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# A COMPREHENSIVE STUDY OF LICENSING CONSTRUCTION CONTRACTORS IN FLORIDA

SPONSORED BY A GRANT FROM THE BUILDING CONSTRUCTION  
INDUSTRY ADVISORY COMMITTEE



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School of Building Construction  
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## EXECUTIVE SUMMARY

### A COMPREHENSIVE STUDY OF LICENSING CONSTRUCTION CONTRACTORS IN FLORIDA

The School of Building Construction at the University of Florida in association with The Building Construction Industry Advisory Committee (BCIAC) has conducted a comprehensive review and evaluation of the construction contractor licensing system in Florida. The primary objectives of this study were to identify and provide answers to the key problems currently facing the state construction licensing system and to develop recommendations for accomplishing the mission and increasing the operating efficiency of the Construction Industry Licensing Board.

Study researchers conducted two surveys and five interviews with construction industry regulation professionals. Surveys were distributed to members of the Construction Industry Licensing Board (CILB) and members of the Building Officials Association of Florida (BOAF). Interviews were conducted with members of the Construction Industry Licensing Board, Division of Real Estate, and the Department of Professional Regulation (DPR).

The data compiled from industry surveys and interviews suggested several distinct areas of the construction licensing system which currently impede the system's productivity and efficiency. These areas are as follows:

- (1) Lack of CILB cost control related to investigative and legal fees and its desire for a "semi-autonomous" operating condition.
- (2) Lack of computerization and modernization of the construction licensing system.
- (3) The existence of a two-level construction licensing system.
- (4) Lack of a Building Official certification program.
- (5) Inefficient enforcement, policing, and expedition of disciplinary cases.

A comparative analysis was performed involving the CILB and the Division of Real Estate. The Division of Real Estate currently operates with the greatest

administrative independence from the DPR. The purpose of this comparison was to explore possible justifications for the CILB to receive certain administrative controls over investigative staff, similar to the Division of Real Estate.

After the data from surveys, interviews, and the comparative analysis had been examined, recommendations were developed for improving the operating efficiency of the CILB and the construction licensing system. The major recommendations are as follows:

- (1) Combine the CILB and the Electrical Board to form a separate "division" similar to the Division of Real Estate.

or

Dedicate special investigators under direct control of the CILB. Increase the detail in the DPR's current billing method.

- (2) Establish a statewide computer network and contractor database that could be accessed by state and local authorities.
- (3) Create a state licensing system with one means of qualification, "state certification."

or

Suspend any state level regulation of "registered" classifications. Local jurisdictions will license, enforce, and discipline their own locally registered categories.

- (4) Mandate a Building Official certification program.
- (5) The CILB needs to adopt or improve its public awareness campaign to educate the general public on the licensing system.

Copies of this report may be obtained by contacting:

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## CHAPTER I INTRODUCTION

### Research Objective

The University of Florida, M.E. Rinker School of Building Construction (BCN) has conducted a comprehensive review and evaluation of the construction contractor licensing system in Florida. The objectives of this study were to provide answers to key questions about the state licensing system and to develop recommendations for accomplishing the mission and increasing the operating efficiency of the Construction Industry Licensing Board (CILB) as defined by its enabling legislation.

The study was done in a two-phase approach. Phase I was comprised of documenting the history of the state licensing system, describing the primary issues facing the licensing system and assessing its current effectiveness. Phase II was comprised of surveying and interviewing governmental agencies to identify and find solutions to the major problems currently facing the industry. Results of these surveys and interviews facilitated the establishment of recommendations for statutory and administrative changes.

### Statement of the Problem

Florida state regulation of general contractors, building contractors, and residential building contractors was initiated in 1967 by Chapter 67-110, Laws of Florida, codified as Chapter 468, Part II, Florida Statutes. Licensing of construction contractors was authorized by the Florida Legislature in 1968.<sup>1</sup> At the time, this

legislation was pursued by the industry in order to overcome local governmental regulatory impediments. The original contractor licensing legislation was perceived by government as a consumer protection mechanism and a means of establishing minimum standards for construction contractors in the state of Florida. Although the legislature periodically reviews and evaluates the effectiveness of such programs, there has never been a thorough assessment of the construction contractor licensing program.

Administration of the current system and the slow speed with which complaints are resolved by the Construction Industry Licensing Board (CILB) threaten to overwhelm the current system. Preliminary review indicates that due diligence by a board member in probable-cause cases can require the review of up to 5,000 pages of case documentation. With Florida's unprecedented current and future population growth and accompanying construction activity, the Construction Industry Licensing Board's case load can only be expected to increase.

#### Statement of Purpose

This review and evaluation was done to identify key problems facing the construction contractor licensing system. Once problems facing the licensing system were identified, recommendations were developed to aid the CILB in accomplishing its mission. The Board's mission is defined by Chapter 489, Part I, Florida Statutes, relating to contracting (see Appendix B for copy of Chapter 489, Florida Statutes). This report reviews the statute's operation as enforced by the Construction Industry Licensing Board within the Department of Regulation. This report also studies the

historical evolution of the licensing system in Florida and discusses the changing roles of the licensing boards.

### Problem Questions

There are several key questions that this research study attempted to answer. They are as follows:

- (1) How well is the current construction contractor licensing system protecting the consumer?
- (2) What areas of the present contractor licensing system can be modified to improve its consumer protection role?
- (3) Are any segments of the construction industry not adequately covered by the licensing system?
- (4) How can the local or state licensing systems be modified to reduce the time, cost, and effort associated with processing complaints and executing disciplinary actions?
- (5) How can the system be modified to improve communications among local, county, and state authorities?
- (6) Have all statutory changes that have been made through the years altered the intent and individual board roles in the system?
- (7) Is the current licensing system adequate to accommodate the growing Florida construction industry?

## Performance Objectives

The objectives of this research study were to provide answers to the key questions listed in the previous section entitled "Problem Questions." and to develop recommendations to aid the Construction Industry Licensing Board in better accomplishing its mission.

Investigators were able to determine the most severe problems facing the CILB and the contractor licensing system. This report also addresses what is presently being done and what recommendations can be made to eliminate these critical areas.

## Definition of Terms

Bid	An offer made at a price for furnishing labor and/or materials.
Building Contractor	Contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings.
Certificate	A certificate of competency issued by the Department.
Certification	The act of obtaining or holding a certificate of competency from the Department.
Certified	Any contractor who possesses a certificate of contractor competency issued by the Department and who shall be allowed to contract in any jurisdiction in the state.
Commercial	Contractor whose scope of work involves, but is not

Pool Contractor	limited to, the construction, repair, water treatment, and servicing of any swimming pool, hot tub, or spa, whether public, private, or otherwise.
Competence	The ability to carry out a specific task or tasks according to predetermined standards of performance.
Contracting	Engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (3) which defines types of contractors.
Contractor	One who agrees to supply materials and/or labor to perform certain work for a stipulated sum of money.
Department	Department of Professional Regulation (DPR).
Employee	One who works for an employer for wages or salary from which the employer deducts social security and withholding taxes.
General Contractor	Contractor whose services are unlimited as to the type of work which he may do.
Licensed Contractor	One who has legal permission and has demonstrated a level of competency to do specified work such as electrical, plumbing, etc.
Licensure	Mandatory legal requirements for certain professions, enforced by a governmental body, for the protection of the public from incompetent practitioners.
Local Construction Regulation Board	A board composed of not fewer than three residents of a county or municipality, which the governing body of that county or municipality may create or appoint to maintain the proper standard of construction in that county or municipality.

Mechanical Contractor	Contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, extend, or design central air conditioning, refrigeration, heating, ventilating, and associated mechanical systems.
Occupational License	A license required to perform one's trade, profession, or license business.
Owner Builder	One whose intent is to build for his own use or occupancy through his own efforts.
Prime Contractor	The principal contractor--generally one who is responsible for the entire job or contract.
Registration	Registration with the local building department.
Registered Contractor	Any contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction in which the registration is issued. Registered contractors may contract only in such jurisdictions.
Residential Contractor	Contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences.
Roofing Contractor	Contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, and repair materials and items used in the installation and maintenance of all kinds of roofing.
Sheet Metal Contractor	Contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, and assembly of ferrous and non-ferrous metal work .
Specialty Contractor	A contractor whose scope of work and responsibility is limited to a particular phase of construction or whose scope of



work is limited to a subset of the activities described in the previous categories.

Subcontractor	A secondary contractor who undertakes some or all of the obligations of another contractor.
Taxes	Those taxes required to be paid by a contractor such as social security, occupational license, contractor's license, income tax, and others.
Underground Contractor	Contractor whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary sewer collection items, main water distribution systems, and storm sewer collection systems and the continuation of utility lines from main systems to a point of termination up to and including the meter locations.
Unlicensed Contractor	One who has no legal permission to do contracting.

#### Limitations

This study was limited to the use and discussion of two distributed questionnaires, six professional interviews, several CILB monthly meetings, and numerous phone conversations. In the past, there have been evaluations similar to this study done by the Department of Professional Regulation (Board Office Review and Profession Review, March 1990) and reviews for the Regulatory Sunset Act, section 11.61, Florida Statutes. These studies were closely examined to eliminate the duplication of problem analysis and final recommendations. Researchers intended to provide a most objective evaluation of the construction licensing system.

## Methodology

This research study proposal was submitted in response to a request for proposals made by the Building Construction Industry Advisory Committee. A request was made by a board member for an outside body to examine and scrutinize the current operation and efficiency of the Construction Industry Licensing Board.

At the beginning of the CILB investigation, researchers made certain assumptions pertaining to the problem areas of the contractor licensing system and the CILB. These preliminary assumptions included

- (1) The current contractor licensing system cannot handle future expansion in the Florida construction market.
- (2) Improvements must be made to reduce the cost, time, and effort associated with processing complaints and executing disciplinary actions.
- (3) Communications must be improved between state and local officials of the contractor licensing system.
- (4) Statutory changes in the past have altered the roles of key players in the contractor licensing system.

The first step in determining the problematic issues facing the CILB was to survey CILB members. Board members were assumed to have a broad picture of the contractor licensing system. A survey was distributed to board members during a board meeting on January 10, 1991 (see Appendix F for sample survey). There were 25 questionnaires containing seven essay-type questions distributed. Of those initial 25, 8 (32%) were completed and returned via mail to researchers at the

university. Responses from board members were very frank and varied. These responses were categorized and ranked according to importance and feasibility.

A second survey was sent to building officials (see Appendix G for sample survey). The survey was mailed to members of the Building Officials Association of Florida (BOAF). The initial survey mailing consisted of 200 randomly selected building officials from the B.O.A.F. membership listing. Of the 200 surveys that were mailed, 34 building officials responded to the essay questionnaire (17%). Responses from building officials concerning problematic issues were less varied than those from CILB members. The information they provided was critical in determining problems that currently exist between the state and local levels of the construction licensing system. Their experiences with the various trades and their involvement with the licensing of contractors in their areas was beneficial.

The last phase in the preliminary investigation was to conduct interviews with key industry personnel. These subsequent interviews were conducted with representatives of the Construction Industry Licensing Board, The Division of Real Estate, and the Department of Professional Regulation. Questions concerning the efficiency of the licensing system were addressed. After the conclusion of the interview phase of the research, information was collected and analyzed, and recommendations were developed based on the findings.

#### Construction Industry Licensing Board Summary

The following summarized information was taken from Review of Chapter 489, Part I, Florida Statutes, Construction Contracting, p. 3-5.

A contractor is a person who is qualified for and responsible for the entire project contracted for, who, for compensation, undertakes to, submits a bid to, or does by himself or by others construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others. This section provides several exemptions from its provisions, including owners, those performing contracting services for a contract price of less than \$1,000, and government employees.

Contractors are divided into two divisions. Division I includes general, building, and residential contractors, while Division II includes sheet metal, roofing, air conditioning, mechanical, swimming pool, underground utility, and plumbing contractors. Speciality contractors are defined as contractors not included in the above enumerated groups. The purpose of Chapter 489, Part I, of the Florida Statutes is to regulate the construction and home improvement industry for the protection of the public health, safety, and welfare.

In addition to providing relevant definitions, the statute establishes the Construction Industry Licensing Board within the DPR to administer its provisions. The statute requires that a person must be either certified or registered in order to engage in the business of contracting in Florida. The requirements for certification and registration are set forth in the statute. Certified contractors must meet experience or education requirements, pass an examination, and

meet certain financial responsibility and insurance requirements. They may engage in contracting statewide upon proof of certification and payment of any local permitting and occupational license fees. Local registration requires contractors to show proof of meeting local competency requirements and holding an occupational license in a local jurisdiction to be registered by the state. Locally registered contractors may only engage in contracting in a limited geographic area.

The Board, in conjunction with the DPR, is responsible for the issuance and renewal of licenses and the prosecution of licensees for violations set forth in the statute. The various fees relating to licensure are set by the Board in accordance with statutory maximums. Any person who is not licensed under the act and engages in the business of contracting is guilty of a first degree misdemeanor.

Regulation of contracting is funded directly by fees paid by licensees, although the cost of all regulation presumably is passed on to consumers. Fees are Deposited in the department's trust fund, from which the legislature allocates funds necessary to administer the law. In addition, a \$4 surcharge is added to initial and renewal license fees to fund research and continuing education programs in the construction field.

Previous legislative reviews of Chapter 489 of the Florida Statutes have determined that regulation of the construction industry is necessary for the protection of the public health, safety, and welfare. This conclusion is based on (1) the potential for both

physical and economic harm that could result from incompetent, dishonest, or fraudulent contractors; (2) the fact that the benefits of regulation greatly outweigh the costs; and (3) the fact that regulation is not unduly restrictive.

## CHAPTER II HISTORY AND BACKGROUND

### National Regulatory History

Early attempts at regulating professional occupations were focused largely in the medical fields. From the late 1600s to the early 1900s, the medical service was the only profession affected by regulatory licensing.<sup>2</sup> By 1900 all states required licensing for the practice of medicine.<sup>3</sup> Regulation of other professional fields began to emerge in the early 1900s. In the 1920s, 130 regulatory laws were passed relating to 14 areas of health-related professions.<sup>4</sup> From 1911 to 1915, 110 statutes licensing 24 professions were enacted across the United States.<sup>5</sup> The first barber licensing regulations were passed in 1899, and today every state in the U.S. regulates this profession. A U.S. Department of Labor study found that more than 800 occupations and professions are presently regulated by state licensing laws.<sup>6</sup>

Recently in state governments throughout the U.S., there has been a trend to centralize occupational regulation. This trend was brought on by a movement toward greater accountability in state governments. Selective state governments reorganized their administrative bureaucracies and began streamlining management. In 1969, there were 16 states with central licensing agencies.<sup>7</sup>

## History of Occupational Licensing in Florida

In Florida, nearly all trades, occupations, and professions are subject to some kind of regulation and control. Licenses are required for a large number of professions. A state certification or county registration must be obtained before beginning practice. Municipalities and localities have the power to require licenses for any trade, business, or occupation except as prohibited by the Constitution or laws of the state.

Before 1979, there was no central licensing bureau or department. Most examining boards were accountable to the Secretary of State in Tallahassee. Licensing activity at the state level was focused in the Governor's office. The attorney general furnished legal counsel to the various boards. The Secretary of State maintained official records of board actions and regulations.

Up until 1979, licensing boards in Florida enjoyed a high degree of autonomy. Boards determined the material of all written and performance tests, and they established acceptable standards of test results. The only restrictions that were placed on licensing boards were those specified by law and those restrictions that were a result of the budgetary process. On a biannual basis, the boards had to submit their budgets to the legislature. Once approved by the legislature, the budget or personnel could not be increased.

Licensing board operations were completely decentralized. Offices were located in cities where the board secretaries resided. Locations often changed as personnel employments varied. All board appointments were made by the Governor in agreement with the requirements of the various laws.



The boards had the power to develop and conduct examinations, to review requirements relating to information expected from the applicant, and to demand proof of good character. Boards also retained their own investigators and inspectors to verify whether the rules and regulations of the state were being complied with and to investigate complaints from consumers.

The boards were required to submit annual reports to the Governor. The contents of these reports were never defined and thus report quality and content varied widely. Some of the reporting boards presented information pertaining to accounting of their activities, such as candidates tested, pass-fail rates, etc. Other reports were limited to financial viewpoints and ignored other pertinent data.

Florida reorganized its regulatory organization under the umbrella of the Department of Professional Regulation in 1979. The Department of Professional Regulation was signed into law by Governor Bob Graham and the regulatory reorganization took effect July 1, 1979.

### Department of Professional Regulation

#### Role/Purpose

The primary role for the Department of Professional Regulation (DPR) is to protect the health, safety, and welfare of the public. A tertiary function for DPR is to ensure the integrity of regulated professions by eliminating unlicensed practice and enforcing licensing laws. Enforcement involves investigating consumer complaints and taking disciplinary actions against those who violate the licensing laws and rules of their profession.

Regulation is a form of social control mandated by bodies of authority.<sup>8</sup> Professional regulation protects the consumer by insuring a minimal level of competence and elimination of incompetent persons from practice. Most individuals are educationally incapable of choosing their own plumber or electrician, and therefore they must be protected against their own ignorance.<sup>9</sup> This ignorance is the basis for regulating professions.

The Department of Professional Regulation achieves its mission of consumer protection through a three-tiered system of applicant screening. The first level of administrative review is made during the application process. Applications are screened by appropriate boards, commissions, or councils for the required education, training, and skills. The second screening is performed at the examination level. Candidates are tested to ensure proficiency in their potential fields. After licensing, professionals who are suspected of being in violation of the "practice act" or rules specific to their profession are investigated by DPR. If in violation, these licensees are turned over to be disciplined by their respective boards or commissions.

#### Legislative History

In 1979, the Florida Construction Industry Licensing Board (FCLIB) was one of 25 state regulatory agencies which the Florida State Legislature regrouped under the regulatory umbrella of the Department of Professional Regulation (DPR).<sup>10</sup> The Department of Professional Regulation was reorganized by lawmakers during the 1979 Regular Session. The primary mission of the Department was to protect the health, safety, and welfare of the public.

Other Florida professional groups affected by the reorganization were accountants, architects, dentists, engineers, foresters, medical examiners, optometrists and opticians, pharmacists, veterinarians, and real estate practitioners. When DPR emerged from the 1979 legislative reorganization, there were 25 professions under its control, encompassing over 600,000 licenses.<sup>11</sup> With the legislative addition of speech-language pathology and audiology in 1990, the umbrella of regulated professions has risen to 44 and the number of licenses issued has increased to 1.2 million.

Under the provisions of the regulatory reorganization, investigations of consumer complaints and the preparation and administration of competency examinations was vested in the Department of Professional Regulation. The provision also provided that the Secretary could delegate these functions to cognizant Boards, if desired.

Individual boards retained the power to propose and adopt rules and regulations needed to carry out their individual functions under law. However, the Secretary of DPR now had the statutory authority to challenge any rule or proposed rule of any regulatory board.

#### Organization

There are six divisions included within the Department of Professional Regulation: Administration, Regulation, Examination and License, Medical Quality Assurance, Professions, and Real Estate. The regulation of the state's 1.2 million licensed professionals is the shared responsibility of the Department, boards, and other bodies which oversee the professions. Thirty-two boards have been

established by law under the Department of Professional Regulation. (See DPR organizational chart in Appendix E.)

Members of all boards, councils, and commissions are appointed by the governor for four-year terms. Boards with five or more members have at least two consumer members who are not licensed in that profession. Boards and councils with less than five members have one consumer member.

All of the 44 professions are governed by a chapter of the Florida Statutes. These are known as a "practice act," which defines the profession and its regulatory body as well as rulemaking authority, licensing requirements, and grounds for discipline. Each of the boards receives administrative support from the Department in the form of an executive director and staff.

