

EXECUTIVE SUMMARY

Construction Industry Licensing Board

General Information

Meeting type: General Board Meeting

Meeting dates: October 13-15, 2004, Embassy Suites Hotel, Orlando, FL

Board members: Joan M. Brown, Vice-Chair, Lee-En Chung, Elizabeth Karcher, Barry Kalmanson, Thomas Thornton, Robert Stewart, Jaqueline Watts, Michael Blankenship, Raymond Holloway, Mark Pietanza, Carl E. Engelmeier, John J. Cox, Doris O. "Peggy" Bailey.

Board members absent: Michelle B. Kane, Chair, John B. Smith, Paul Del Vecchio (Excused absences)

Board Counsel: Diane Guillemette

Department Staff: Michael E. Murphy, Tim Vaccaro, Stacey Merchant, Ruthanne Christie, Patrick Creehan, Adrienne Rodgers, Valeria Singleton, Paul Uzialko

Major Issues/Actions

- Acting Deputy Secretary, Michael E. Murphy, addressed the board regarding department activities in the wake of Florida's recent hurricanes. Mr. Murphy focused upon the steps taken by the department to process an increased number of public inquiries and applications for licensure, and its efforts to address the demand for contractor certification examinations.
- DBPR Orlando representative, Paul Uzialko, addressed steps being taken by the department's Orlando office to prevent unlicensed activity in the local area. Mr. Uzialko requested that board members working in the Orlando area report any unlicensed activity to his attention.
- The board requested that the Executive Director draft a newsletter article explaining that Division II contractors cannot subcontract unlicensed contractors. The board requested that the article explain the distinction between employee and subcontractor status.
- The board requested an opinion as to whether Division I and II could act independently of one another when taking disciplinary action against contractors holding both Division I and II licenses. Board counsel explained that Division I and II could act independently of one another.

Legislation/Rule Promulgation

- Tony Hardister, President of the Nation Association of Credit Management, Orlando office, conducted a presentation regarding the use of credit reports for determining an applicant's financial ability. Mr. Hardister indicated that, due to certain variables, such as different scoring mechanisms used from reporting agency to the next, performance bonds would be a better mechanism for insuring financial ability. 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 contact other states, such as California, to determine which states require bonding and to determine whether it is successful.

- The board voted to notice the department's draft of the new Florida Homeowners' Construction Recovery Fund (FHCRF) rules. The rules are required to implement changes to the Construction Industry Recovery Fund, pursuant to Senate Bill 2132, which was approved by the Governor following the 2004 Legislative Session. FHCRF counsel will present modifications and additions to the rules during the board's November meeting.
- Members of the public presented a proposed draft amendment to Rule 61G4-18.001, F.A.C., to specify the subject matter to be covered under certain types of continuing education courses, such as business practices, workers' compensation, and workplace safety. The board voted to table consideration of the proposal until the November board meeting.
- The board voted to notice amendments to Rule 61G4-16.009, F.A.C., to reflect the revised application cost for the state contractor's examination (decreased from \$138 to \$135), and to delete certain references to the department's functions in examination administration. The amendments are required to reflect certain savings realized by the department's testing vendor and to reflect that certain functions are performed by the vendor, not the department.
- The board voted to notice proposed amendments to Rule 61G4-18.007, F.A.C., regarding the number of days in which a continuing education provider must report a licensee's course attendance to the department. Florida Statutes provide for a 30-day period. The current rule reflects a five-day period.

Action Required

- Tim Vaccaro, Executive Director, will draft the requested CILB newsletter article and coordinate with department staff and board counsel regarding board requests.
- Diane Guillemette, board counsel, will follow up on the board's directions regarding rulemaking and bonding research.
- FHCRF counsel, Adrienne Rodgers, will present additions and modifications of the FHCRF draft rules to the November meeting.