

EXECUTIVE SUMMARY

Construction Industry Licensing Board

General Information

Meeting type: General Board Meeting

Meeting dates: August 10-12, 2005, Sawgrass Marriott Resort & Spa, Ponte Vedra Beach, FL

Board members: Joan M. Brown, Chair, Michelle B. Kane, Barry Kalmanson, Lee-En Chung, Thomas Thornton, Robert Stewart, Carl E. Engelmeier, Jacqueline Watts, Raymond Holloway, Mark Pietanza, Doris O. "Peggy" Bailey, Jim Flaherty

Board members absent: Edward M. Weller, Paul DelVecchio, Vice Chair, Michael Blankenship (Excused)

Board Counsel: Diane Guillemette

Department Staff: Tim Vaccaro, Stacey Merchant, Andrew Janecek, Patrick Creehan, Adrienne Rodgers, Valeria Singleton

Major Issues/Actions

- The board reviewed eleven applications for certification by endorsement. The board denied all of those applications, because the applicants could not demonstrate one of the following as required by s. 489.115(3), F.S.: a) that their out-of-state licensure examinations were substantially equivalent to Florida's current examination; or b) that their overall licensure criteria were substantially equivalent to Florida's current criteria. Applicants claimed that they were not aware that the applications were subject to denial. The Executive Director indicated to the board that department staff informed callers that endorsement applications was subject to approval and denial. The board requested that the Executive Director reiterate this matter to department staff in an abundance of caution. The Executive Director also reported that changes were recently made to reflect such information on the Endorsement Application form.
- The board requested that the department perform additional unlicensed activity stings. One specific area requested was Sarasota.
- The board considered a petition for declaratory statement filed by Jacqueline Watts regarding House Bill 213, which amended s. 489.105(3), F.S., regarding the definitions of the scope of work for plumbing, mechanical, and air-conditioning contractors to include certain work related to liquefied petroleum (LP) gas. Specifically, Ms. Watts asked whether or not s. 489.105(3), F.S., authorized the following:
 - Whether Class A and B air-conditioning contractors and mechanical contractors can perform venting of carbon monoxide related to the installation and service of LP gas appliances;
 - Whether the connection and disconnection of LP gas appliances during changeout, installation, or service fell within the scope of a plumbing contractor's license; and
 - Whether the installation of outdoor LP piping fell within the scope of a plumbing contractor's license.

The board answered the forgoing questions in the affirmative.

Legislation/Rule Promulgation

- The Rules Committee continued its discussion of Internet course accreditation through associations, such as the International Distance Education Certification Center (IDEC). Associations such as IDEC review courses to verify course reliability in areas such as delivery methods. In July, the committee had requested that board counsel research whether or not the board had authority to enact rules requiring accreditation. Board counsel reported that the board does not have the authority to require providers to utilize an independent accrediting service. She indicated that any required criteria to verify course validity would have to be established by the board itself. The committee will explore development of such criteria by rulemaking.

- Pursuant to Senate Bill 1012, the Rules Committee voted to pursue rulemaking for the development of an application and associated fee for those null and void licensees who request reinstatement of their licenses based upon illness or unusual hardship. Board counsel will return in September with draft language.
- The Rules Committee voted to approve changes to Rule 61G4-15.0021, FAC, regarding qualification of business entities. The rule provides for two separate committees to address additional business applications: one committee for Division I and one committee for Division II. The committee voted to remove reference to each committee in order to continue its practice of having one committee made up of members from both divisions. The full board will vote on final language next month.
- The Rules Committee voted to amend disciplinary guidelines set forth in Rule 61G4-17.001, FAC, because House Bill 113 increased the amount by which the board may fine a licensee from \$5,000 to \$10,000 per violation.

Action Required

- Tim Vaccaro, Executive Director, will coordinate with department staff regarding application and enforcement issues. Diane Guillemette, Board Counsel, will address the board's requests regarding rulemaking and will draft an order setting forth the board's opinion on Ms. Watts' petition for declaratory statement.