The Department of Professional Regulation is a trust fund agency. It is financed primarily by revenues generated from fees for application, examination, and licensure. Administrative fines are also assessed for violations of a profession's practice act.

The DPR is headquartered in Tallahassee, with nine regional investigative offices and one satellite office. The Board of Accountancy office is located in Gainesville; the Construction Industry Licensing Board and the Board of Nursing are both located in Jacksonville; and the Division of Real Estate is located in Orlando. All other board offices are located in Tallahassee.

In setting into law the regulatory reorganization act, the Legislative objective was the following:

"...persons desiring to engage in any lawful profession regulated by the Department of Professional Regulation shall be entitled to do so as a matter of right if otherwise qualified."

"...such professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:

- (a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from licensing.
- (b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.
- (c) Less restrictive means of regulation are not available.

"...no board within the Department of Professional Regulation shall create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. No board shall take any action which tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.

## Construction Industry Regulation

The first state to regulate the construction industry was North Carolina. In 1925, North Carolina established its General Contractor Licensing Board. In the 1920s and 1930s, states such as Maryland, South Carolina, California, Tennessee, Alabama, Arizona, and North Dakota subsequently established their own contractor licensing boards. Nevada, Mississippi, Louisiana, Hawaii, Utah, Washington, Arkansas, Michigan, Alaska, Florida, Delaware, New Jersey, New Mexico, Massachusetts, and Virginia have followed in the years since.

Although all these states regulated their construction industries, many of the initial licensing systems did not have examination or disciplinary procedures. Examination and disciplinary programs are now standard operations in most state licensing systems.

The purpose or goal of state regulation through contractor licensing boards is to protect the public against dishonest, unskilled, or unqualified contractors. This regulation is required because the public in general lacks the technical knowledge, legal expertise, and financial resources necessary to protect themselves. Licensing ensures a minimum level of competency by requiring contractors to pass an examination and qualify with a minimum level of technical experience. Licensing also ensures that a contractor has adequate financial capital and character. It is systematically designed to eliminate unlawful contractors through the complaint and discipline processes.

Licensing requirements for contractors vary from state to state. Most licensing applications require applicants to meet a minimum age requirement, have minimum construction experience, prove financial responsibility, obtain license

bond and liability insurance minimums, meet moral character standards, and pass an examination proving competency.

### Florida Construction Regulation

#### Law

Chapter 489, Part 1, Florida Statutes, provides for the regulation of construction contracting in the state of Florida. This chapter provides definitions, establishes the Construction Industry Licensing Board (CILB), previously the Florida Construction Industry Licensing Board (FCLIB), describes the board's authority, role, duties, and responsibilities; establishes certification and registration requirements; and provides for disciplinary actions and penalties. A copy of Chapter 489, Florida Statutes, is included as Appendix B.

#### History

State regulation of general contractors, building contractors, and residential building contractors was first enacted in 1967 by Chapter 67-110, Laws of Florida, codified as Chapter 468, Part II, Florida Statutes. The act established mandatory statewide certification or registration for general, building, and residential contractors. It is speculated that the industry pressed for this legislation in order to overcome local government regulatory impediments. Statewide construction regulation was sought by the industry as a method of eliminating the barriers created by inconsistent local jurisdictions.

Before the 1967 licensing legislation, a contractor had to meet the local competency requirements in each jurisdiction he intended to pursue work. In some jurisdictions, requirements inhibited competition and closed shop situations existed.

The act was revised several times between 1967 and 1978. Revisions were made to provide additional classifications of subcontractors and representation of these subcontractors on the CLIB. In 1977, revisions were made to require certification applicants to submit credit reports. In 1978, the part was revised again to require excess funds in the board's trust account to be used by the Department of Education to sponsor industry-related research and continuing education.

In 1979, the part underwent many major changes as a result of sunset review. Many of these changes were more technical, relating to form rather than the substance of the part. Thus the part was renumbered as Chapter 489, Part I, Florida Statutes. Revisions included the definition of a qualifying agent; the addition of a laymember to the board; the imposition of a \$4 surcharge to fund building construction research and education; provision for the board to designate specialty contractors by rule; provision for licensure by endorsement and temporary license for out-of-state contractors for up to one year; and expansion of the grounds for disciplinary action and criminal action. The revisions also included that the CILB could not be moved from its present location (Jacksonville) without legislative action.

In 1979, the Florida Construction Industry Licensing Board was reorganized under the administrative umbrella of the Department of Professional Regulation. The autonomous role of the FCILB was greatly reduced. Statutory authority was now vested in the Secretary of DPR. Individual boards retained the power to



propose and adopt rules and regulations, but primary authority rested within the Department of Professional Regulation.

#### Purpose

The construction and home improvement industries pose a significant harm to the public when incompetent or dishonest contractors provide unsafe, unstable, or short-lived products or services. Because of this, the interests of the public health, safety, and welfare necessitate regulation of the construction industry.

#### Exemptions

This act does not apply to bridge, road, street, highway, railroad, or utility contractors; employees of a licensee; government employees; officers of the court within the scope of their employment; public utility employees; the sale or installation of finished products which do not become a permanent part of the structure, except swimming pools with a capacity of over 500 gallons; owners of farm and residential property or commercial property at a cost of under \$25,000, when acting as their own contractor and providing all material supervision themselves; construction or improvement on federally owned property; casual or minor work in which the aggregate cost of such work is less than \$1,000, unless such work is part of a larger operation or the person who performs the work advertises as a contractor; construction incidental to work on irrigation and drainage ditches, irrigation or reclamation districts, or rural districts; architects, engineers, or residential designers; a person furnishing materials or supplies; a person who sells services or installs heating or air conditioning units with a capacity no greater than 3 tons or 36,000

BTU, with no ducts, and which have a factory installed electrical cord and plug; or the installation and maintenance of water conditioning units.

Construction Industry Licensing Board

The Construction Industry Licensing Board (CILB) is established within the organizational framework of the Department of Professional Regulation (DPR). The Board is required to consist of 18 members coming from the following areas:

<u>#</u>	<u>Area of Construction</u>
4	General Contractors
3	Building or Residential Contractors
1	Roofing Contractor
1	Sheet Metal Contractor
1	Air Conditioning Contractor
1	Mechanical Contractor
1	Pool Contractor
1	Plumbing Contractor
1	Underground Utility Contractor
2	Lay Persons
2	Local Building Officials

The Board is divided into two divisions. Division I is comprised of the general, building, and residential contractor members and one building official and one lay person. Division II is comprised of the regular and alternate roofing, sheet metal, air conditioning, mechanical, pool, and plumbing contractor members, one underground utility contractor member, one building official, and one lay person.

Each division has jurisdiction over the contractors represented on the Board. Five members of Division I constitute a quorum. In Division II, if both the regular and alternate members are present, then each gets half of a vote; if only the regular or alternate member is present, then he or she receives a whole vote.

The Construction Industry Licensing Board meets 11 times a year, once each month excluding December, in various location across the state of Florida. All individual committee meetings within the board meeting are held as required.

#### Rulemaking Authority

The Construction Industry Licensing Board has the power to make rules that are not inconsistent with the law. These rules must be necessary to carry out the duties and authority empowered to it by the Chapter.

#### Current Fees

The Board establishes licensing fees based on Department of Professional Regulation estimates of the revenue required to implement the statute in relation to regulation of the construction industry. The Florida statute sets guidelines as to the maximum fees the board may charge as follows:

##### Statutory Cap on Fees

Application and Examination for Certificate	\$350
Renewal of Certificate	\$200
Late Renewal of Certificate	\$50
Application for Registration	\$50
Renewal of Registration	\$200
Late Renewal of Registration	\$50
Inactive Renewal Status	\$100
Voluntary Inactive Renewal Status	\$50
Transfer of Certificate or Registration	\$50

### Current Rate on Fees

Applications:	State Certified	\$120
	Local Registered	N/A
Examinations :	State Certified	\$130
	Local Registered	N/A
Initial Licensure	State Certified	\$125
	Local Registered	\$100
Biennial Renewal	State Certified	\$125
	Local Registered	\$100

The statute also requires that each licensee pay a \$4 surcharge at the time of renewal to fund industry related research and continuing education in the construction field.

### Examinations

There are certain qualifications an applicant must meet when applying to DPR to take the certification examination. Eligibility requirements include being 18 years of age and of good moral character. In addition to the qualifications above, one of the following alternative criteria must be met: receipt of a baccalaureate degree from an accredited college in the appropriate field of engineering, architecture, or building construction, and one year of experience in the category in which the person seeks to qualify; three years of active experience as a workman and one year of active experience as a foremen; or a combination of at least one year of experience as a foreman and at least three years of college course work or two years of experience as a workman, one year as a foreman and one year of college coursework. Each level of certification has its own experience requirements that must be met before an applicant can take the examination for the next level.

### Qualifications for Practice and Restrictions

A contractor must pass the appropriate examination or be properly registered before qualifications are met for practice and restrictions on practice. The Board is required to register specialty contractors if local counties or municipalities require licensing for the specialty the contractor practices. All persons engaged in working in any licensed areas of construction in the state are required to be state certified or locally registered.

A state certified contractor desiring to engage in contracting in the state shall only be required to display evidence of holding a current certificate and pay the required fees for occupational license and building permit. A local county or municipality may deny the issuance of a building permit to a state certified contractor if the contractor has been found to be guilty of fraud, willful building code violations, or does not hold the necessary certification or registration for the work being performed.

### Certification and Registration; Endorsement

The Department shall issue a certificate or registration to each person qualified by the board upon receipt of the original license fee. Each certificateholder or registrant who desires to continue as such shall renew his certificate or registration every two years. The certificateholder or registrant shall complete, sign, and forward the renewal application to the Department, together with the appropriate fee. As a prerequisite to issuance of a certificate, an applicant must submit evidence of having obtained public liability and property damage insurance. Florida Administrative Code specifies the following amounts of liability and property damage insurance:

Liability/Property Damage

General Contractor	\$300,000/\$50,000
Building Contractor	\$300,000/\$50,000
Residential Contractor	\$100,000/\$25,000
Sheet Metal Contractor	\$100,000/\$25,000
Air Condition Contractor	\$100,000/\$25,000
Roofing Contractor	\$100,000/\$25,000
Mechanical Contractor	\$100,000/\$25,000
Pool Contractor	\$100,000/\$25,000
Plumbing Contractor	\$100,000/\$25,000
Underground Utility	\$100,000/\$25,000

The applicant must also furnish evidence of financial responsibility as defined by board rule. An initial applicant or a licensee who requests to change his status must submit a credit report from a nationally recognized credit agency to the Board. The state requires for certification a Net Worth as listed below for the following categories of contractors:

General Contractor	\$10,000
Building Contractor	\$5,000
Residential Contractor	\$2,500

Registration

Any person engaged in the business of contracting in the state must be registered if that person is not certified. Registration requires that a contractor must file evidence of holding a current local occupational license and must have met local competency requirements. The registrant may engage only in the jurisdiction for which he is registered.

### Disciplinary Proceedings

The Board may take disciplinary action if a contractor is engaged in willful and deliberate disregard of building codes, aiding and abetting unlicensed practice, financial mismanagement or misconduct, and abandonment of a project. Possible disciplinary actions include suspension of a certification or registration, revocation, probation, or an administrative fine.

### Rules

The Construction Industry Licensing Board has adopted an extensive set of rules, which are published in chapters 21E-12 through 21E-17, Florida Administrative Code.

### Enforcement

The Construction Industry Licensing Board was established within the Department of Professional Regulation pursuant to Section 489, Part I, Florida Statutes. An organizational chart is included as Appendix E. The Board adopts rules as required or authorized by statute. All licensees are governed by the rules of the CILB.

### Organizational Structure

The Construction Industry Licensing Board is currently set up to operate within the Department of Professional Regulation and the Division of Professions. The Department provides centralized administration for the CILB and other boards. This centralized administration includes purchasing, personnel administration, processing license renewals, administering examinations, processing

complaints, conducting investigations, and prosecution of those who violate the licensing act or board rules. Legal counsel is provided by the Department and by the State Attorney General's Office.

The Construction Industry Licensing Board office is located at 111 Coastline Drive East, Suite 512, Jacksonville, Florida. The board was moved to Jacksonville from Tallahassee in 1974. Section 20.30, Florida Statutes, provides that no board shall be transferred from its location after July 1, 1979, without legislative authorization. Chapter 79-200, Laws of Florida, also provided that the CILB could not be moved from its present location in Jacksonville without legislative authorization.

The current board office of the Construction Industry Licensing Board serves the eighteen board members. The CILB office is responsible for providing staff support services to the CILB and for all portions of licensure with the exception of writing and administering the certification exam. The board office is divided into three divisions: Administration, Discipline, and Applications/Licensure. The board office employs 20 FTE and three OPS positions. (See office organizational chart included in Appendix D.)

The Administration section of the CILB office employs seven FTE positions and is responsible for personnel records, general business and fiscal maintenance, mail data entry, and microfilming. The administrative staff includes the following:

- Executive Director
- Administrative Assistant
- Clerk Typist Specialist
- Staff Assistant
- Senior Clerk
- Data Entry Operator
- Clerk Typist Specialist



The Discipline section of the CILB office employs three FTE positions and works with the Department's legal section to coordinate all disciplinary actions. This section also coordinates all CILB meetings, travel for CILB members, transcription of board minutes, and all disciplinary tracking which includes all fines, probations, and suspensions of licensees. The Discipline section is also responsible for providing this information to building officials and outside agencies. The disciplinary staff includes the following:

Administrative Assistant  
Administrative Secretary  
Secretary Specialist

The Application/Licensure section employs ten FTE and three OPS positions. This section receives, reviews, and schedules candidates for the certified exams three times a year. They are responsible for all areas of licensure, including entry into the system and changes as required in the status of individual licenses. The Application/Licensure staff includes the following:

Business Manager  
Secretary Specialist  
Staff Assistant  
Senior Clerical Supervisor  
Senior Clerk (5)  
Secretary Specialist  
OPS (3)

The primary duty of the CILB office is to serve the 18 members of the Construction Industry Licensing Board. This includes arranging monthly meetings,

handling large quantities of office paperwork, reporting matters of interest, and communicating messages and policies set forth by DPR to the board and general public.

The board staff provides a communication link between DPR, CILB, and the construction industry. The staff produces a CILB newsletter which is sent to active and inactive licensees three to four times a year.

The Construction Industry Licensing Board meets 11 times a year excluding December in various locations throughout Florida. The Board reviews and acts upon examination and license applications, exercises its rulemaking authority, takes final agency action in disciplinary matters, and addresses other issues brought to its attention. Board members serve staggered four-year terms and annually elect a chairman and vice-chairman.

#### Funding

All fees, fines, and other revenue collected pursuant to the chapter are deposited in the Department of Professional Regulation's trust fund and credited to the Construction Industry Licensing Board's account. Regulation of construction contracting is funded solely from Professional Regulation Trust Fund money appropriated to the Department of Professional Regulation by the Legislature.

The table below displays past and projected revenues and expenditures of the Board for the last eight years.

**INCOME AND EXPENSES CHART**  
**CILB**

ACTUAL			
Year	Income	Expense	Cash Balance
1982-83	\$2,993,379	\$2,609,124	\$3,003,478
1983-84	2,352,258	4,409,329	1,154,087
1984-85	4,107,728	4,335,817	1,077,971
1985-86	2,643,385	4,010,532	(417,987)
1986-87	5,030,030	4,355,079	127,069
1987-88	2,812,892	5,054,474	(1,946,484)
1988-89	8,773,837	5,960,188	912,631
PROJECTED			
1989-90	4,541,047	5,564,414	(630,675)
1990-91	\$4,742,760	\$6,006,517	(\$275,223)

The deficit for the 1985-86 fiscal year was the result of a legislatively mandated loan to the Department of Agriculture, which is being repaid. The Board raised renewal fees to counteract this deficit. The repayment of the loan should correct the deficit independently of the increase in renewal fees.

## CHAPTER III ANALYSIS AND INTERPRETATION OF THE DATA

### Survey of Construction Industry Licensing Board Survey

#### Overview

This survey was distributed to members of the Board during a board meeting on January 10, 1991. Responses were returned by mail to research investigators at the University of Florida. There were 25 questionnaires containing seven essay-type questions distributed at the January board meeting. (See Appendix F for a copy of the CILB survey). Of those initial 25, 8 (32%) were completed and returned via mail to researchers at the university.

The objective of the survey was to identify past, current, and future problems facing the Construction Industry Licensing Board. Once problems were identified, answers to these key questions could be established. Investigators could then develop changes and recommendations for accomplishing the mission of the Construction Industry Licensing Board as defined in its enabling legislation.

#### Analysis of Responses

Research Question #1: The purpose of the construction contractor licensing system is to protect the consumer. In your opinion, how well has this purpose been met and how can the system be modified to improve its consumer protection role?

Overall responses from Construction Industry Licensing Board members indicated they believe the licensing system is doing a "fair" job of protecting the consumer. One board member explained, "The system is well set up and if all procedures are followed, it constitutes a fair protection to the consumer." Other

board members stated that consumers need to be aware of the rules and requirements of the licensing system. Ultimately, the consumer is responsible for liens if the bills are not paid by the contractor.

CILB members brought forth several problematic issues that are currently facing the board in its consumer protection role. The main issues brought forth by board members are listed below.

**BETTER ENFORCEMENT AND POLICEMENT OF THE SYSTEM**

The system is well set up and if all procedures are followed, it constitutes a fair protection to the consumer. The real problem is in "enforcing it" and "policing it."

**CILB HAS IGNORED UNLICENSED ACTIVITY**

The unlicensed contractor has virtually operated with total freedom as everybody points to someone else as the cause of his activity. It should be the job of the local people to try to curtail unlicensed activity but most of the local jurisdictions do not know how to do it nor where to start. The CILB needs to lead the local county building officials in passing local codes and setting up local enforcement to get the job done.

**TOO MUCH TIME SPENT PROCESSING COMPLAINTS AND DISCIPLINE**

The weakest link in the system is the extremely long time involved from the filing of the complaint to the disposal of the case. This has improved, however much room for improvement exists.

**MANDATE THE USE OF SPECIALIZED INVESTIGATORS AND ATTORNEYS FOR CONSTRUCTION CASES ONLY**

If the investigators and attorneys handled only construction cases rather than all the complaints from the many professions regulated by the Department of Professional Regulation, they would become more proficient, hence faster.

Research Question #2: The licensing system is a means of assuring that contractors possess at least a minimum level of construction knowledge. In your opinion, what is the best evidence that the workmanship quality of construction contractors in Florida has improved significantly over the years and/or could the system be altered to continue the workmanship quality improvement?

Question 2 was answered by board members with many variations in responses. Board members suggested that the original intent of the licensing system

was not to insure workmanship, but to insure that practitioners have sufficient knowledge to engage in contracting. It is the responsibility of codes and standards to insure workmanship quality. The intense competition among contractors has forced the industry to give the bare minimum that codes and standards allow. Workmanship quality is not a primary issue of the CILB. The majority of the disciplinary cases handled by the Board are associated with insufficient business knowledge. The main issues brought forth by board members are listed below.

**CILB JUDGES MINIMUM CODE COMPLIANCE NOT WORKMANSHIP**

If uniform codes were to be created and applied throughout the state, then we may have way to measure an increase or decrease in compliance. The CILB is tasked to ensure that a contractor meets certain entry level criteria, workmanship is not one of those criteria.

**CONTRACTORS SHOULD HIRE COMPETENT PEOPLE**

Workmanship problems can be minimized by the contractor hiring competent personnel and subcontractors. It has nothing to do with the contractors knowledge of construction.

