, ~~or~~ NAI/Block, Experior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. The board may not impose or make any requirements regarding the nature or content of these cited examinations.

(3) Has at least 5 years of experience as a contractor in that contracting category, or as an inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required by this subsection.

(4) Has not had his or her contractor's license revoked at any time, had his or her contractor's license suspended within the last 5 years, or been assessed a fine in excess of \$500 within the last 5 years.

(5) Is in compliance with the insurance and financial responsibility requirements in s. 489.115(5).

Applicants wishing to obtain a certificate pursuant to this section must make application by November 1, 2004.

Section 35. Section 489.128, Florida Statutes, is amended to read:

489.128 Contracts performed by unlicensed contractors unenforceable.—As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain a license in accordance with this part shall be unenforceable in

law or in equity. However, ~~in the event the contractor obtains or reinstates his or her license, the provisions of this section shall no longer apply.~~

Section 36. Subsections (12) and (15) of section 489.503, Florida Statutes, are amended to read:

489.503 Exemptions.—This part does not apply to:

(12) Any person as defined and licensed under chapter 527 while engaged in work regulated under that chapter.

(15) The provision, installation, testing, routine maintenance, factory-servicing, or monitoring of a personal emergency response system, as defined in s. 489.505, by an authorized person who:

(a) Is an employee of, or a volunteer supervised by an employee of, a health care facility licensed by the Agency for Health Care Administration;

(b) Performs services for the Department of Elderly Affairs;

(c) Performs services for the Department of Children and Family Services under chapter 410; or

(d) Is an employee of or an authorized representative or distributor for the producer of the personal emergency response system being monitored.

Section 37. Subsection (26) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(26) “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, but does not include hard-wired or wireless alarm systems designed to detect intrusion or fire.

Section 38. Section 489.507, Florida Statutes, is amended to read:

489.507 Electrical Contractors’ Licensing Board.—

(1) There is created in the department the Electrical Contractors’ Licensing Board. The board shall consist of 11 members, 7 of whom shall be certified electrical contractors, 2 of whom shall be consumer members who are not, and have never been, electrical contractors or members of any closely related profession or occupation, and 2 of whom shall be certified alarm system contractors I. Members shall be appointed for 4-year terms.

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

(3) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.

(4) It is the intent of the Legislature that the board promulgate no rules and take no action to require that applicants for certification as alarm system contractors serve any type of apprenticeship before being allowed to sit for the certification examination.

(5) Any proposed board rule which has not been modified to remove proposed committee objections of the Administrative Procedures Committee must receive approval from the department prior to filing the rule with the Department of State for final adoption. The department may repeal any rule enacted by the board which has taken effect without having met proposed committee objections of the Administrative Procedures Committee.

~~(6)~~(5) The Electrical Contractors' Licensing Board and the Construction Industry Licensing Board shall each appoint a committee to meet jointly at least twice a year.

Section 39. Section 489.514, Florida Statutes, is amended to read:

489.514 Certification for registered contractors; grandfathering provisions.—

(1) The board shall, upon receipt of a completed application, and appropriate fee, and proof of compliance with the provisions of this section, issue a certification in the appropriate category to

(a) To an applying registered electrical contractor a certificate as an electrical contractor, as defined in s. 489.505(12); or

(b) To an applying registered alarm system contractor a certificate in the matching alarm system contractor category, as defined in s. 489.505(2)(a) or (b); or

(c) To an applying registered electrical speciality contractor a certificate in the matching electrical speciality contractor category, as defined in s. 489.505(19).

(2) Any ~~any~~ contractor registered under this part who makes application under this section to the board shall ~~and can show that he or she meets~~ meet each of the following requirements for certification:

(a)(4) Currently holds a valid registered local license in the category of electrical contractor, ~~or~~ alarm system contractor, or electrical speciality contractor.

(b)(2) Has, for that category, passed a written, proctored examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, ~~or~~ NAI/Block, ~~Ex-~~perior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required

to be licensed as a certified contractor. The board may not impose or make any requirements regarding the nature or content of these cited examinations.

~~(c)(3)~~ Has at least 5 years of experience as a contractor in that contracting category, or as a inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required under this subsection.

~~(d)(4)~~ Has not had his or her contractor's license revoked at anytime, had his or her contractor's license suspended in the last 5 years, or been assessed a fine in excess of \$500 in the last 5 years.

~~(e)(5)~~ Is in compliance with the insurance and financial responsibility requirements in s. 489.515(1)(b).

(3) An applicant must make application by November 1, 2004, to be licensed pursuant to this section.

Section 40. Paragraph (e) is added to subsection (2) of section 489.5185, Florida Statutes, to read:

489.5185 Fire alarm system agents.—

(2)

(e) Persons who perform only monitoring are not required to complete the training required for fire alarm system agents.

