

## **EXECUTIVE SUMMARY**

### **Construction Industry Licensing Board**

#### **General Information**

Meeting type: General Board Meeting

Meeting dates: April 14-16, 2004, Embassy Suites Hotel, Orlando Lauderdale, FL

Board members: Michelle B. Kane, Vice-Chair, Robert A. Lang, Lee-En Chung, Paul Del Vecchio, Elizabeth Karcher, Barry Kalmanson, Jaqueline Watts, Joan M. Brown, Michael Blankenship, Raymond Holloway, Mark Pietanza, Carl E. Engelmeier, John J. Cox.

Board members absent: Edward M. Weller, Chair, John B. Smith (Excused absences)

Board Counsel: Diane Guillemette

Department Staff: Tim Vaccaro, Stacey Merchant, Ruthanne Christie, Patrick Creehan, Adrienne Rodgers, Valeria Singleton

#### **Major Issues/Actions**

- At Final Action, the board exercised its authority under s. 489.129(1), F.S., to impose continuing education (CE) as a disciplinary measure against certain licensees. This was the first time the board had taken such action. The board indicated that it hoped CE providers would develop courses pertaining to CILB rules and statutes to be available for future disciplinary action. The board specified that any disciplinary CE would be required above and beyond the 14-hour CE requirement set forth in s. 489.115, F.S. The Bureau of Education and Testing and CILB staff are working together to determine how disciplinary CE will be reported to the department.
- Bureau of Education and Testing (BET) staff appeared before the Exams/Continuing Education/Public Awareness Committee to provide a presentation on the continuing-education applications process. The committee requested that BET pay special attention to CE Provider verification of attendance and attendee time spent per class hour for distance learning courses. BET staff indicated that the bureau would clearly require during the application process that CE providers submit information on attendance tracking methodology. The committee suggested that the department determine the feasibility of deleting a licensee's CE hours for any course that was completed in significantly less time than the number of hours approved for the course. The committee voted that any in-class video courses would require the presence of a qualified classroom instructor for the purpose of answering students' questions.
- The Executive Committee issued an opinion indicating that s. 489.105(3), F.S., does not authorize air-conditioning contractors to disconnect or reconnect gas lines.
- During General Session, the Executive Director informed the board that the department and Professional Testing, Inc. (PTI) extended the CILB/PTI vendor contract through December to provide adequate time for the RFP process for a new testing vendor contract. The department issued the RFP during April 2004.

### **Legislation/Rule Promulgation**

- The board agreed with board counsel's suggestion to pursue rulemaking to require that applicants for licensure provide criminal background checks to the department. Applicants often provide a voter's registration card as evidence of restored civil rights. However, CILB staff has learned that elections offices do not have a national database to determine whether voting card applicants have felony records.
- The board directed counsel to develop rulemaking to require one hour of advanced building code module training under within the CE requirements set forth under Chapter 61G4-18, F.A.C. Section 489.115, F.S., provides that the CILB shall adopt rules requiring advanced module CE training.
- During General Session, the board considered public challenges to proposed amendments to Rules 61G4-15.001 and 15.005, F.A.C. The amendments to Rule 61G4 –15.001, F.A.C., would require that applicants for certification provide verification of experience from contractors who are licensed in the same or higher category for which the applicant is applying. The amendments to Rule 61G4-15.005, F.A.C., impose higher net worth requirements upon applicants. The net-worth amendments are also the subject of a pending DOAH rule challenge hearing. Upon consideration of the public testimony, the board voted to move forward with rulemaking.

### **Action Required**

- Tim Vaccaro, Executive Director, will coordinate with BET and OGC staff to address the CE issues raised during the meeting.
- Diane Guillemette, Board Counsel, will draft a letter setting forth the board opinion rendered during Executive Committee. Ms. Guillemette will also follow up on the board's directions to develop rulemaking regarding advanced module CE training and applicant provision of criminal background checks.

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Timothy Vaccaro  
Executive Director