**VERY FEW CILB DISCIPLINARY CASES HAVE TO DO WITH WORKMANSHIP QUALITY**

The majority of the CILB cases come from lack or misuse of business knowledge. The obvious improvement to the system would be the elimination of "registered" licenses where there is a "certified" classification available. The former does not have the same minimum qualifications nor at times even require an exam. This is to improve standards, not eliminate the "little guy" or minorities.

**TESTING ONLY INVOLVES A SMALL PORTION OF CONTRACTORS**

The bulk of those who perform in the field are not tested nor asked to show competence. These untested group consists are primarily the "Sub-Trades." They are licensed as "registered" contractors and the competence is left up to the local jurisdictions. Local jurisdictions need to take a greater role in licensing under the "registration" category and a greater role in curtailing unlicensed activity.

**THE WORKMANSHIP QUALITY HAS DIMINISHED OVER THE YEARS**

The level of construction knowledge has increased over the years, however, the highly competitive nature of the construction industry has forced contractors to give the bare minimum that codes allow.

Research Question #3: The licensing system administered by the Construction Industry Licensing Board does not penetrate all segments of the industry equally. What modifications in the system do you recommend to accomplish more uniform and complete penetration?

The construction licensing system does not penetrate all areas of the contracting industry equally. Question three was designed to survey CILB members for possible solutions to this problem.

Board members complained of the two-level licensing system that exists currently in Florida. Contractors may be "certified" by the state or "registered" on a local level. This two-tier licensing system complicates the individual roles of the state and local licensing boards. Some board members recommended the elimination of the "registration" category to simplify the existing system. Other board members opted for increasing the role and powers of local jurisdictions to alleviate the increasing workload of the CILB. It was recommended that local jurisdictions need to take a greater role in controlling "registered" and "unlicensed" contractors. The main issues brought forth by board members are listed below.

**INCREASE LOCAL JURISDICTIONAL AUTHORITY IN CONTROLLING REGISTERED AND UNLICENSED CONTRACTORS**

Local jurisdictions need to take a greater role in licensing under the "Registration" category and a greater role in curtailing unlicensed activity. Currently we have a system of certified and registered contractors as well unlicensed individuals. As long as this exists we have no level plane to operate on.

**IMPLEMENT A MODERNIZATION AND COMPUTERIZATION PROGRAM FOR THE CONSTRUCTION LICENSING SYSTEM**

Computerize the contractor licensing system. Supply an updated listing of active licensing participants in all segments of the industry; i.e, building inspectors. Local building departments could access a state data base of contractor information by modem or telephone.

**MANDATE A CERTIFICATION OF BUILDING OFFICIALS**

Implement a state certification of building officials. A certification program would insure minimum qualifications for all building officials.

**COMBINE THE ELECTRICAL BOARD AND CILB**

I think that most trades within the construction industry are equally touched. However, one flaw is having the electrical trade under a separate board. This is totally ridiculous.

Research Question #4: In your opinion, how can the licensing system be modified to reduce the cost and effort associated with its administration?

Question 4 was designed to identify possible solutions to reducing the cost and effort associated with the administration of the licensing system. Board members responded almost unanimously in calling for semi-autonomy or autonomy from the Department of Professional Regulation. Board members stated that if they had control over their own investigators and attorneys, they could better control their costs and resources. Lack of control over the money they bring into the DPR treasury is a serious problem for the Board. One board member explained, "The greatest amount of time and money is spent on the administrating of disciplinary actions." He stated that with their own investigators and attorneys the Board could better apply the time and resources necessary to handle these cases. The main issues brought forth by board members are listed below.

#### CILB AUTONOMY

The Construction Industry Licensing Board should be autonomous from the Department of Professional Regulation. In order for the CILB to reduce the cost and effort associated with its administration it should become autonomous or at least semi-autonomous from DPR. Administrative costs through DPR may be reduced by autonomy, however, this would require a very indepth study. At the present time, the DPR bureaucracy eats away a lot of the monies that the construction industry brings into the common pot. I think that a fair saving in its administration could be realized by going back to "Autonomy" and investigation by its own investigators with better control over these costs.

#### STREAMLINE DISCIPLINARY CASES

The area that uses the greatest amount of time and money in the administration of the CILB is that of discipline. This is a necessary evil, but the costs can be reduced by trimming the time and paperwork necessary to handle cases.

Research Question #5: Through the years, the licensing system has experienced many statutory changes. In your opinion, have these changes altered the original intent of the system? Please explain.



Board members responded with a variety of answers. Several board members responded that statutory changes over the years had not altered the intent of the system. These changes were passed to redefine and help the system adapt to the changing construction environment.

Other board members stated that they were concerned about the constantly expanding coverages of the Construction Industry Licensing Board. The CILB is continually evaluating requests from trades to become licensed, but the Board must determine a realistic limit for trade coverages. The main issues brought forth by board members are listed below.

#### OVEREXPANSION OF CILB COVERAGES

The legislature has required us to license Asbestos Abatement Contractors, Underground Pollutant Storage Contractors, and Response Action contractors. I seriously doubt that this Board ever intended to license these types of contractors.

#### NATURAL ADAPTATION OF LICENSING SYSTEM

These changes have not altered the intent but have been passed to refine and make the system more effective in a changing environment.

#### YES, STATUTORY CHANGES HAVE ALTERED THE SYSTEM

There has been too much emphasis put on the business aspect of the licensing process and not as much on the trade expertise. Also most of the laws and changes deal only with the small number of licensed contractors and do not effect the majority, putting further burdens on the legitimate contractor trying to compete.

Research Question #6: In what respect do you feel that the licensing system will have to change, either in its administration or in its operation, to accommodate the growing Florida construction industry?

Question 6 was intended to survey board members for ideas on how the Construction Industry Licensing Board can adapt to the growing construction industry in Florida. A majority of board members spoke of the need for autonomy

from the Department of Professional Regulation. Autonomy from DPR would better serve to control administrative costs.

The necessity for computerization of Board operations was an issue brought up by nearly all board members on surveys. Computerization is needed to improve information retrieval and transmission between the state and local officials. Board members believe that improved communication between the state and local officials would help to reduce the time and costs involved with administering the licensing system.

Board members felt that the board size should be increased to accommodate better representation of the industry. The increasing trade coverages and number of licensees warrants an increase in the number of members on the Board.

Other suggestions from board members include: streamlining the disciplinary process to speed up cases and reduce case loads, certification of building officials to ensure minimum standards, elimination of the "registration" category, and combining the CILB and Electrical Board to eliminate the current duplication of work that both boards perform. The main issues brought forth by board members are listed below.

#### **CILB AUTONOMY FROM DPR**

The CILB should be semi-autonomous or autonomous from the DPR. Autonomy would help to control costs and apply manpower more efficiently. The administering must change. If the autonomy of the CILB is not possible, the whole DPR bureaucracy must change.

#### **MODERNIZE AND COMPUTERIZE THE CILB**

Contractor information should be accessible by an "800" phone number with modem or push-button network accessibility. Automation for the Construction Industry Licensing Board is needed presently. The computerization effort cannot get caught up in any more red-tape delays, political favors, and further increases in the size of the middle to upper management. This is not where assistance is needed.

#### **INCREASE THE SIZE OF THE BOARD**

The size of the board must be increased. Currently DIV II has only one representative from each of the industries. It creates undue hardship in terms of workload for each of those members. There should be

at least two representatives. We have over 90,000 licensed contractors and they deserve to be represented.

#### MORE TIMELY ENFORCEMENT & STRICTER PENALTIES

The enforcement techniques have to be modified. Presently, the CILB spends 60% of its time trying to administer justice to complaints received from customers. The results obtained do not warrant the effort input. The time spent between the time a violation is spotted to the time final action is taken is outrageously long. The majority of the fines imposed are never collected and a good part of the revocation or suspension of licenses are going to people that have already left the construction industry.

#### HAVE "CERTIFICATION" ONLY / ELIMINATE REGISTRATION

Eliminate registration of contractors on local levels of the licensing system. This would simplify the entire licensing system and greatly reduce costs and increase efficiency.

#### COMBINE CILB WITH THE ELECTRICAL BOARD

Combining the CILB with the Electrical Board is only natural since there is actual contact between the two areas on almost every project. This would serve as a major cost savings and also be extremely practical.

Research Question #7: Please comment on any issues related to the existing licensing system and how these issues can be resolved.

Board members' responses to Question 7 brought forth many suggestions similar to those in the preceding questions. Question 7 was designed to survey board members on any problems or suggestions that had not been previously addressed in the survey. Responses included combination of the Construction Industry Licensing Board and Electrical Board to eliminate duplicating efforts and costs, streamlining the testing system to reduce related time delays, computerizing the contractor licensing system to increase efficiency and reduce time and costs, provide methods for better administration and enforcement of requirements, gain autonomy from DPR to regain control of costs and personnel, and provide better local jurisdictional guidance to better control unlicensed activities. The main issues brought forth by board members are listed below.

#### COMBINE CILB AND ELECTRICAL BOARD

The electrical board is an integral part of any construction project, the electricians have a separate Board. Having two separate boards duplicates efforts and costs.

#### STREAMLINE THE TESTING SYSTEM

The entire testing process should be streamlined and more emphasis should be placed on business administration. Any good business person can be a good contractor.

#### MODERNIZE AND COMPUTERIZE THE LICENSING SYSTEM

One area of potential problems is that a licensee is given a two-year license and if it is suspended or revoked, the licensee still has the piece of paper stating that they are licensed. With the advent of electronics, I would like to see each license carry a credit card type identification that could be used to check the computer for validity every time a permit is pulled. This would avoid bogus permits being issued and would give us a permanent record of each licensee's activity. Automation of the licensing system would solve a majority of the current issues facing the system. Most present problems require money to solve problems i.e. updated computers, phone systems, and personnel on the "front line." Automation of the CILB would reduce a lot of money now going to DPR simply to keep personnel employed, not to serve a direct benefit.

#### BETTER ADMINISTRATION AND STRICTER ENFORCEMENT OF VIOLATORS

The administration and enforcement of violators are the two main problems of the current licensing system. The time, cost, and effort involved in administering justice do not warrant the effort input.

#### AUTONOMY FROM THE DPR

Autonomy from the DPR would help to reduce costs and gain control over investigative and legal fees. Autonomy of the CILB from DPR is an absolute must. Most governmental departments are bureaucratic nightmares growing larger and more out-of-control each day.

#### PROVIDE BETTER LOCAL JURISDICTIONAL GUIDANCE

The licensing board needs to prepare a package for use by local building officials to implement the necessary codes and rules for local tightening of licensing and punishment of those who are not licensed and who do not follow local codes. The CILB needs to take a more prominent roll in educating the local building official.

### Conclusion

All of the Construction Industry Licensing Board members who participated in the survey had similar recommendations for improving the construction licensing system. Board members helped to identify many of the problems currently facing the construction licensing system. Three particular issues were common among most of the board members' surveys (\*). They were autonomy from the Department of Professional Regulation (DPR), computerization of the construction licensing

system, and reduction of the time and costs involved with the administration and enforcement of complaints and disciplinary cases. The most common issues facing the licensing system are as follows:

- (1)\* Provide the C.I.L.B. "Semi-Autonomy" from the D.P.R.
- (2)\* Computerize and Automate the C.I.L.B.
- (3)\* Streamline Complaints and Disciplinary Processes.
- (4) Provide Better Control of Unlicensed Contractors.
- (5) Improve Communications with Local Officials.
- (6) Dedicate Investigators and Attorneys for Construction Cases.
- (7) Increase Allowable Punishments for Violators.
- (8) Provide Better Enforcement and Policing of the System.
- (9) Combine C.I.L.B. and the Electrical Board.
- (10) Increase Size of the C.I.L.B..
- (11) Limit Expanding Trade Coverages of the C.I.L.B..
- (12) Require Better Business Knowledge and Education.

### Survey of Building Officials Association of Florida

#### Overview

The survey of building officials was distributed mid-April 1991 to 200 selected members of the Building Officials Association of Florida (BOAF). The

objective of this survey was to provide answers to key questions brought forth from the survey of the Construction Industry Licensing Board (CILB) about the state licensing system. Responses from building officials were helpful in identifying problems that currently exist between the state and local jurisdictions. Building official responses thereby benefited investigators in developing recommendations for accomplishing the mission of the Construction Industry Licensing Board.

The initial survey mailing consisted of 200 randomly selected building officials from the B.O.A.F. membership listing. Of the 200 surveys that were mailed, 34 building officials responded to the essay questionnaire (17%). Presented in this chapter is an analysis of the data collected from this survey and a summary of the findings.

### Analysis of the Responses

Research Question #1: (a) The purpose of the construction contractor licensing system is to protect the consumer. In your opinion how well does the current licensing system meet this purpose?

- |                     |                      |
|---------------------|----------------------|
| (1) Extremely Well  | (4) Little           |
| (2) Moderately Well | (5) Extremely Little |
| (3) Adequate        |                      |

(b) If you feel the present system is inadequate, what areas of the state and local licensing systems can be modified to improve its consumer protection role?

Building officials who answered Question 1 had mixed responses. The responses were as follows: two respondents (5.8%) said the licensing system was working "extremely well," seven respondents (20.5%) said the licensing system was working "moderately well," 14 respondents said the licensing system was working

"adequately," ten respondents said the system was accomplishing "little," and the remaining one respondent said the system was accomplishing "extremely little." The distribution of responses are shown below in Figure 1.

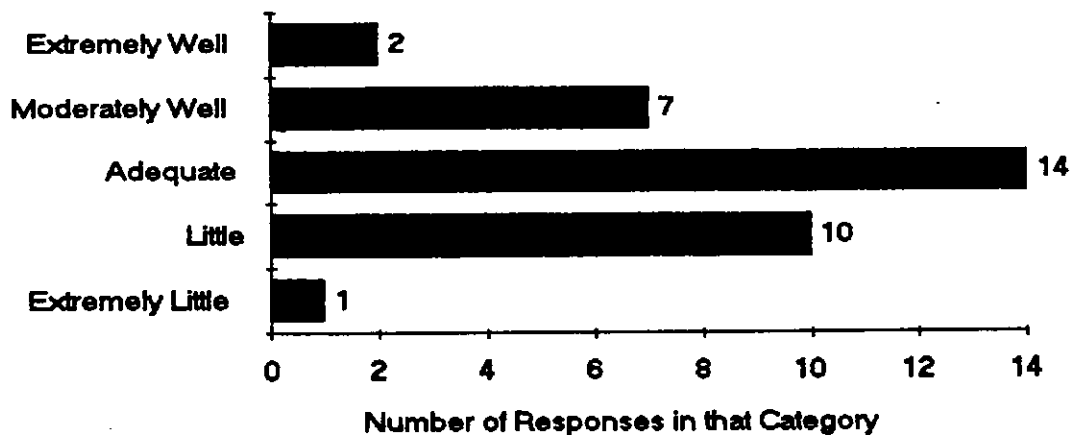


Figure 1 How Well the Construction Licensing System Protects the Consumer

Respondents who answered negatively towards the current contractor licensing system listed many reasons for their present dissatisfaction. Complaints generally included the lack of efficient enforcement, investigation, prosecution, and disciplinary actions. A building official explained, "Typical cases turned over to the state after a local board action against a contractor take approximately one to two years before the case comes up before the DPR. This extended period of time allows the contractor under prosecution to cause a lot of problems before his case is finally heard." The following is a summary of the major complaints given by building officials in their returned surveys.

**UNLICENSED ACTIVITY**

There is a large amount of unlicensed activity in the state. Several officials suggested that they should have more immediate power to issue fines at the time of violation.

#### INCREASED FIELD STAFF

There needs to be an increase in manpower that is available to local officials. These are the people responsible for enforcing the state and local licensing system regulations. An adequate field staff would improve efficiency and coverage. There is a great need for more investigators with more specialized powers.

#### INCREASE FINANCIAL REQUIREMENTS

Require higher financial requirements for contractors applying to qualify for state certification and require bonding for all licensed contractors. This will enable injured parties a means for collecting for damages.

#### STREAMLINE COMPLAINTS & DISCIPLINE

There must be streamlining of the current disciplinary process. Reduce time and effort involved with processing complaints.

#### IMPROVE PUBLIC AWARENESS

Improve public awareness of the state licensing system, especially in the senior citizens population. The public that hires unlicensed persons should be held responsible for their illegal actions. The public should be more educated on the licensing system in order reduce their reliance upon it. The best protection has always been, and will remain, "buyer awareness."

#### IMPROVE COMMUNICATION

There has to be greater communication between the state level and the local levels of the licensing system. The state relies upon the local levels for enforcement of the state laws. Without better communications efficiency and productivity is lost.

#### INCREASE LOCAL AUTHORITY

Allow Local Code Enforcement boards more authority to administer fines for violations—some type of 1st offense procedure. This would reduce state level workloads.

#### RECORDS MANAGEMENT

Local level licensing boards should adopt a more unilateral licensing procedures relating to records management. This way records of complaints and contractor histories would be available to all municipalities.

Research Question #2: Are any segments of the construction industry not adequately covered by the licensing system? If so, what areas, and what improvements can you suggest?

Building officials who responded to Question 2 were generally concerned with the increasing trade coverages of the licensing system. The nature of the construction industry lends itself to many specialized trades. The state level of the system certifies only so many of these trades. Trades outside the state certifications are at the discretion of the local level licensing jurisdictions to be required for registration. This two-level licensing system creates many of the existing problems



reported by building officials in terms of executing and enforcing the licensing system. The primary concerns of the building official are as follows:

**SECOND LAYER WORKERS**

Employee leasing , labor pools, temporary help creates a lot of problems. Concrete people, carpenters, laborers, etc. work for these people. They make all the necessary deductions and are covered by their insurance. These people are acting as subcontractors and they should have to pass the proper exam and be licensed by the state as well as local level.

**Second Layer of Unlicensed Activity (Work for GC)**

- (d) Drywallers
- (e) Steel Erection
- (f) Concrete Work

**PRESENT SYSTEM ADEQUATE**

Present rules and regulations should be properly administered before further procedures are added.

**CONTROL SUB-CONTRACTORS**

Sub-contractors need tighter control and licensing qualifications

**NO MORE TRADES**

Too many specialties are being created. This makes the job of the building departments very difficult to determine who is qualified or just what. Do not license any more trades.

**UNLICENSED ACTIVITY**

Unlicensed activity needs to be better controlled. In the past there has been little obvious control and no penalties. There needs to be more a vigilant effort in prosecuting these individuals.

**INCREASED CONTRACTOR EXPERIENCE**

Require more contractor field experience. Many contractors are just construction brokers.

**PROBLEM TRADES**

Specific trades not adequately covered by licensing system:

- (a) Home improvements/repairs
- (b) Fence installers
- (c) Masonry
- (d) Carpentry
- (e) Sign contractors
- (f) Mobile home industry

**ELIMINATE LOCAL LICENSES**

Eliminate locally issued licenses. Have state certification only.

Research Question #3: (a) What are your feelings toward current state regulation of the construction industry?

- (1) Underpopulated
- (2) Satisfied Presently
- (3) Overregulated

(b) Do you feel the future of the state construction industry will involve greater or fewer government regulations? Please explain.

(1) Greater

(2) Fewer

The majority of the respondents believe the future will involve greater government regulations pertaining to the contractor licensing system. Most building officials hope for fewer, but anticipate more future governmental regulations, see Figures 2 and 3 below. These additional regulations are enacted due to the increase in the number of contractors, increases in population, and political involvements. Building official apprehension towards additional regulation comes from the shortages of manpower that already exist on the local levels of the licensing system. More regulations mean greater roles for local level personnel.

