

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

IN RE:

**THE PETITION FOR DECLARATORY STATEMENT OF
BARRY M. CONLEY**

DS 2013-004

FINAL ORDER

This matter came before the Construction Industry Licensing Board (Board) pursuant to section 120.565, Florida Statutes. At a duly-noticed public meeting held on February 15, 2013, in Altamonte Springs, Florida, the Board considered the Petition for Declaratory Statement filed by BARRY M. CONLEY, who was present.

The Petition was filed with the Department of Business and Professional Regulation on January 22, 2013. Notice of the Petition was published on January 29, 2013, in the Florida Administrative Register. No comments were received.

Having considered the Petition and relevant statutes and rules, the Board issues the following:

FINDINGS OF FACT:

1. The facts considered by the Board are as alleged in the Petition, a copy of which is attached hereto and incorporated by reference, and presented at the

meeting, with no further investigation by the Board.

2. Petitioner asks the Board whether a plumbing license is required for the removal and replacement of dishwasher appliances.

CONCLUSIONS OF LAW

3. The Construction Industry Licensing Board has authority to issue this Final Order pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

4. Petitioner is substantially affected, as required by section 120.565, Florida Statutes.

5. Pursuant to section 489.105(3)(m), Florida Statutes, "Plumbing contractor" means a contractor whose services are unlimited in the plumbing trade and includes contracting business consisting of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, if not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, if not prohibited by law, design the following without obtaining an additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities, water and sewer plants and substations, venting systems, public or private water supply systems, septic tanks, drainage and supply wells, swimming pool piping, irrigation systems, and solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary

sewer lines.

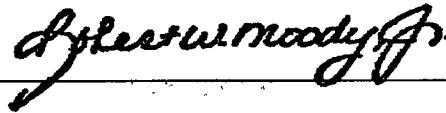
6. The exemptions from Chapter 489, Part I, as listed in section 489.103(9), Florida Statutes provide: "Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000, . . ." is exempt from licensure.

Therefore, the Board hereby issues a declaratory statement that a plumbing license is not required to replace dishwashers.

The applicability of this Declaratory Statement is limited to the set of facts incorporated herein. This Final Order shall be effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 1st day of March,

2013.



ROBERT W. MOODY, JR., Chair
Construction Industry Licensing Board

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES

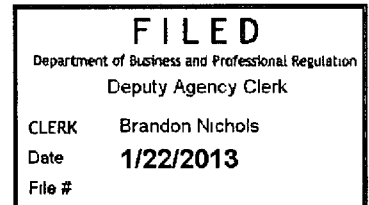
PREScribed BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by U.S. Mail to: BARRY M. CONLEY, 10290 West Lake Road, Milton, Florida 32583, and by hand/ interoffice delivery to Daniel Biggins, Assistant Attorney General, Suite PL-01, The Capitol, Tallahassee, Florida 32399-1050; Tammie Britt, Suite PL-01, The Capitol, Tallahassee, Florida 32399-1050 and the Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039, on or before 5:00 p.m., this 4th day of March, 2013.

Brandon M. Nichols

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Barry Conley	
10290 West Lake Road	
Milton, FL 32583	
PS Form 3800, August 2006	



PETITION FOR DECLARATORY STATEMENT BEFORE;

Construction Industry Licensing Board

Star Services of the Gulf Coast, Inc.
10290 West Lake Rd.
Milton, Fl. 32583

Barry M. Conley
850-512-8009 office
850-791-0927 cell

DS 2013-004

I am engaged in the following activity. The removal and replacement of appliances. I would like a ruling, based on the scope of work as stated below, as to wheather a plumbing license is required or not.

Statute 489.105 (3) m
Plumbing Contractor

Remove old dishwasher:

1. Unbolt from cabinet.
2. Disconnect electric.
3. Disconnect drain.
4. Cut water off at valve.
5. Disconnect water line.
6. Slide old unit out.

Replace with new dishwasher:

1. Place in position of cabinet opening.
2. Reconnect water line to valve.
3. Turn water on and check for leaks.
4. Reconnect drain line.
5. Reconnect electrical.
6. Place in final position.
7. Attach to cabinet.
8. Test unit for proper function.