Section 41. Subsection (1) of section 489.522, Florida Statutes, is amended to read:

489.522 Qualifying agents; responsibilities.—

(1)(a) A qualifying agent is a primary qualifying agent unless he or she is a secondary qualifying agent under this section. All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization; for all field work at all sites; and for financial matters, both for the organization in general and for each specific job.

(b) When a qualifying agent ceases to qualify a business, the qualifying agent must transfer the license to another business, qualify himself or herself as an individual, or place the license in an inactive status within 60 days after termination of the qualifying status with the business.

Section 42. Subsection (5) of section 489.531, Florida Statutes, is renumbered as subsection (6) and amended, present subsections (3), (4), (6), and (7) are renumbered as subsections (4), (5), (7), and (8), respectively, and a new subsection (3) is added to said section, to read:

489.531 Prohibitions; penalties.—

- (1) A person may not:
- (a) Practice contracting unless the person is certified or registered;
 - (b) Use the name or title “electrical contractor” or “alarm system contractor” or words to that effect, or advertise himself or herself or a business organization as available to practice electrical or alarm system contracting, when the person is not then the holder of a valid certification or registration issued pursuant to this part;
 - (c) Present as his or her own the certificate or registration of another;
 - (d) Use or attempt to use a certificate or registration that has been suspended, revoked, or placed on inactive or delinquent status;
 - (e) Employ persons who are not certified or registered to practice contracting;
 - (f) Knowingly give false or forged evidence to the department, the board, or a member thereof;
 - (g) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent;
 - (h) Conceal information relative to violations of this part;
 - (i) Commence or perform work for which a building permit is required pursuant to part VII of chapter 533 without the building permit being in effect; or
 - (j) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.

(3)(a) Any unlicensed person who violates any of the provisions of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any unlicensed person who commits a violation of subsection (1) after having been previously found guilty of such violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any unlicensed person who commits a violation of subsection (1) during the existence of a state of emergency declared by executive order of the Governor commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

The remedies set forth in this subsection are not exclusive and may be imposed in addition to the remedies set forth in s. 489.533(2).

(6)(5)(a) 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 or impose a suspension or revocation of the 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 registered contractor ~~violation~~, according to such ordinances as the local jurisdiction may enact.

(b) 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 imposition of a fine to be levied by the board, or a combination thereof. The local jurisdiction enforcement body shall inform the disciplined registered contractor and the complainant of the local license penalty imposed, the board penalty recommended, the rights to appeal, and the consequences should the registered contractor 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.

(c) The department, the disciplined registered contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Electrical Contractors' 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.

(d) Failure of the department, the disciplined registered 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 registered contractor may appeal this board action to the district court.

(e) The department may investigate any complaint which is made with the department. However, if the department determines that the complaint against a registered contractor 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).

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

Section 43. Section 489.532, Florida Statutes, is amended to read:

489.532 Contracts performed by unlicensed contractors unenforceable.—As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain his or her license in accordance with this part shall be unenforceable in law, and the court in its discretion may extend this provision to equitable remedies. ~~However, in the event the contractor obtains or reinstates the license the provisions of this section shall no longer apply.~~

Section 44. Subsections (14) through (26) of section 633.021, Florida Statutes, are renumbered as subsections (15) through (27), and a new subsection (14) is added to said section, to read:

633.021 Definitions.—As used in this chapter:

(14) “Layout” as used in this chapter means the layout of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations in accordance with the design concepts established through the provisions of s. 553.79(6)(c).

Section 45. Subsection (8) of section 489.537, Florida Statutes, is repealed.

Section 46. Subsections (21), (22), and (23) of section 489.505, Florida Statutes, are amended to read:

489.505 Definitions.—As used in this part:

(21) “Registered alarm system contractor I” means an alarm system contractor whose business includes all types of alarm systems for all purposes and who is registered with the department pursuant to s. 489.513 ~~or s. 489.537(8)~~. A registered alarm system contractor I may contract only in the jurisdictions for which his or her registration is issued.

(22) “Registered alarm system contractor II” means an alarm system contractor whose business includes all types of alarm systems, other than fire, for all purposes and who is registered with the department pursuant to s. 489.513 ~~or s. 489.537(8)~~. A registered alarm system contractor II may contract only in the jurisdiction for which his or her registration is issued.

(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 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.

Section 47. Subsection (2) of section 489.515, Florida Statutes, is amended to read:

489.515 Issuance of certificates; registrations.—

(2) The department shall issue a registration to a person who is in compliance with the provisions of s. 489.513 ~~or s. 489.537(8)~~ and who the board certifies is qualified to be registered.

Section 48. Except as otherwise provided herein, this act shall take effect July 1, 2000.

Approved by the Governor June 28, 2000.

Filed in Office Secretary of State June 28, 2000.