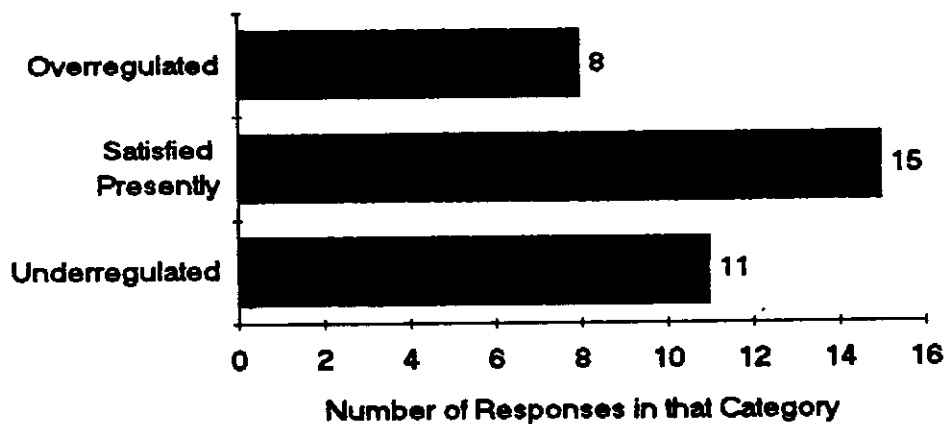


Figure 2 Regulation of the Current State Licensing System

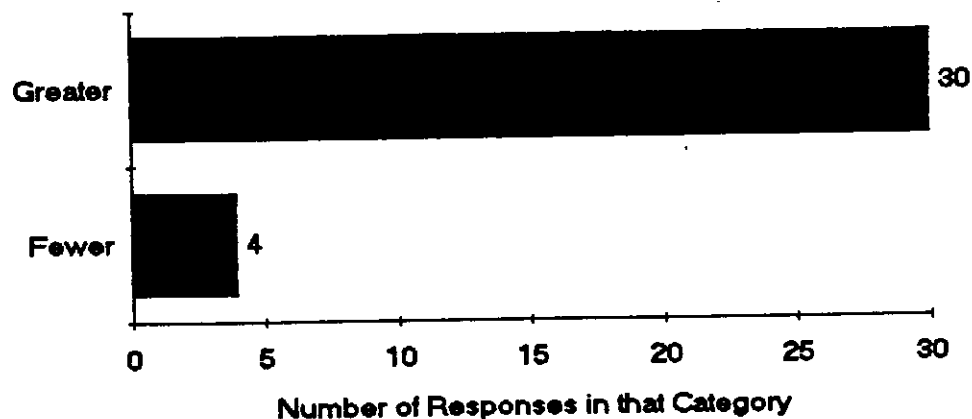


Figure 3 Do You feel the Future Will Involve Greater or Fewer Regulations?

The primary concerns of the building official are as follows:

**MORE ENFORCEMENT PERSONNEL**

The construction industry continues to grow. As the number of contractors in Florida gets larger, added enforcement will be required. It has been the state's policy to pass regulations at the legislative level. They do not have adequate state personnel to enforce their regulations, however they put the burden on the Building Official.

More People—More Growth—More Regulations

**SIMPLIFY SYSTEM**

The system needs simpler licensing, stronger enforcement of more limited requirements, greater access to information, and streamlined judicial system. The more complex the system the more people that are need to operate it efficiently.

Research Question #4: What problems, if any, does the existence of both state licensed and locally registered contractors present for building officials in terms of administration and enforcement of the licensing system?

Question 4 was designed to explore problems that have developed due to the existence of a two-level licensing system. Currently, contractors can perform work in Florida by becoming state "certified" or locally "registered." These two levels of

contractor qualification have complicated the licensing system in terms of discipline, information management, enforcement, etc.

Responses from building officials indicate that there is currently a duplication of effort between the state licensing system and local jurisdictions. The two systems are carrying out similar duties which results in a duplication of effort. Building officials suggested allocating more power to local authorities in order to handle more cases on the local levels.

Many of the building officials who responded to Question 4 suggested eliminating the local registration of contractors and maintaining only state certification of contractors. Building officials in favor of having only a state certification of contractors felt that a single means of qualification would simplify the entire system. Simplification would thus reduce the cost, time, and effort involved with enforcing such a system. Building officials who were against eliminating the local registration of contractors explained that elimination would make it harder for the "little guy" to become licensed. Typical building officials responses are as follows:

**CERTIFICATION ONLY**

The existence of both "Certified" and "Registered" contractors is the basis for many of the problems. Perhaps the answer is Certification only. It is a confusing mess. If the system could gradually phase out the locally registered classification it would clean up the system. Some local registrations are too easy to get.

**COMMUNICATION BETWEEN STATE AND LOCAL**

Communication of information takes too long.  
State to be involved with tracking data on contractors

**DUALITY OF EFFORTS**

Give the local authorities more power to discipline registered contractors if the state cannot handle the load.

Research Question #5: In your opinion, how can the local or state licensing systems be modified to reduce the time, cost, and effort associated with processing complaints and executing disciplinary actions against state licensed and locally registered contractors?

Question 5 was intended to look for answers to problems that the current contractor licensing system is experiencing. The previous survey of the Construction Industry Licensing Board indicated that there are substantial problems with controlling the time, cost, and effort related to processing complaints and executing disciplinary actions against violators.

Building official responses included providing more and specialized staffing to enforce and investigate the current system, returning power to local jurisdictions, and maintaining a centralized contractor computer database. Many of the respondents explained that the lack of centralized information hinders their efficiency. A centralized computer system listing registry, violations, and immediate contractor information would serve to reduce the time, cost, and effort associated with complaints and discipline. Typical building official responses to Question 5 are as shown below.

**PROVIDE ADEQUATE STAFFING**

There needs to be a greater effort in executing disciplinary actions taken against contractors. This could mean additional manpower and less red tape. Create one licensing system like other boards have in place. Provide adequate staff to enforce recent or future regulations. Assign a state investigator specifically to each county. Everyone is overworked and understaffed. This amounts to a slowdown in responding to complaints and taking disciplinary action against contractors.

**MANDATE STRICTER PENALTIES**

Prosecute offenders to the limits of the law. Revoke/suspend licenses for flagrant violations or repeat offenses.

**CREATE A STATEWIDE COMPUTER CONTRACTOR DATABASE**

Generic form for complaints that both the local and state personnel could implement. This would cut down on the paperwork involved for processing a complaint. This data base would be accessible to all local building department officials. It would contain all relevant information on licensed contractors in the state.

**GIVE GREATER AUTHORITY TO LOCAL LEVELS**

If local code boards had more authority to execute disciplinary cases they could reduce the state level workload. Reduce the duplication of effort between the state and local officials. Utilize local boards to review all licensed complaints first. Local processing of complaints and disciplinary actions.

**ASSIGN SPECIALIZED INVESTIGATORS**

Assign investigators to construction cases only. Construction would have its own group of investigators dedicated to construction cases only.

Research Question #6: Given that there is both state and county licensing of construction contractors, how can the system be modified to improve communication among local, county, and state authorities?

Question 6 was intended to uncover problems and find answers to any communication and information problems that exist between the state licensing system and local jurisdictions. A previous survey of the Construction Industry Licensing Board indicated that there was poor communication of licensing and contractor information between the state and local levels of the system.

Building officials responded almost unanimously for the need of a centralized state contractor database and closer contact between local offices and the state. Building officials want a system where contractor information can be easily accessed by the local officials either by modem or dial-up touch tone service. They also complained of the difficulty of getting through on the existing 800 phone lines in Jacksonville. In general, the problem lies in the separation of the state and local jurisdictions. Typical building official responses to Question 5 are as shown below.

**STATEWIDE COMPUTER CONTRACTOR DATA BASE**

Provide a data-base that everyone could access by a 9600 baud dial-up modem. It could list registry, all violations and where authorities could get immediate information. Centralize complaints, contractor registrations, all information at one clearing house at DPR or CILB.

**CILB STAFFING AND PHONES**

Better staffing of the CILB phone lines for information. It is very difficult to get through on the phone.

**STATEWIDE SEMINARS**

Seminars involving local, county, and state authorities so that we can come together and discuss our common problems, goals, and needs.

**Research Question #7:** (a) Do you feel the implementation of a statewide computer contractor data base would be of any benefit to local and state authorities of the licensing system?

(b) If so, what licensing system data would be the most valuable information required by local and state authorities?

Question 7(a) was designed to solicit an overall response from building officials regarding a statewide computer contractor database. Of the 34 building officials who responded to the question, 29 (85.3%) indicated that such a system would benefit state and local authorities of the licensing system. Only five respondents (14.7%) said that such a system would not benefit the licensing system. See Figure 4 below for distribution of survey respondents.

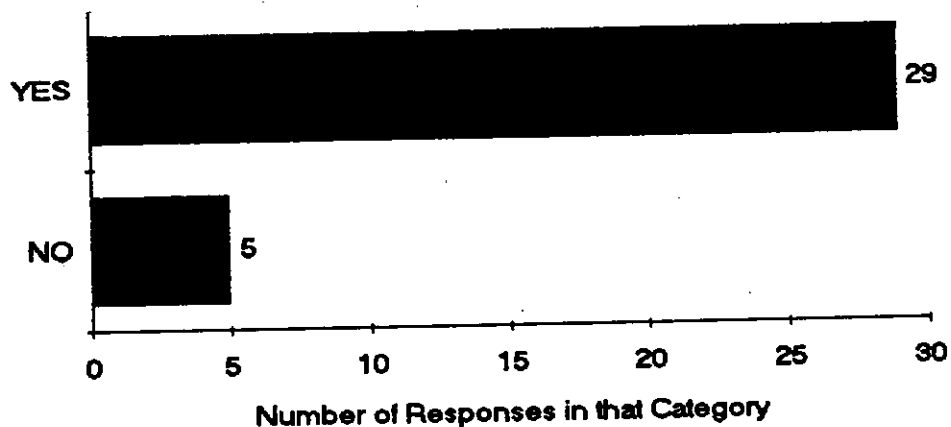


Figure 4 Do you feel a Statewide Computer Contractor Database would Benefit the Licensing System?

Question 7(b) was designed determine what information would be the most valuable to local officials. This licensing information would be accessible to the local and state officials via the statewide computer database. Building Officials listed 13 areas that they would like to see covered in the proposed computer network. Typical building official responses to Question 7 are listed below.

**IMPORTANT CONTRACTOR INFORMATION TO BE INCLUDED IN COMPUTER DATABASE**  
This would be a great benefit but it would have to be kept up-to-date and made easily accessible to the local building departments. The system could be made up of PCs in local building departments connected by modem to the central computer at DPR or the CILB offices. The system could also operate on a "credit card" type basis. Each contractor would be given a personal ID card that would be run thru a magnetic reader at the building department permit office. Important information to be contained in the data-base would include:

- (1) Type of license and renewal date
- (2) Insurance expiration date
- (3) Status of license & licenses held
- (4) Qualifier & dual qualifier
- (5) Current address & phone
- (6) Liability & Workman's Comp information
- (7) Violations, complaints, and penalties history
- (8) Permitted work history
- (9) Bonding company
- (10) Pending litigation or violations
- (11) Business headquarters of the qualifier
- (12) Accounts, financial data, real property
- (13) Years in service

Research Question #8: Do past state and local licensing board action in the form of revocations, suspensions, and fines, adequately serve to deter future offenders? If not, please expand on possible solutions.

Question 8 was designed to gather opinions from building officials as to whether current penalties against violators of the state and local licensing systems are adequate to deter future offenders. Previous surveys of the Construction Industry Licensing Board indicated that board members were not satisfied with



maximum penalties allowed by law. Board members were in favor of passing stricter laws and regulations.

Responses from building officials indicated that they also were in favor of stronger penalties for violators. Other responses expressed the need for more specialized enforcement personnel, expedition of disciplinary actions, and increasing local boards' disciplinary powers. Typical responses from building officials for Question 8 are shown below.

**MORE ENFORCEMENT & STRONGER PENALTIES**

Investigations take too long to be effective and when offenders are prosecuted they are usually given a slap-on-the-wrist. Local personnel are not properly notified about board disciplinary actions. It is too easy for a person/contractor to change company names and go on contracting. Penalties for violations are not severe enough to deter future offenders.

**CURRENT DISCIPLINARY ACTIONS TAKE TOO LONG**

Actions take too long to complete, therefore giving the offenders additional time to rip people off.

**INCREASE LOCAL BOARD DISCIPLINARY POWERS**

Local boards need to have the power to fine contractors in a similar manner as the state board. The local boards should be used as the first level of action against violators. The state board should be used as an appeals board. Current disciplinary action by local and state boards is a duplication of efforts and a waste of time and money.

Research Question #9: Certification of building officials has been a subject of discussion for many years. What are your feelings towards a building official certification program, and would such a program serve to improve or harm the current licensing system?

Question 9 was targeted toward building officials in order to solicit their opinions on how a statewide certification program would affect the contractor licensing system and their positions in that system. Would such a certification program improve their roles or just increase their responsibilities?

The majority of the building officials who responded indicated that a mandatory certification program would serve to greatly improve the quality of personnel working as building officials or inspectors. Twenty-nine of the 34 respondents indicated their support for mandatory certification (85.3%). Three building officials (10.3%) indicated they did not support certification mainly because of the added responsibility and costs associated with such a program. Figure 5 below illustrates the distribution of responses for Question 9.

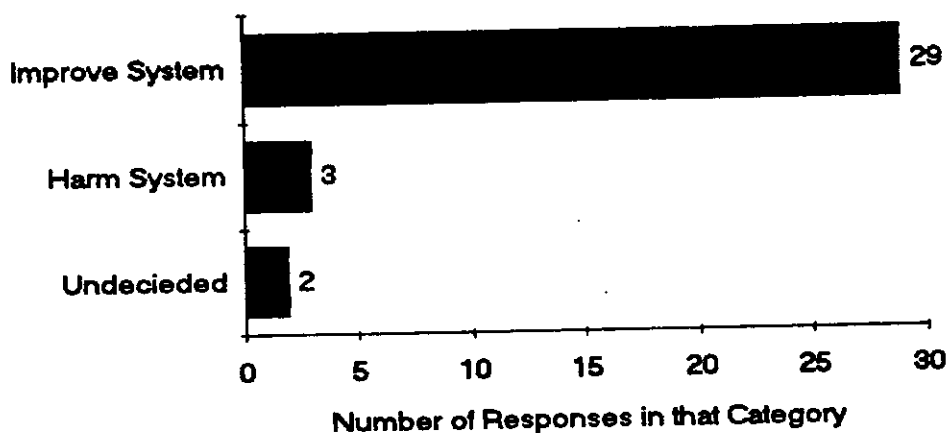


Figure 5 Would a Building Official Certification Program serve to improve or harm the current licensing system?

Typical building official responses for Question 9 are listed below.

**ENSURES COMPETENT PUBLIC SERVICE**

Building officials should be certified. It helps the licensing system as an adjunct to ensuring or improving the chances of competent public service. Certification of inspection personnel should be mandated. Certification of Building Officials would enhance the system. If they are going to enforce the codes and ordinances they should be just as qualified as their peers.

#### NO IMPROVEMENT TO LICENSING SYSTEM

A building official is more management than a code expert. I feel the certification program will not improve anything. Has it helped with contractors? A certification program would plunge many small communities into bankruptcy. They cannot afford a certified Building Official, a certified Electrical Inspector, etc.

#### UNDECIDED ON OUTCOME OF CERTIFICATION

It may be a two edged sword. It may make officials afraid to enforce the code for fear that a complaint would be filed against them by a contractor. Their certification should be under a different state agency than contractors. This should minimize frivolous counter claims by contractors when the local board or inspection department disciplines a contractor.

Research Question #10: Describe what you think about a Building Official certification program for the state. Would a certification program serve to improve or harm the current licensing system operation?

Question 10 was designed to gather opinions on how a Building Official certification program should be implemented and operated. Should such a program be mandated? Should continuing education be required?

Respondents to the question agreed that a Building Official certification program should be mandated. Many officials stated the existence of many currently operating programs that could be used for mandatory certification. These programs include BOAF (Building Officials Association of Florida), SCBBI (Southern Building Code Congress International), and CABO (Council of American Building Officials). The majority of the responding officials agreed that a certification program would improve the system and provide consistency throughout the state. Typical responses from building officials include

#### MANDATING A CERTIFICATION PROGRAM

It would complicate the system and create a situation where complaints forwarded from the Building Official could be influenced based on his level of certification or lack of. It would be one more state function which we cannot afford.

Anything will improve the system. The attitude has to change about officials and inspectors. Certification means more compensation, more compensation means better inspections, better inspections mean safer

and hazard-free construction. Its long overdue. The more consistent program that we have throughout the state, the more effective we will be.

SBCCI and CABO have good programs existing. Do not go making up new unnecessary programs, just utilize the programs that already exist.

Research Question #11: In what respect do you feel the contractor licensing system in Florida will have to change, either in its administration or in its operation, to accommodate Florida's increasing growth?

Question 11 was a general inquiry planned to bring out the primary problem areas of the current licensing system in the views of the building officials. The major problem issues at the local level of the licensing system need to be identified. Once these problems are identified, solutions can be put forth and implemented to correct the problem areas.

The main areas of concern for building officials in response to Question 11 was the lack of communication between the state level of the licensing system and local officials at the county and city levels. Currently, there is little or no verbal communication between these two parties. Numerous building officials complained about the lack of information that was available to them at local levels concerning state licensed and county registered contractors. Information transmission between the state and the local officials is very slow and sometimes not available. Almost all responding building officials (85.3%) confirmed the need for a statewide computer network to track contractor licensing information. Computerization of the contractor licensing system was a key issue concerning building officials. Other issues brought up by building officials were increasing the number of enforcement and investigative personnel and adopting uniform codes and forms to be used by all

jurisdictions to unify the licensing system throughout Florida. Typical responses from building officials for Question 11 are listed below.

**COMPUTERIZATION OF LICENSING SYSTEM**

Connect the local levels of the licensing system into a network with the larger data-bank of the state licensing system. Improve internal communications and management information systems inside the Department of Professional Regulation. Provide complete licensing information for state certified contractor applicants to local governments, including forms, test dates, fees & all necessary requirements. Currently we have to make a long distance call to Jacksonville to get all this information. We need a system where Building Officials can do an instant check on the contractor including current Workman's Comp Insurance, etc. and name of qualifier, phone, and address.

**CREATE A UNIFORM CODE AND OFFICIAL FORMS**

The state should adopt a uniform code and forms to be used by all local licensing systems statewide.

**INCREASE "FRONT-LINE" ENFORCEMENT PERSONNEL**

There is a great need for additional field investigators. These investigators must be in the field and not in the office. Increase the number of field investigators, this is the only way to keep up with the increase in growth.

Conclusion

The building officials who responded to this survey brought forth many of the same ideas and suggestions as did Construction Industry Licensing Board members. Although the number of respondents was very low, (34 out of 200 surveyed or 17%), most of the building officials who did respond brought forward very similar points. The most common points were

- (1) Implement a Computerization Program for the Contractor Licensing System.
- (2) Assign Specialized Construction Investigators.
- (3) Mandate a Building Official Certification Program.
- (4) Mandate Stricter Violation Penalties.
- (5) Improve Communications Between State and Local Officials.

- (6) Increase Existing Field Staffs.
- (7) Increase Local Jurisdictional Authorities.
- (8) Streamline the Complaints and Disciplinary Processes

Interview with  
Mr. Michael Blankenship  
Past Chairmant and Current Board Member  
CILB

Introduction

The initial questionnaire urvey of the Construction Industry Licensing Board (CILB) members was followed by a series of interviews conducted with key personnel related to construction licensing. The first of these personal interviews was conducted with Mr. Michael Blankenship. He is a previous chairman and current member of the CILB. Mr. Blankenship was influential in establishing the need for this study because he felt that it would be a good idea for the CILB to be examined by an outside source. He felt that an outside source could be helpful in identifying and solving the current problems facing the board. Final results of this survey will aid in increasing the board's efficiency and reducing costs.

