

EXECUTIVE SUMMARY

Construction Industry Licensing Board

General Information

Meeting type: General Board Meeting

Meeting dates: September 8-10, 2004, Embassy Suites Hotel, Orlando, FL

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

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

Board Counsel: Diane Guillemette

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

Major Issues/Actions

- During Executive Committee, the board issued an opinion indicating that the construction of box culverts requires an underground utility and excavation license.
- The board also reviewed an inquiry from the Florida Swimming Pool Association regarding whether or not the 60-hour Swimming Pool & Spa Certification Course references in s. 489.111, F.S., could be broken up into multiple courses that total 60 hours. The board determined that course material must be completed as one 60-hour course.
- The board determined that retrofit work performed on reciprocating engines for natural gas transmission does not require a contractor's license, unless the work involves opening the gas lines. In that case, a mechanical or plumbing license would be required.
- The board considered a request for opinion regarding whether or not ch. 373, F.S., authorizes well installers to wire and plumb potable water systems to houses. The board determined that it did not have the authority to interpret provisions of ch. 373, F.S.
- The board considered a request for a definition of the term "supervision" under ch. 489, F.S. The board determined that supervision must be determined on a case-by-case basis.
- The board issued an opinion indicating that installation of tubular skylights does not require a contractor's license.
- The board considered a request for an opinion as to whether an entity acting as an "owner's representative" on a construction project required a contractor's license. The board determined that a license was not required, as long as the project was being supervised by a licensed contractor and the representative was not acting in that capacity.
- The board considered a department request for interpretation of the term "new building" as referenced in s. 489.113(3)(b), F.S. The statute provides that a Division I contractor is not required to subcontract the installation or repair of wood shingles, wood shakes, or asphalt or fiberglass roofing materials on a new building of his or her own construction. The board indicated that an addition or major rebuild of a damaged building could

constitute a new building; however, the board indicated that the matter would have to be determined on a case-by-case basis.

- During General Session, the board considered a request for declaratory statement from the City of Palm Coast as to whether the installation and maintenance of pre-treatment effluent pumping tanks, operated by the City's utility department, require a contractor's license. The board determined that, unless performed by city employees, the work would require either a plumbing or underground utility and excavation license.

Legislation/Rule Promulgation

- The board directed counsel to pursue amendment of Rule 61G4-12.006, F.A.C., to delete all references to CILB applications forms. Pursuant to ch. 455, F.S., the department has authority over all such forms
- The board considered information provided by Mr. Ken Bates of Old Republic Surety Company relating to construction bonding. The board is exploring alternate methods by which it can establish the financial ability of applicants. The basis for such action is that the Division of Administrative Hearings determined that the board's current net worth rule, 61G4-15.005, F.A.C., is invalid. The validity of the rule is pending appeal. The board instructed counsel to research bonding requirements in other states to report back to the board for potential legislation and/or rulemaking.
- The board approved a finalized draft of amendments to Rule 61G4-18.004, F.A.C., to require that continuing education providers submit certain information for approval of interactive distance learning courses, including evidence of interactivity, monitoring methods, and availability of instructors for answering questions and providing support to students. . The board instructed counsel to pursue rulemaking
- The board approved a final draft revision of Rule 61G4-17.001, F.A.C., Normal Penalty Ranges. The rule as revised provides for higher penalty guidelines and authorizes the board to seek additional continuing education credits as discipline. The board instructed counsel to pursue rulemaking.

Action Required

- Tim Vaccaro, Executive Director, will report back to the department regarding the board's interpretation of s. 489.113, F.S.
- Diane Guillemette, board counsel, will draft a letter setting forth the board opinions rendered during Executive Committee and will draft a Declaratory Statement setting forth its findings to the City of Palm Coast. Ms. Guillemette will also follow up on the board's directions regarding rulemaking.