The interview with Mr. Blankenship was held on March 29, 1991, in Tallahassee, Florida. Present at the meeting were Mr. Michael Blankenship and Dr. Wielen Chang (University of Florida's School of Building Construction).

The questionnaire survey of CILB members was conducted to help investigators identify the primary problems the facing the board. The objective of

the interview with Mr. Blankenship was to discuss the results of the CILB survey, identify current problems facing the board, and discuss possible solutions.

### Conclusion

The interview with Mr. Blankenship uncovered two key points. He believes a certification program for building officials and semi-autonomy of the CILB from DPR are the primary solutions to solving the problems currently facing the board.

A certification program for building officials would serve to

- (1) unify interpretations of building codes;
- (2) establish a code of ethics for building officials;
- (3) enable complaints to be filed against building officials;
- (4) unify the professional standards of building officials; and
- (5) improve relationship and communications between state and local officials.

A semi-autonomous status for the CILB from the DPR would serve to

- (1) enable the CILB to better control and track costs;
- (2) enable the CILB to hire its own prosecutors; and
- (3) select better cases to be heard in front of the board.

Interview with  
Director, Division of Real Estate  
Mrs. Darlene Keller

Introduction

Following the interview with Mr. Michael Blankenship, investigators interviewed the Director of the Division of Real Estate, Mrs. Darlene Keller. The purpose of the interview was to determine in what administrative areas the Division of Real Estate currently operates semi-autonomously from the Department of Professional Regulation (DPR).

During the previous interview with Mr. Michael Blankenship the issue of the Real Estate Commission's semi-autonomous status from the DPR was brought forth. Mr. Blankenship stated that the CILB could operate more efficiently and at less cost if it held the same degree of semi-autonomous operation of that of the Division of Real Estate.

The interview with Mrs. Darlene Keller was held on May 20, 1991, in Orlando, Florida. Present at the meeting were Mrs. Darlene Keller and Dr. Weilin Chang (University of Florida's School of Building Construction).

The meeting with real estate personnel was centered around several important semi-autonomy issues. First, to what degree and in what areas of administration is the Division of Real Estate autonomous from the DPR. Second, how does the Division of Real Estate compare in function and efficiency to the CILB. Finally, what are the primary advantages and disadvantages of their semi-autonomous role within DPR.



## Conclusion

The interview with the Director of the Division of Real Estate clarified the semi-autonomous condition in which the division operates within in the DPR. The Division of Real Estate operation is within the regulatory umbrella of the DPR. After the regulatory reorganization of the licensing boards in 1979 under the DPR, the Division of Real Estate was able to retain certain administrative powers held with prior to 1979. The Division of Real Estate operates within the same appropriations process as do all the other licensing boards. The administrative areas that differentiate the Division of Real Estate from other licensing boards are

- (1) The Real Estate Board retains its own legal staff.
- (2) Investigators are dedicated exclusively to real estate complaints.
- (3) Operations are performed in-house for
  - (a) processing applications,
  - (b) scheduling exams,
  - (c) conducting testing, and
  - (d) developing their own exams.

\*See Appendix E for a chart of the organizational relationships of the licensing boards and the DPR.

The Division of Real Estate and the Construction Industry Licensing Board operations have little in common. The diversified nature of the construction industry tends to create a licensing system that is also diversified. The Division of Real Estate operation is much more simplified. There are fewer board members, committees, and categories of licensing, yet it holds greater internal administrative control over its operations.

Both boards concerning the accounting method used by the DPR. There is considerable apparent ambiguity in the accounting method utilized by the DPR. The accountability problems of the DPR are universally vague among the boards.

Interview with  
Director, Division of Professions  
Mr. Bob Ashburn, Ph.D.

Introduction

An interview with Dr. Ashburn (Director, Division of Professions) was held on May 15, 1991, in Tallahassee, Florida. Present at the meeting were Dr. Ashburn, and Dr. Weilin P. Chang (University of Florida's School of Building Construction).

The objective of the interview with Dr. Ashburn was to discuss problematic areas in the regulatory relationship of the DPR and its umbrella of licensing boards, in particular the CILB and the Real Estate Commission. Primary issues for discussion were

- (1) the "semi-autonomous" operation of the Real Estate Commission with the DPR;
- (2) possible future "semi-autonomous" status for the CILB;
- (3) complaints over the accountability of revenue between the DPR and its boards;
- (4) computerization and modernization of the CILB;
- (5) certification of building officials; and

- (6) the roles of Real Estate Commission and CILB.

### Conclusion

Dr. Ashburn stated three main points in his interview. First, current board members have certain misconceptions regarding the current role of the CILB. Dr. Ashburn believes the Board does not understand their new role as it is spelled out in Chapters 455 and 489, Florida Statutes. Second, board members are confused about what accounting information is available to them and how to interpret it. Finally, the Board needs to address only the issues that are related to its statutory role. The Board should not get involved in areas of decision making that do not relate to this role.

During his interview with investigators, Dr. Ashburn expressed seven points relating to improving the efficiency and productivity between the DPR and the CILB. Those points are as follows:

- (1) The primary purpose of the CILB is to hear and review cases similar to that of a grand jury.
- (2) The CILB needs to remain within their role spelled out in Chapters 455 and 489 of Florida Statutes.
- (3) The Real Estate Commission is not "semi-autonomous."
- (4) The size of the CILB should be reduced.
- (5) The location of the Board does not serve a close proximity to management.
- (6) Building officials should be licensed and regulated outside the CILB.
- (7) Regulate "registered" categories on a local level, not state level.

Interview with  
Construction Industry Licensing Board

Introduction

The group interview with the Construction Industry Licensing Board (CILB) members was scheduled after the previous questionnaire survey of board members had been analyzed. Nine problematic areas involving the construction licensing system had been noted by CILB members. These issues were the main topics for discussion with board members:

- (1) "Semi-autonomy" for the CILB from the DPR.
- (2) Combine the Electrical Board the CILB.
- (3) Too much time and money involved with complaints and discipline.
- (4) Better policing and enforcement of the system.
- (5) Certification of building officials.
- (6) Better control of unlicensed activities.
- (7) How to cope with extending coverages of CILB.
- (8) Problems developing from "two-tier" licensing system.
- (9) Computerization and modernization of CILB.

The interview with the CILB members was held on April 11, 1991 in Daytona Beach, Florida. Present at the meeting were members of the Construction Industry Licensing Board, Daniel O'Brien (Executive Director of the CILB), and Dr. Weilin Chang (University of Florida's School of Building Construction).

The main goal of this research study was to investigate and identify solutions that could increase the efficiency of the CILB. The initial questionnaire-survey of CILB members helped to identify the primary problems facing the Board. Investigators were now interested in finding possible solutions to these problems.

### Conclusion

During the interview with Construction Industry Licensing Board members, investigators were introduced to several possible solutions that board members felt could help to solve current CILB inefficiencies. The primary solutions to current CILB problems are as follows:

- (1) Computerize and modernize the CILB office.
- (2) Streamline and simplify current two-tier licensing system.
- (3) Give local boards authority to discipline "registered" categories
- (4) Certify building officials.
- (5) Establish a statewide computer network of local building departments and state board office using "credit card" type system.
- (6) "Semi-autonomous" status for the CILB from the DPR.

According to board members the primary issue concerning current CILB inefficiency is the lack computerization and modernization. The immediate need for computerization includes automation of the CILB office in Jacksonville and establishment of a computer network that would connect all the building departments throughout Florida.

Interview with  
Mr. Daniel O'Brien  
Executive Director  
Construction Industry Licensing Board

Introduction

The interview with Mr. Daniel O'Brien (Executive Director, Construction Industry Licensing Board) was the last of a series of interviews with industry professionals related to the construction licensing system. Investigators had interviewed members of the CILB, the DPR, and the Real Estate Commission. Surveys had been sent to members of the CILB and the BOAF (Building Officials Association of Florida).

The interview with Mr. O'Brien was held on May 23, 1991, at the CILB office in Jacksonville, Florida. Present at the meeting were Daniel O'Brien and Dr. Weilin Chang (University of Florida's School of Building Construction).

The objective of the interview with Mr. O'Brien was to discuss a variety of problematic issues concerning the CILB and its efficiency. The primary issues discussed at this meeting were the following:

- (1) Discussion of a previously completed critical study of the CILB by the DPR.
- (2) Is the size of the CILB board too large?
- (3) Should the Electrical Board and CILB be combined?
- (4) Should the state drop state registration of contractors?
- (5) Discuss budgetary and accounting complaints raised by CILB members.

- (6) Is the current CILB office structure adequate?
- (7) Is modernization and computerization of the CILB required to increase efficiency?
- (8) Does the Real Estate Board operate semi-autonomously from within the DPR?

### Conclusion

The interview with the Daniel O'Brien answered a majority of the questions investigators had listed in the initial introduction. Mr. O'Brien has been the Executive Director of the CILB for only a short period of time, and yet his knowledge of the construction licensing system is thorough. Responses from Mr. O'Brien's interview can be summarized into the following:

- (1) The previous critical study done by the DPR was comprehensive but outdated.
- (2) Mr. O'Brien was undecided on what the proper size of the board should be.
- (3) The Electrical Board should be combined with the CILB.
- (4) The state should allow the local boards to discipline their own registrations.
- (5) The budgetary and cost accounting methods used by the DPR are ambiguous.
- (6) The current CILB staffing is adequate, but modernization is required.
- (7) Modernization and computerization are necessary to improve efficiency.
- (8) The Real Estate Board is not semi-autonomous. They retain their own investigators and legal staff.

- (9) The location of the CILB does not affect its productivity and communications with the DPR.

Computerization of the CILB office and establishment of a connected computer network between the state and local building offices is an important issue for Mr. O'Brien. He closely monitors the progress of the DPR activities concerning updating the existing computer network. Mr. O'Brien concluded that the CILB was told some time ago that a computer system would be implemented, but these actions have never been put into effect.



## CHAPTER IV COMPREHENSIVE ANALYSIS

### Analysis Introduction

After close examination of the data, five problematic areas have been identified as the primary areas of inefficiency for the Construction Industry Licensing Board. These problem areas were identified through CILB and BOAF survey responses and personal interviews. The five problem areas to be discussed in this chapter are listed below.

- (1) Semi-autonomy of the CILB from the DPR.
- (2) Computerization and modernization of the CILB.
- (3) The two-tier licensing structure currently existing within in the CILB.
- (4) Certification of building officials.
- (5) Enforcement of the licensing system.

### Semi-autonomy

#### Existing Problems

Before 1979, the Construction Industry Licensing Board (CILB) acted as an autonomous body. No central licensing bureau or department existed, and examining boards were accountable only to the Secretary of State in Tallahassee. Boards determined the material of all written and performance tests and established acceptable standards of test results. The only restrictions placed on the boards were

those specified by law and those restrictions that were a result of the budgetary process. Biannually, the boards had to submit their budgets to the legislature for approval. Before 1979, most boards had the power to develop and conduct examinations, to review requirements relating to applications, and to determine proof of good character. More importantly, boards retained their own investigators and inspectors to enforce the rules and regulations of the state and to investigate complaints by consumers.

On July 1, 1979, the CILB was regrouped along with 25 other state regulatory agencies under the regulatory umbrella of the Department of Professional Regulation (DPR). Under the new legislative guidelines, investigations of consumer complaints and the preparation and administration of competency examinations were now vested within the DPR. Enforcement of the licensing laws, which includes investigating consumer complaints and executing disciplinary actions against violators, was now entrusted to the DPR. Individual boards retained the power to propose and adopt new rules and regulations; however, the Secretary of the DPR now had the statutory authority to challenge any rule of any regulatory board. Individual boards now had to set their fees based on DPR estimates of the revenue required to implement the statute in relation to regulation of their individual industries. When the DPR emerged from the 1979 legislative reorganization, there were 25 professions under its control, encompassing over 600,000 licenses.

After the legislative reorganization of 1979, a majority of the boards' individual authority and powers had been permanently transferred to within the DPR. Individual boards were now dependent upon the DPR for purchasing, personnel administration, processing license renewals, administering examinations, processing complaints, conducting investigations, and prosecution of those who

violated licensing regulations. All boards except the Division of Real Estate received legal counsel by the Department and by the State Attorney General's Office. Individual boards' roles were revised to review and act upon examinations and license applications, exercise rulemaking authorities, take final actions in disciplinary cases, and address other issues brought to their attention.

Budgetary processes were also now empowered to the DPR. Boards had to set and adjust fees according to DPR projected cost estimates by industry. All fees, fines, and other revenue collected pursuant to the Chapter were now deposited in the Departments' trust fund and credited to the individual board's accounts. Regulation of licensing industries was now funded solely from trust fund money appropriated by the DPR and the Legislature. Boards lost all individual control over how the money they collected from fees and renewals could be spent; individual boards could only make recommendations for future spending.

In addition, the boards were no longer involved in the regulatory and prosecutory areas. Their primary function now was to hear and review related disciplinary cases.

Members of the CILB have indicated their desire to regain some of the pre-1979 board authority that was taken away by the legislative reorganization of the DPR. Board members have stated that they could run the CILB with greater efficiency and at less cost to their licensees if they had greater control over budgets and could regain investigative and legal personnel. Board members believe that with their own investigators and attorneys they could better apply the time and resources necessary to handle board cases. Board members indicated on survey responses that they believed "semi-" or "partial-" autonomy from the DPR would help them gain better control over their costs and resources. Lack of control over

the funds they bring into the common treasury at DPR is also considered a serious problem. Board members believe that if they could gain some partial autonomy from DPR and be allowed to investigate disciplinary cases with their own "in-house" investigators and attorneys, they could apply manpower more efficiently and thus significantly reduce their investigative and legal costs.

Building officials who were surveyed also stated the need for specialized investigators in construction cases. Building officials explained that there needs to be an increase in the "front line" staff of the licensing system because these are the people enforcing state and local licensing system regulations. A specialized and adequate field staff would improve efficiency and coverage. One building official summarized by explaining that there is a great need for more construction investigators with specialized powers.

Another issue related to semi-autonomy brought forth by the building officials was the need for expediting the complaints and disciplinary processes currently in use by the DPR. They expressed the need for simplifying and streamlining the existing structure of the system.

Construction Industry Licensing Board members told investigators they desired the same "semi-autonomous" condition from the Department of Professional Regulation as which the Division of Real Estate operates. They explained that the Division of Real Estate has better control over administrative costs because they control their own legal, exam, investigative and complaints sections. Currently, these services are provided by the DPR for the CILB. The CILB and Division of Real Estate are two of the major licensing fields in the licensing system in Florida.

### Comparison of CILB and Division of Real Estate

Construction Industry Licensing Board members stated that they wished to have a "semi-autonomous" condition similar to the Real Estate Commission. Board members realize it is impossible and impractical to completely sever (total autonomy) from the Department of Professional Regulation. Research investigators interviewed the Director of the Division of Real Estate to identify what areas of their operation differed as compared to other licensing boards under the DPR. Interview results indicated that the Division of Real Estate operates within the same appropriations process as do all the other licensing boards, but they have better control over certain administrative areas. These areas are listed below:

- (1) Legal staff
- (2) Investigations
- (3) "In-house" operations
  - (a) processing complaints
  - (b) scheduling exams
  - (c) conducting testing
  - (d) developing their own exams

There are five administrative branches under the Division of Real Estate.

These branches consist of

- (1) Administration & Licensing
- (2) Education & Exam Services
- (3) Complaints
- (4) Investigative Services
- (5) Legal Services

The Division of Real Estate and the Construction Industry Licensing Board are two of the major licensing entities found in the licensing system in Florida. The Division of Real Estate offers six categories of licensing. These six categories include the following:

- (1) Broker
- (2) Salesperson
- (3) Residential Appraiser
- (4) Real Estate Appraiser
- (5) Real Estate Instructor
- (6) Appraiser Instructor

The Construction Industry Licensing Board offers eighteen types of licensing on a state level. These eighteen licensing categories are divided into Division I and Division II. Division I and Division II licensing categories include the following:

Division I

- (1) General
- (2) Building
- (3) Residential
- (4) Speciality Structure

Division II

- (1) Mechanical
- (2) Air conditioning-Class "A"
- (3) Air conditioning-Class "B"
- (4) Roofing
- (5) Sheet metal
- (6) Commercial pool
- (7) Residential pool
- (8) Plumbing

- (9) Underground utility
- (10) Service pool
- (11) Solar water
- (12) Pollutant storage-written
- (13) Pollutant storage-practical
- (14) Gypsum drywall

The current total number of active licensees for the Division of Real Estate outnumbers the total number of active licensees for the Construction Industry Licensing Board by almost 130,000 (Real Estate active licensees: 182,412, Construction active licensees: 48,253, FY 1989-1990). The total number of licenses issued by the Division of Real Estate as of 1989-90 was 315,631, while the total number of licenses issued by the Construction Industry Licensing Board was 100,415.

The total number of complaints received and investigations completed for the Construction Industry Licensing Board and the Division of Real Estate are shown in Figure 6 below.

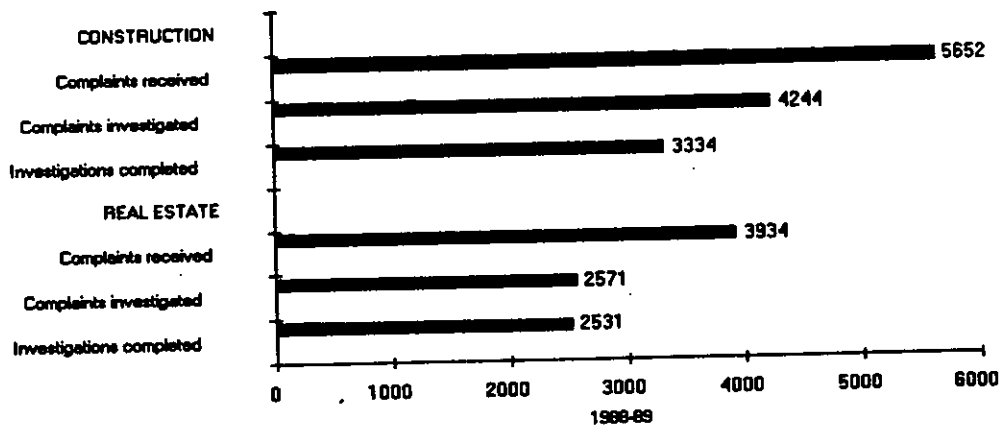


Figure 6 Complaints Received and Investigations Completed

Figure 6 illustrates the high number of construction related disciplinary actions taken against construction practitioners compared to actions taken against real estate practitioners (1988-89). The construction industry outnumbered the real estate industry in all three categories relating to disciplinary proceedings: complaints received (5652 to 3934), complaints investigated (4244 to 2571), and investigations completed (3334 to 2531).

Figure 7 below illustrates the total number of complaints received compared to the total number of complaints investigated for both the Construction Industry Licensing Board and the Division of Real Estate.

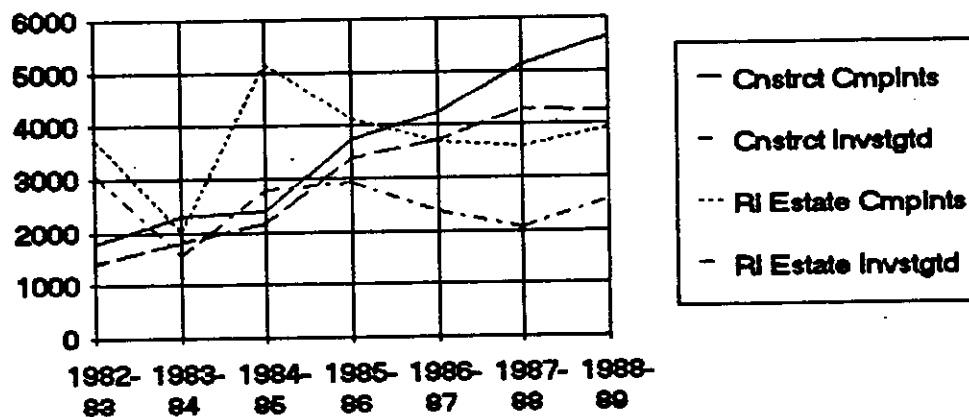


Figure 7 Complaints Received

Figure 7 represents seven years of records from 1982 to 1989. Analysis of the graph indicates that construction complaints and investigations have steadily risen during these seven years. Real estate complaints and investigations have risen and fallen unrelated to construction records. Construction related complaints and



investigations exceeded Real estate complaints for the first time during the 1986-87 year. Although construction complaints and investigations have outnumbered real estate since 1987, total real estate licensees greatly outnumber construction licensees almost three to one (315,631 to 100,415: 1989-90).

The number of consumer "hot-line" telephone calls (See Figure 8 below) made to the Department of Professional Regulation during the period from July 1, 1987 to June 30, 1988, represents a greater number of construction-related calls than real estate calls.

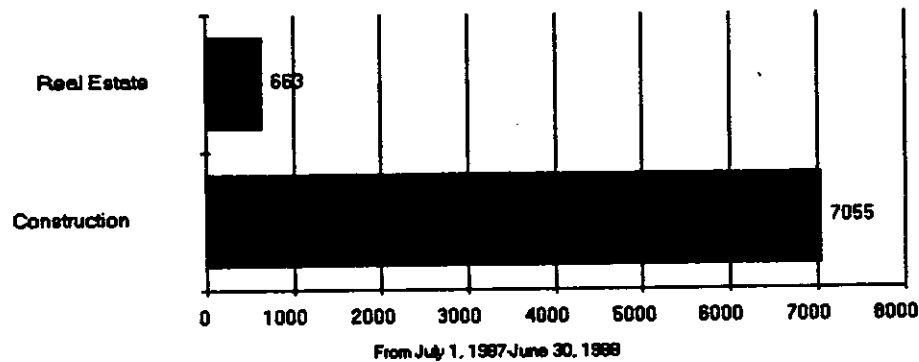


Figure 8 Hot-Line Telephone Calls

Construction-related calls on the hot-line were almost eleven times more frequent than real estate-related calls. This larger percentage of construction-related calls can be linked to the number of construction related complaints and investigations which have grown in number since 1987 to outnumber similar real estate actions.

The number of disciplinary actions involving unlicensed construction practitioners is dominated by construction cases. Construction cases concerning unlicensed practitioners outnumber cases involving real estate practitioners by 671% (1459 to 214: 1987-88). (See Figure 9 below.)

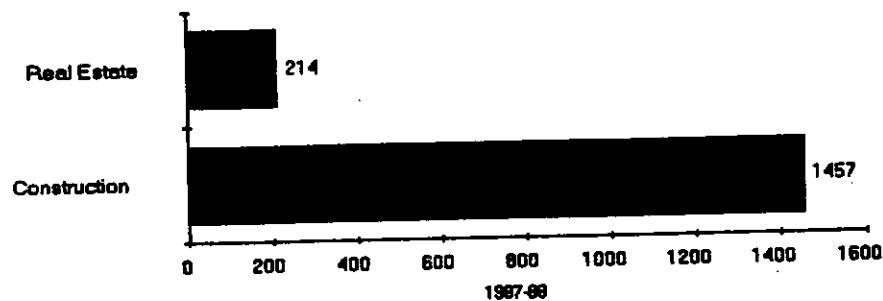


Figure 9 Cases Involving Unlicensed Practitioners

Disciplinary cases involving construction practitioners greatly outnumbered similar cases against real estate practitioners. The total probable cause actions taken against construction licensees outnumbered real estate probable cause actions by 232% (1459 to 659). Total fines imposed against construction practitioners outnumbered total real estate fines by more than 528% (\$379,250 to \$71,800). (See Figure 10)

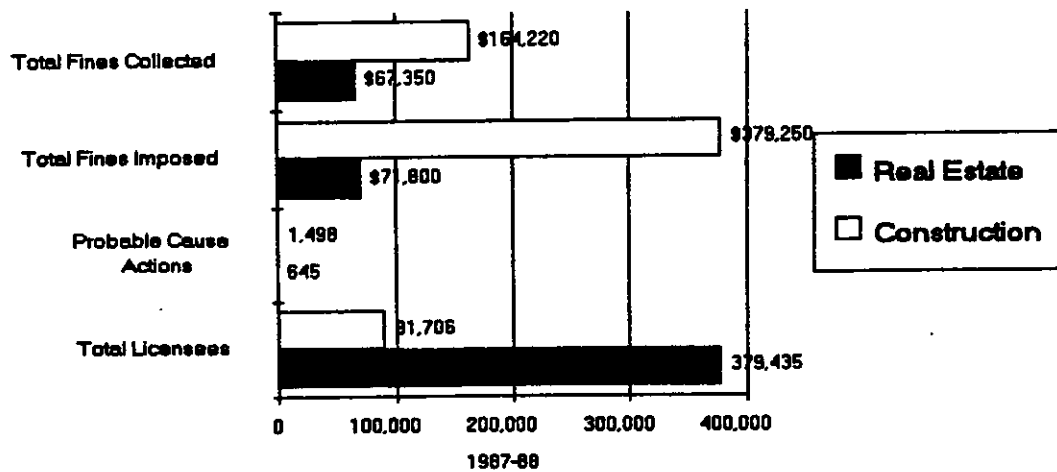


Figure 10 Disciplinary Actions

In addition, real estate violators were more willing to pay fines imposed against them for disciplinary actions. Fines imposed against real estate violators were collected at a 94% rate. Construction fines imposed were collected at a 43% rate.

The percentage of probable cause actions, when compared to total licensees figures for the same year, greatly favors construction-related probable cause cases. Although real estate licensees greatly outnumbered construction licensees (379,435 to 91,706: 1987-88), the ratio of related probable cause actions greatly favors construction probable cause cases (1,498 to 645: 1987-88).

Figure 11 illustrates the licensee totals for the Division of Real Estate and the Construction Industry Licensing Board.

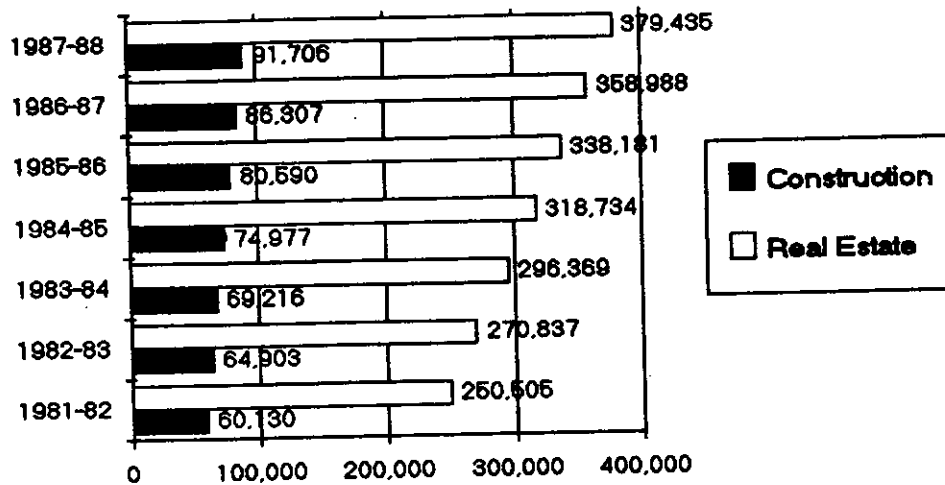


Figure 11 Licensee Totals

Real estate licensees outnumber construction licensees by approximately 400% in all years shown above. The number of licensees for both the Division of Real Estate and the Construction Industry Licensing Board have increased in all the years shown.

Although licensee total for the Division of Real Estate greatly outnumbers licensee total for the Construction Industry Licensing Board, licensing applications received by the CILB exceeded the number of licensing applications received by Division of Real Estate for the first time in 1985-86. Previous years indicate that the number of applications received by the respective boards were approximately even.(See Figure 12)

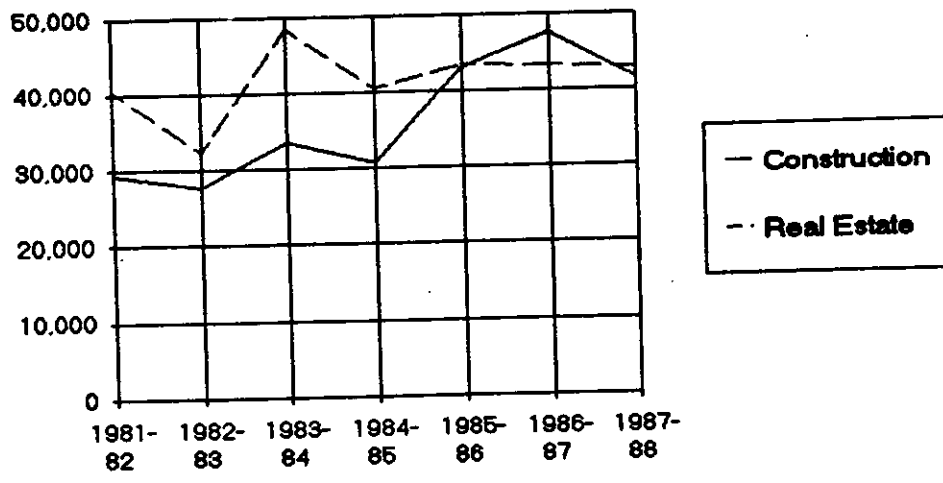


Figure 12 Licensing Applications Received

**CONSTRUCTION INDUSTRY LICENSING BOARD & DIVISION OF REAL ESTATE**  
**TOTAL REVENUE AND EXPENDITURE**  
**FY 1987-88-FY 1990-91**

FUNCTION	FY 1987-88		FY 1988-89		FY 1989-90		FY 1990-91	
	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate
TOTAL REVENUES	\$2,812,692	\$6,891,338	\$8,779,837	\$9,994,077	\$4,742,760	\$8,857,414	\$4,541,047	\$9,639,202

AVG: FY1987 - FY1991

(A)CILB	(B)Real Estate
\$5,217,634	\$8,844,008

FUNCTION	FY 1987-88		FY 1988-89		FY 1989-90		FY 1990-91	
	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate
Administrative Support	\$397,222	\$797,886	\$623,428	\$1,367,639	\$505,131	\$1,236,134	\$791,089	\$2,292,884
Office of License	\$125,435	\$619,130	\$142,883	\$442,833	\$191,563	\$402,539	\$94,766	\$265,302
Office of Examination Services	\$1,098,002	\$1,058	\$1,089,207	\$853	\$999,644	\$0	\$1,043,486	\$16,276
*D.O.A.H.	\$135,812	\$192,709	\$248,928	\$194,776	\$279,837	\$151,511	\$231,849	\$297,597
Consumer Complaints	\$171,796	\$2,837	\$232,598	\$9,993	\$216,166	\$225	\$233,481	\$379
DPR Legal Services	\$472,339	\$9,016	\$845,136	\$25,921	\$1,062,453	\$0	\$1,040,331	\$8,794
Office of Investigative Services	\$1,316,997	\$1,246,952	\$1,448,058	\$1,733,476	\$1,151,511	\$1,893,629	\$847,374	\$2,007,781
*Attorney General Services	\$29,807	\$126,506	\$29,738	\$111,599	\$33,690	\$226,703	\$60,249	\$288,966
*Board Administrative Office	\$1,307,124	\$3,760,433	\$1,300,212	\$4,493,973	\$1,184,051	\$4,556,189	\$1,663,890	\$4,771,393
TOTAL EXPENDITURE	\$6,054,474	\$8,590,526	\$5,960,188	\$8,321,062	\$5,554,046	\$8,466,930	\$6,006,515	\$8,870,576

AVG: FY1987 - FY1991

CILB	Real Estate
\$579,218	\$1,408,638
\$129,662	\$409,451
\$1,057,686	\$4,547
\$224,107	\$179,148
\$213,496	\$9,359
\$855,066	\$8,794
\$1,190,985	\$1,720,459
\$38,371	\$188,443
\$1,363,819	\$4,395,497
\$5,646,306	\$9,312,274

\*not related to services provided directly by the department of professional regulation

Figure 13 Spreadsheet--CILB vs. Real Estate--Revenue & Expenditure

Analysis of the total revenue and expenditure for the Construction Industry Licensing Board and the Division of Real Estate indicates that the Division of Real Estate's revenue has continued to increase while the CILB's revenue has fluctuated. The Division of Real Estate's revenue has increased during the last four fiscal years from \$6,891,338 in FY1987-88 to \$9,633,202 in FY1990-91. The CILB's revenue has fluctuated from \$2,812,892 in FY1987-88, \$8,773,837 in FY1988-89, \$4,742,760 in FY1989-90, and \$4,541,047 in FY1990-91. Revenues for the Division of Real Estate have averaged \$3,626,374 greater than CILB revenues for the last four fiscal years. Revenues for the CILB have averaged \$5,217,634 while the Division of Real Estate has averaged \$8,844,008 for the last four fiscal years.

Expenditures for the Division of Real Estate have continued to increase over the last four fiscal years in proportion to the Division's revenue. Expenditures for the CILB have remained constant over the last four fiscal years. Expenditures for the Division of Real Estate have averaged \$2,665,968 greater than CILB expenditures. Expenditures for the CILB have averaged \$5,646,306 while the Division of Real Estate has averaged \$8,312,274 for the last four fiscal years.

# C.I.L.B. vs. DIVISION OF REAL ESTATE

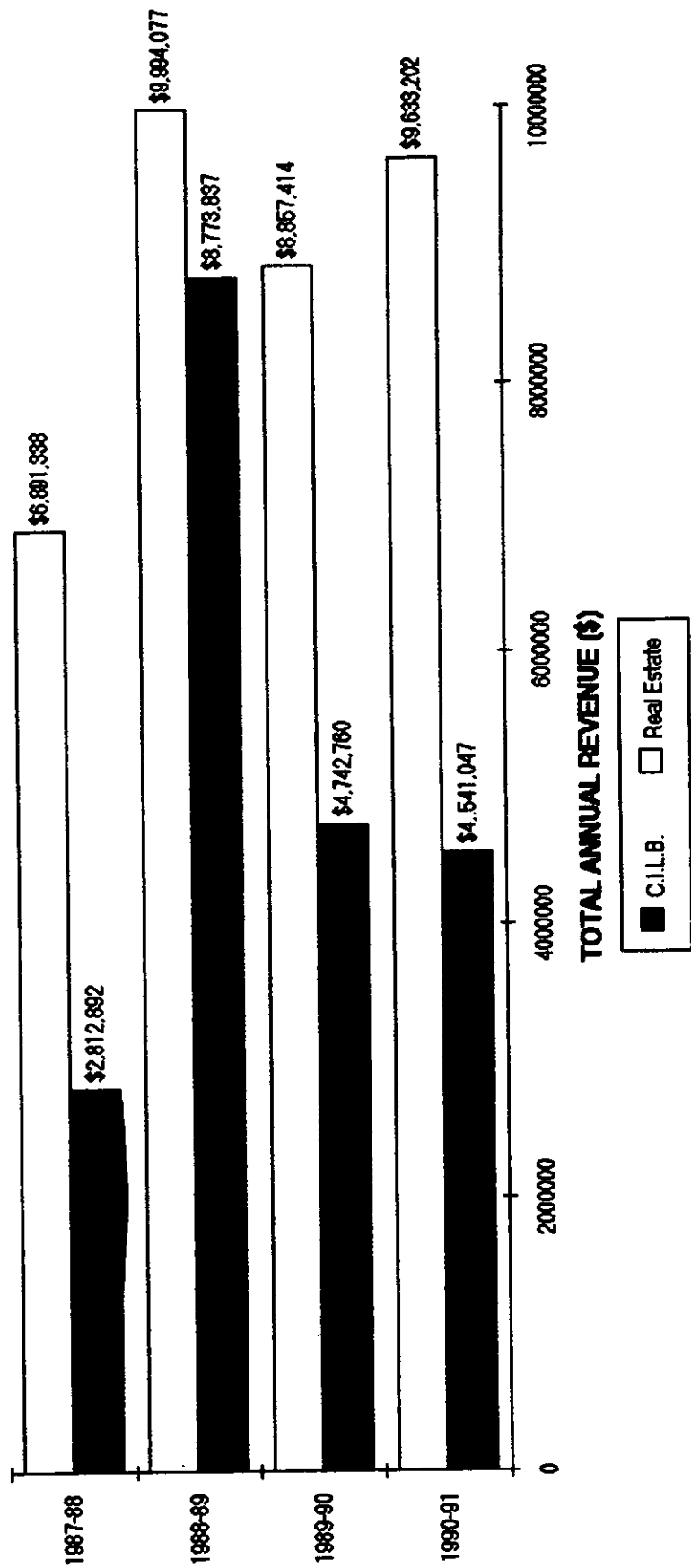


Figure 14 Chart--CILB vs. Real Estate--Total Revenue



## C.I.L.B. vs. DIVISION OF REAL ESTATE

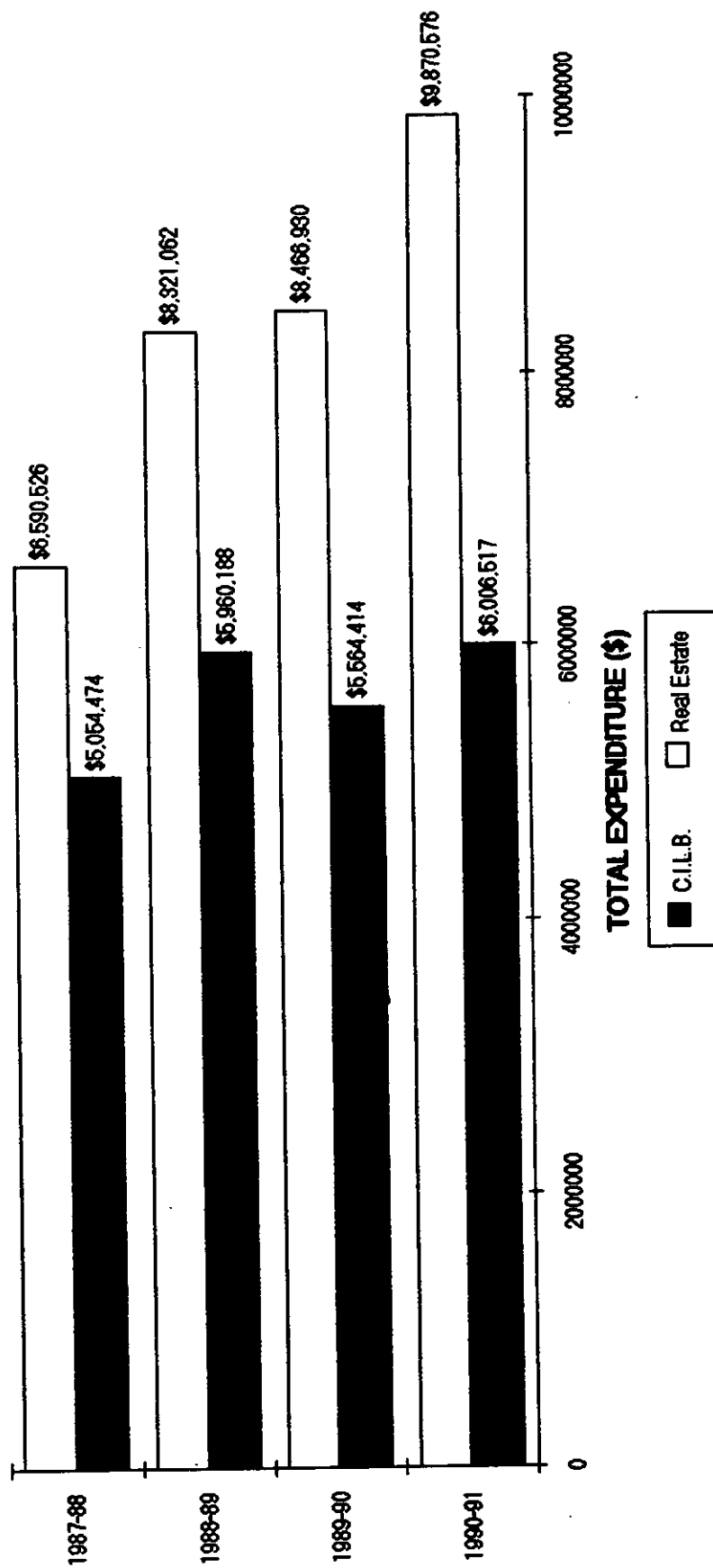


Figure 15 Chart--CILB vs. Real Estate--Total Expenditure

Construction Industry Licensing Board and Division of Real Estate expenditures have been further broken down into "expenditure by function." Expenditures have been separated into seven categories: Administrative Support, Office of Licensure, Office of Examination Services, D.O.A.H., Consumer Complaints, DPR Legal Services, Office of Investigative Services, Attorney General Services, and Board Administrative Office.

The predominant cost for the Division of Real Estate for the last four fiscal years has been Board Administrative Office expenditure. Division of Real Estate Board Administrative Office expenditures have averaged \$4,395,497 over the last four fiscal years while CILB Board Office expenditures have averaged \$1,363,819. The variation can be attributed to the Division of Real Estates "in-house" functions such as legal, exam, and consumer complaints services. The CILB has these services provided by the Department of Professional Regulation and are billed on an hourly basis. Their related expenditures for these services reflect the additional costs (DPR Legal Services: CILB:\$855,065, Real Estate:\$8,734 / Office of Examination Services: CILB:\$1,057,585, Real Estate:\$4,547 / Consumer Complaints: CILB:\$213,495, Real Estate:\$3,359 / .

# C.I.L.B. vs. REAL ESTATE

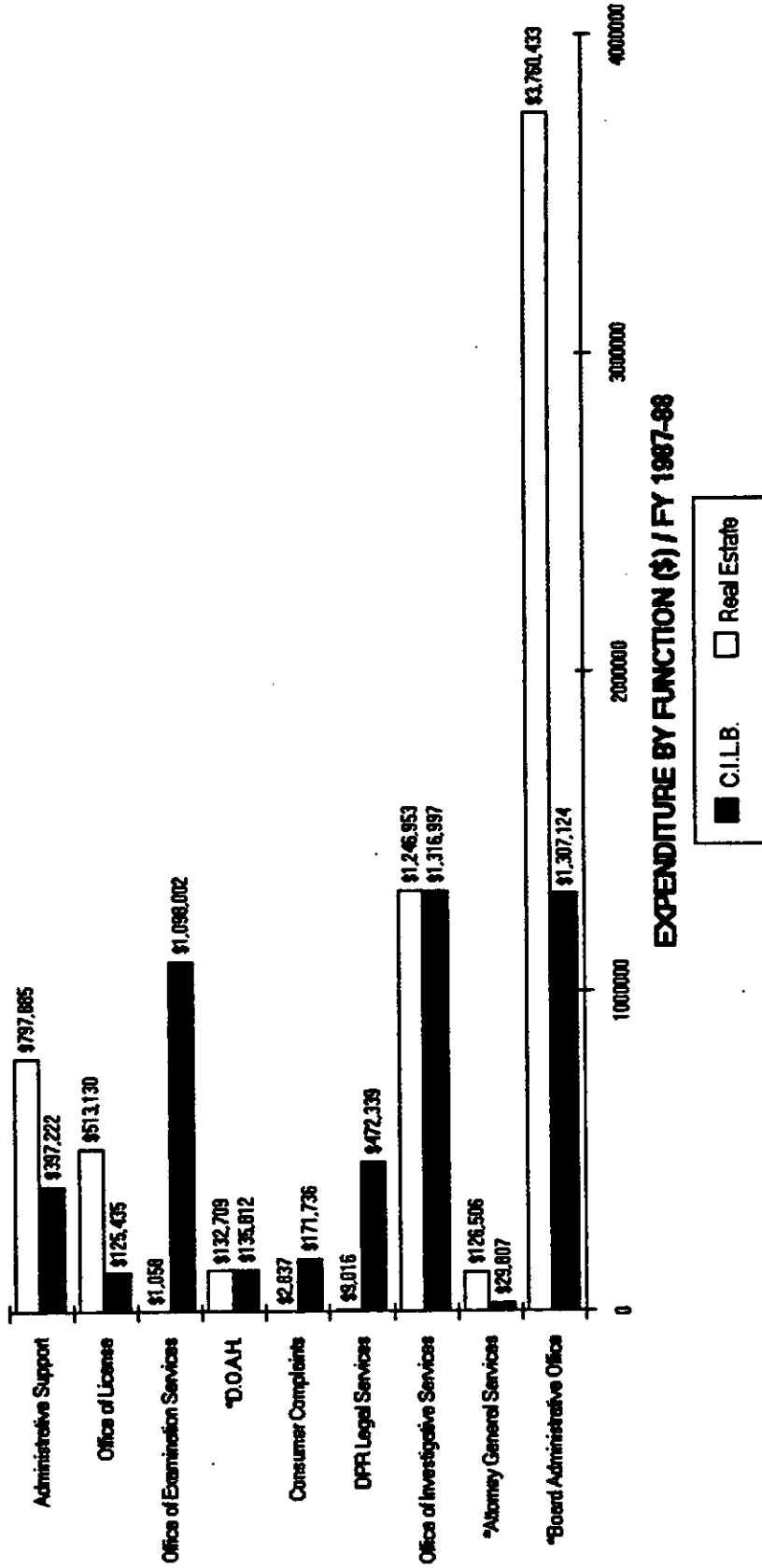


Figure 16 Chart--CILB vs. Real Estate--Expenditure by Function (87-88)

# C.I.L.B. vs. DIVISION OF REAL ESTATE

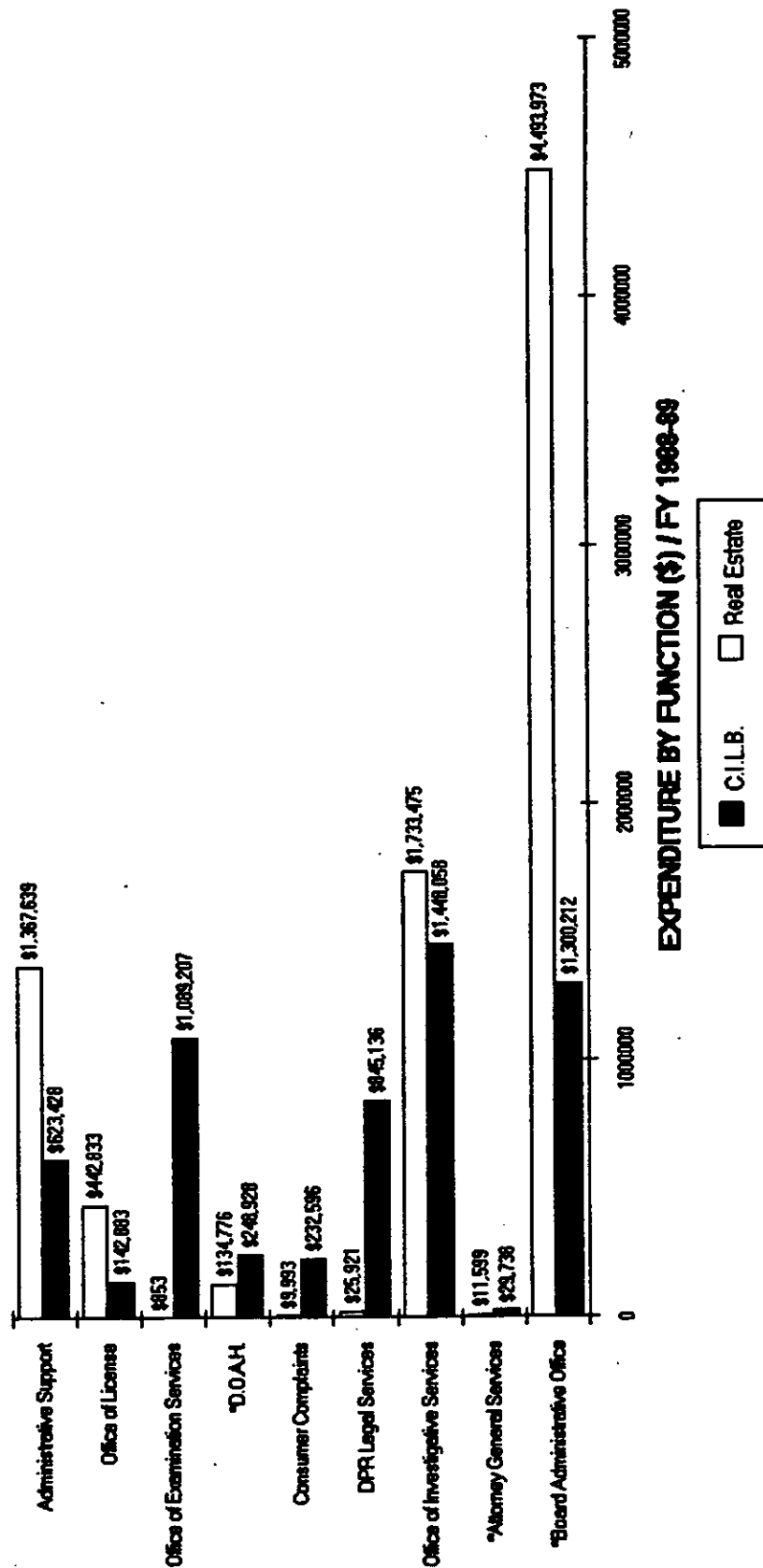


Figure 17 Chart--CILB vs. Real Estate--Expenditure by Function (88-89)

# C.I.L.B. vs. DIVISION OF REAL ESTATE

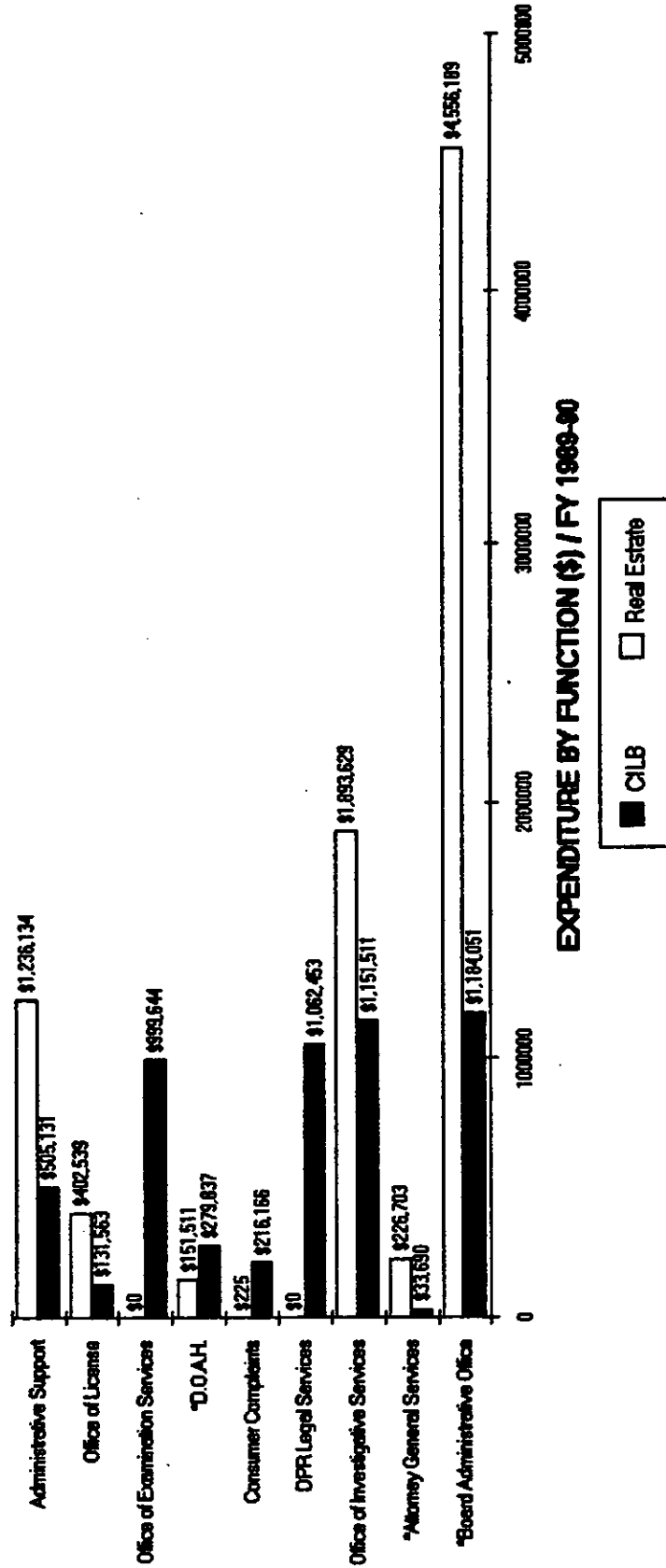


Figure 18 Chart--CILB vs. Real Estate--Expenditure by Function (89-90)

# C.I.L.B. vs. DIVISION OF REAL ESTATE

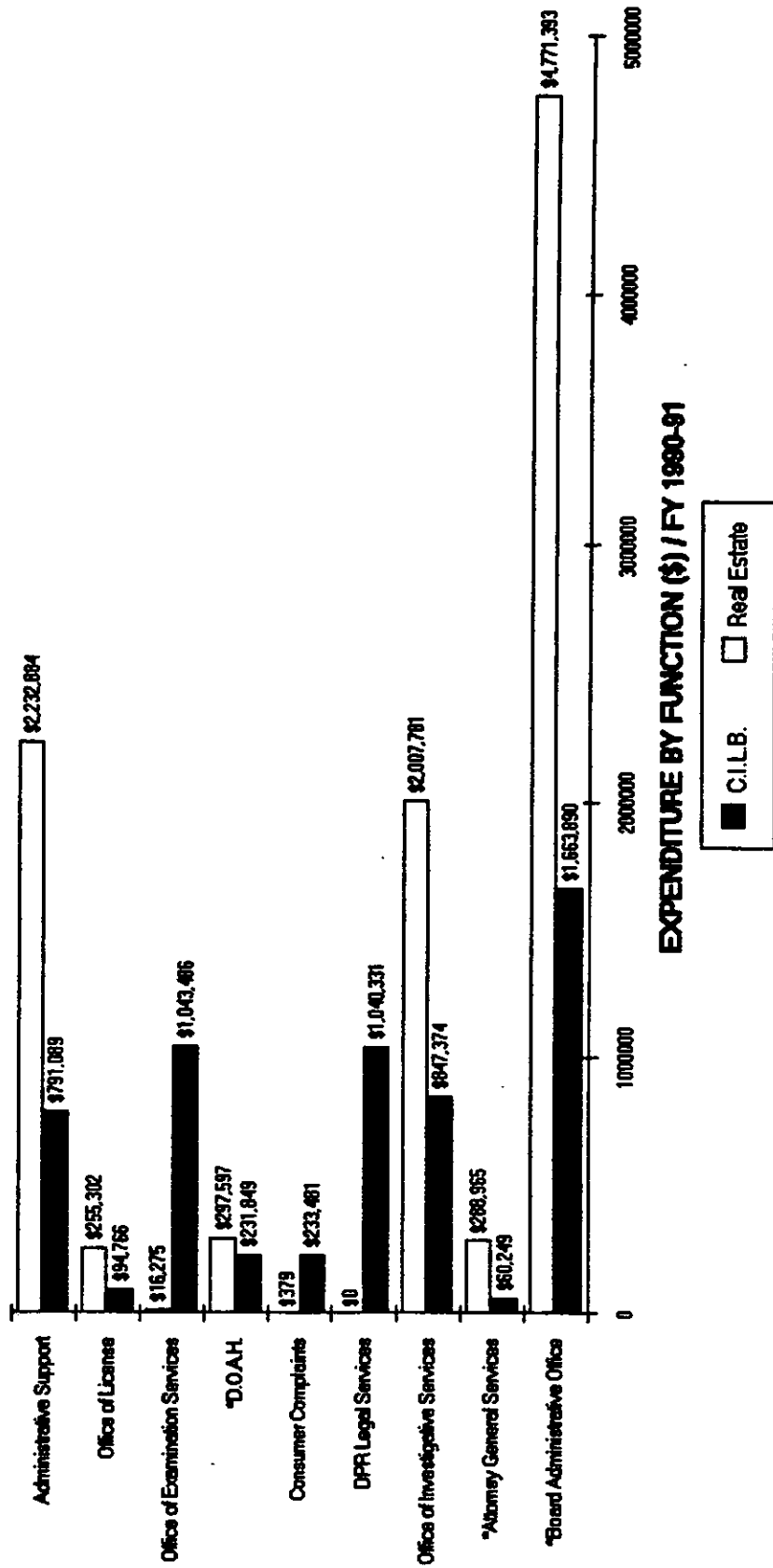


Figure 19 Chart--CILB vs. Real Estate--Expenditure by Function (90-91)

**CONSTRUCTION INDUSTRY LICENSING BOARD & DIVISION OF REAL ESTATE  
BILLABLE SERVICES PROVIDED BY D.P.R.  
FY 1987-88-FY 1990-91**

FUNCTION	FY 1987-88		FY 1988-89		FY 1989-90		FY 1990-91		AVG: FY 1987-1991	
	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate
Administrative Support	\$397,222	\$797,886	\$623,428	\$1,367,639	\$506,131	\$1,236,134	\$781,088	\$2,232,884	\$579,218	\$1,408,636
Office of License	\$126,436	\$613,130	\$142,883	\$442,833	\$131,563	\$402,539	\$94,786	\$266,302	\$123,662	\$403,461
Office of Examination Services	\$1,098,002	\$1,068	\$1,089,207	\$863	\$999,044	\$0	\$1,043,486	\$16,276	\$1,067,686	\$4,547
Consumer Complaints	\$171,736	\$2,837	\$232,598	\$9,993	\$216,166	\$226	\$233,481	\$379	\$213,496	\$3,369
DPR Legal Services	\$472,339	\$9,016	\$846,136	\$26,921	\$1,062,463	\$0	\$1,040,931	\$0	\$866,066	\$8,734
Office of Investigative Services	\$1,316,997	\$1,246,962	\$1,448,068	\$1,733,476	\$1,161,611	\$1,893,629	\$847,974	\$2,007,781	\$1,190,986	\$1,720,469
<b>TOTAL</b>	<b>\$3,581,731</b>	<b>\$2,570,878</b>	<b>\$4,381,310</b>	<b>\$3,680,714</b>	<b>\$4,066,468</b>	<b>\$3,632,527</b>	<b>\$4,060,527</b>	<b>\$4,612,621</b>	<b>\$4,020,009</b>	<b>\$3,649,186</b>

Figure 20      Spreadsheet--CILB vs. Real Estate--Billable Services  
Provided by DPR

Billable services are administrative services provided by the Department of Professional Regulation which are billed to the individual boards. All individual boards, except the Division of Real Estate, lost the authority to perform these functions after the 1979 legislative reorganization of the DPR. These boards are now required to rely upon the DPR to perform these functions. These services include Administrative Support, Office of License, Office of Examination Services, Consumer Complaints, DPR Legal Services, and Office of Investigative Services. The Division of Real Estate retained its own Administrative & Licensure section, Education & Examination Services section, Consumer Complaints & Legal Services section, and Investigative Services section.



# C.I.L.B. vs. DIVISION OF REAL ESTATE

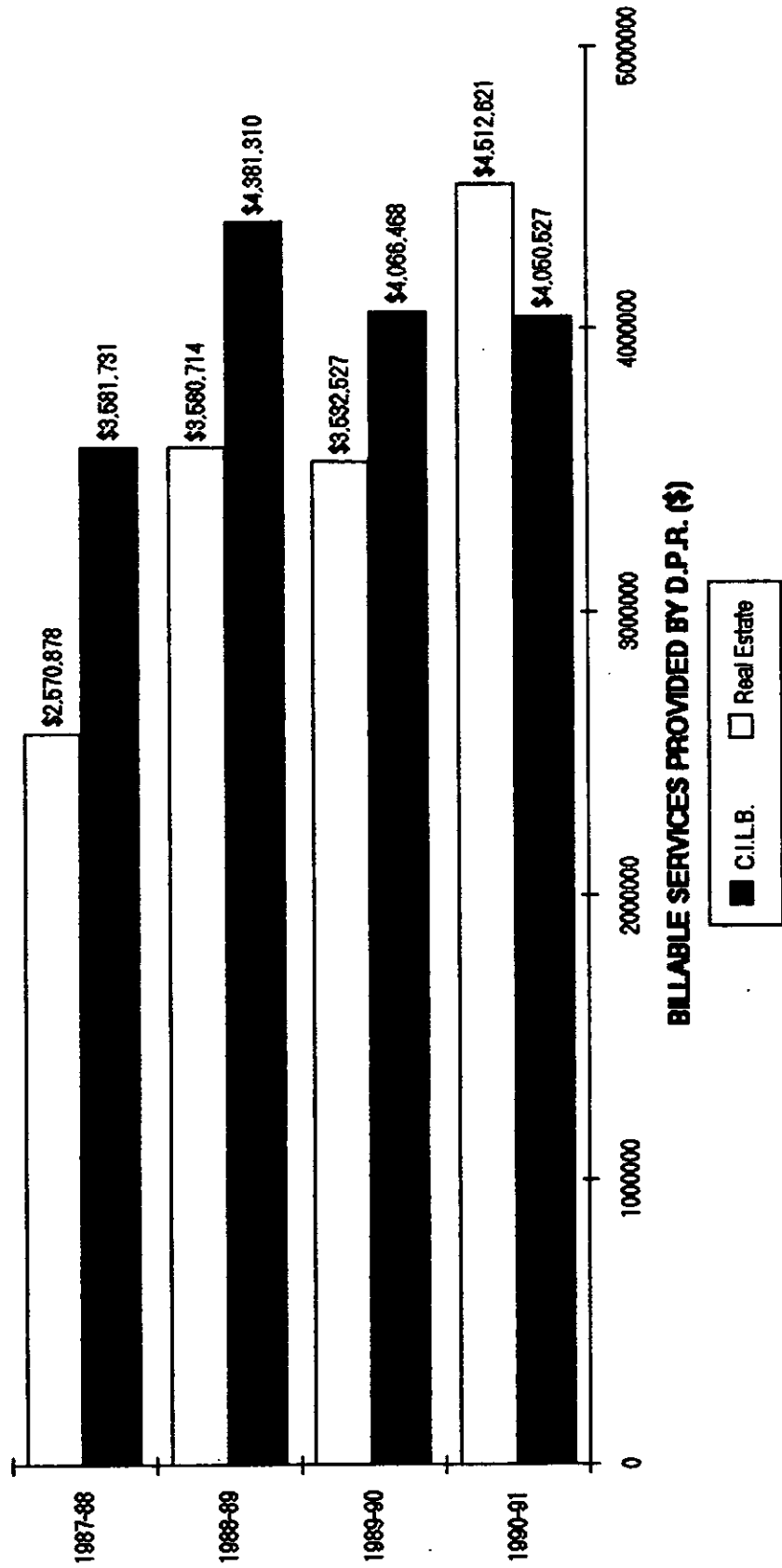


Figure 21 Chart--CILB vs. Real Estate--Billable Services Provided

**CONSTRUCTION INDUSTRY LICENSING BOARD & DIVISION OF REAL ESTATE  
EXPENDITURE NON-RELATED TO D.P.R. BILLABLE SERVICES  
FY 1987-88-FY 1990-91**

FUNCTION	FY 1987-88		FY 1988-89		FY 1989-90		FY 1990-91		AVG: FY1987-1991	
	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate	CILB	Real Estate
D.O.A.H.	\$186,812	\$192,709	\$248,928	\$134,776	\$279,837	\$151,511	\$231,849	\$297,597	\$224,107	\$179,148
*Attorney General Services	\$29,807	\$126,506	\$29,798	\$111,589	\$33,690	\$226,703	\$60,249	\$288,965	\$98,371	\$188,443
*Board Administrative Office	\$1,307,124	\$3,760,433	\$1,300,212	\$4,493,973	\$1,184,051	\$4,556,189	\$1,663,980	\$4,771,393	\$1,363,819	\$4,395,497
<b>TOTAL</b>	<b>\$1,472,743</b>	<b>\$4,019,648</b>	<b>\$1,578,878</b>	<b>\$4,740,348</b>	<b>\$1,497,578</b>	<b>\$4,934,403</b>	<b>\$1,955,988</b>	<b>\$6,357,955</b>	<b>\$1,626,297</b>	<b>\$4,763,089</b>

\*Not related to services provided directly by the department of professional regulation

Figure 22      Spreadsheet--CILB vs. Real Estate--Expenditure  
Non-related to DPR Billable Services

# C.I.L.B. vs. DIVISION OF REAL ESTATE

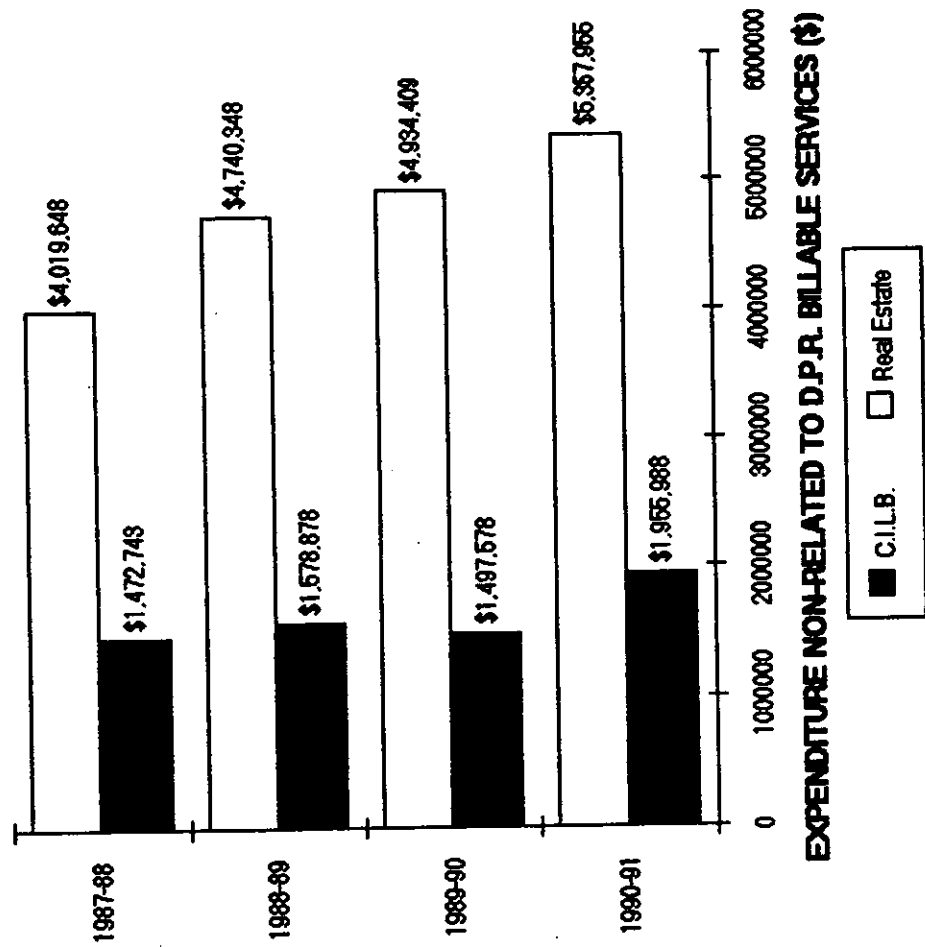


Figure 23 Chart--CILB vs. Real Estate--Expenditure Non-related to DPR Billable Services

## Summary

The Division of Real Estate and the Construction Industry Licensing Board are two boards that make up a major segment of the Department of Professional Regulation. Real estate licensees represent approximately 26% of all licensees in the Florida licensing system (1989-90). Approximately 8% of all licensees are in construction (1989-90).

Although real estate licensees represent a greater majority of licensees, disciplinary cases involving licensed and unlicensed practitioners have been dominated by construction-related cases. Construction-related complaints received by the Department of Professional Regulation made up approximately 27% of all complaints received (1987-88). Construction-related complaints which are found to be jurisdictional and legally sufficient represent almost 34% of all DPR complaints found legally sufficient (1987-88). In addition, construction-related probable cause actions and disciplinary actions have outnumbered real estate actions. Construction probable cause actions made up approximately 30% of all probable cause actions processed by the DPR in 1987-88. Construction-related imposed fines also made up approximately 31% of all fines imposed by licensing boards during this time period, and related fines represented approximately 20% of all fines collected by licensing boards.

## Computerization and Modernization

### Existing Problems

The need for computerization and modernization of the CILB and contractor licensing system was first brought forth during an investigative survey of board members. At that time, a majority of board members expressed the need for

current computerization and modernization of the contractor licensing system. Subsequent surveys and interviews with construction licensing professionals confirmed this.

A board office review and profession review of the Construction Industry Licensing Board was performed by the Department of Professional Regulation during March, 1990 (see Appendix D for copy of review). This investigative review of the CILB revealed the need for implementing a computerization program involving the CILB. The review stated, "The CILB's office time and resources in processing data and retaining information needed for the normal operation of the office is antiquated." It also stated that the computer systems available are not being properly used due to inadequate wiring and lack of employee training. Many of the daily office operations such as disciplinary tracking and the tracking of financial responsibility are being done manually. The disciplinary tracking system that is currently being used is archaic and consists of typewritten cards.

There is currently a lack of flow of information between the local licensing authorities and the CILB. When information relating to a contractor is needed on a local level, it must be manually investigated at the CILB office in Jacksonville.

There are several problematic areas that relate to the current need for computerization and modernization of the CILB and contractor licensing system. Problems relate to the general lack of modernization in the licensing system.

There is a deficiency of verbal and written communications between the state level of the licensing system and the local officials on the county and city levels. Numerous building officials who were surveyed by study investigators brought forward the need for better and more efficient communication. They complained about a deficiency of centralized contractor information available to them on a local

level. Information transmission between state and local officials is very slow and sometimes not available. They explained that a centralized computer system listing registry, violations, and immediate contractor information would serve to reduce the time, cost, and effort associated with complaints and discipline.

Construction Industry Licensing Board members stated that the computerization effort should not become involved in government "red-tape" delays, political favors, and further increases in the size of the middle- and upper- level management. Money collected for this computerization and modernization program should be dedicated to that purpose. This money would be raised through an increase in licensing fees.

Another problem a statewide computer network would help alleviate is that of contractors applying for permits with invalid licenses. A license is issued for a two-year period, but if it is suspended or revoked the licensee still has the actual license stating that he or she is a valid license holder. An electronic "credit card" system could be used to check a contractor's record every time a permit is pulled. This would prevent bogus permits from being issued and would give the licensing board a permanent record of each licensee's activity.

Many building officials surveyed complained of inadequate phone staffing and service regarding the "800" phone lines of the CILB's main office in Jacksonville. They said it is difficult to get through on these lines, and required contractor information requests take substantial time.

A Construction Industry Licensing Board member explained that board office problems developed because of a lack of modernization and computerization. He stated that when information comes into the board office it gets impeded, not

due to the staff, but to a deficiency in computerization. The board office is the nucleus of the board, and a computerization program should be a critical item.

Current problems include

- (1) An antiquated and slow information retrieval and transmission system between the state and local licensing offices.
- (2) Manual "labor intensive" office environment used to keep track of disciplinary actions.
- (3) Inadequate phone system in board office.
- (4) Lack of computerization in board office and contractor licensing system.
- (5) Lack of communications between state and local officials.
- (6) How to pay for a proposed computerization and modernization program.

Summary

Surveys and interviews with construction regulation professionals has indicated an urgent need for computerization and modernization of the CILB and contractor licensing system. The primary element in such a computerization program is a centralized contractor network database that would contain a variety of information related to construction licensing. This information would be accessible to state and local licensing official via modem connected to PCs in local and state facilities. Such a system would serve to

- (1) provide historical information to local officials;
- (2) store related construction licensing, background, and disciplinary information;
- (3) track contractor activities; and
- (4) provide easy accessibility for local building departments implementing a keyless entry type computer system (bar code readers, magnetic strip readers).

### Two-Tier Licensing System

#### Existing Problems

Florida currently recognizes two classifications of "contractors." A contractor can legally perform work in the state if he or she is "certified" or "registered." A registered contractor is a contractor who has registered with the DPR after fulfilling the competency requirements of the local jurisdiction in which he is performing work. A certified contractor is a contractor who has completed the application process and successfully passed the competency examination administered by the DPR. A certified contractor can contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.

Problems have surfaced within the two tiers of the construction licensing system because there is little uniformity and little communication between local jurisdictions and state levels of the licensing system. The two-level licensing system complicates the individual roles of the state and local licensing boards. Licensing regulations are passed on a state level but enforced on the local levels of the licensing system, and local jurisdictions are having trouble keeping up with the expanding coverages of the state licensing system. The CILB is continually



evaluating requests from trades to become licensed, but the state level of the licensing system is trying to determine a realistic limit for trade coverages. A CILB member stated, "The legislature has required the CILB to license Asbestos Abatement Contractors, Underground Pollutant Storage Contractors, and Response Action Contractors. I seriously doubt that the CILB ever intended to license these types of contractors." The nature of the construction industry lends itself to many specialized trades, and the state level of the system certifies only so many of these trades. The local jurisdictions must register the rest. Building officials are apprehensive toward any additional state-required regulation because of the present manpower shortages on the local levels of the licensing system. More regulations mean greater responsibilities for local level personnel.

Currently, there is a duplication of effort between the state and local levels of the licensing system. The two levels are executing similar duties, which results in a dual effort. Building officials suggested disbursing more authority to the local levels of the licensing system in order to handle more of the cases. Some Department of Professional Regulation officials believe that the DPR should not be regulating registered as well as certified contractors. Registered contractors are licensed within their geographic areas. One DPR official expressed the opinion that local people should be regulating their own registrations, because rules vary so much from one county to another.

The two-tier licensing system (locally registered and state certified) has been a problematic issue mentioned in the majority of interviews conducted. During the CILB group interview, an explanation of the background of the two-tier licensing system was given. A board member brought up the issue that the state refuses to recognize certain specialties in the construction trades. However, local boards do

not want individual contractors working unregulated in a narrow band of a construction trade. They do not want anyone to deal with consumers one-on-one and be able to put a contract forth without being regulated. The local boards want to control trades that the state does not want to regulate. If the state plans to unify the system by eliminating the local registrations, then the state must be willing to open their regulatory umbrella to cover all speciality trade areas that the local boards currently register.

A key problem involving the two-tier licensing system is that the local building departments act independently of one another. All report to the state, but communication between them is negligible. This lack of communication and information between local building departments enables contractors to simply move their operations to adjoining jurisdictions when their licenses have been revoked.

### Summary

There are many problems that have originated with the two-tier licensing system. The main problems with a two-tier licensing system are as follows:

- (1) Natural complexity of individual roles of the state and local boards.
- (2) Duplication of efforts between the state and local levels of the contractor licensing system.
- (3) Expanding coverages of the CILB.
- (4) Lack of communication and information transfer between the state and local levels of the contractor licensing system.
- (5) Lack of local jurisdictional guidance from state level of the licensing system.

- (6) No local unilateral licensing procedures relating to roles and records management.

### Certification of Building Officials

#### Existing Problems

Responses from surveys and interviews indicated that construction industry professionals believed that the licensing system is doing a "fair" job of protecting the consumer. One CILB member explained to research investigators that the system is well set up and if all procedures are followed, it constitutes fair protection for the consumer. CILB members made several suggestions they felt could improve the current system. One proposal was to mandate a certification program for building officials.

Building officials who responded to industry surveys generally favored a building official certification program. They believed that implementing a certification program would ensure minimum qualifications for all building officials.

Enforcement and policing of the licensing system is in the hands of the local jurisdictions. The state level of the licensing system has no police force to enforce and oversee their rules and regulations. The state relies upon the local building officials to be the eyes and ears of the licensing system.

A minority of the building officials who responded to industry surveys were not in favor of a certification program. They were concerned that a certification program would be too expensive to operate. They felt that such a program would plunge many of the smaller communities into bankruptcy. One building official

explained that the smaller communities cannot afford a certified building official, a certified electrical inspector, etc.

### Summary

The majority of construction regulation professionals surveyed and interviewed for this research study strongly favored a certification program for building officials. The majority of building officials who answered research surveys responded positively to a certification program for their profession. They stated that a mandatory certification program would only serve to upgrade and improve the existing contractor licensing system. A building official certification program would

- (1) unify interpretations of building codes;
- (2) establish a code of ethics for building officials;
- (3) enable complaints to be filed against building officials;
- (4) unify and improve the professional standards of building officials, and
- (5) improve the relationship and communications between state and local officials.

### Enforcement of the Licensing System

#### Existing Problems

An industry survey of Construction Industry Licensing Board members indicated they were concerned with the substantial problems facing the Board in the areas of enforcement and policing of the licensing system. Board members

stated that the unlicensed contractors have operated with virtually total freedom as everyone points to someone else as the cause of his activity. Current unlicensed activities include

- (1) no state "certified" license;
- (2) no local "registered" license; and
- (3) having a license in one county but, working in another county.

There is currently too much time being spent on processing complaints and executing disciplinary actions. One CILB member explains that this area is the weakest link in the entire contractor licensing system. There is an extremely long time involved from the filing of a complaint to the disposal of a disciplinary case. A majority of fines imposed are never collected, and a good part of the revocations or suspensions of licenses are involving people who have already left the construction industry.

Construction Industry Licensing Board members and building officials were concerned about the expanding licensing coverages they must regulate. Board members stated that there must be a limit to the amount of regulatory coverages they can provide. Building officials are concerned about the expanding licensing coverages due to their shortages in field staff and office manpower.

The state level of the contractor licensing system relies upon the local licensing authorities to be the police force of the licensing system. It is the responsibility of the local levels of the licensing system to enforce the state level legislative regulations. Some of the local licensing jurisdictions do not have

adequate manpower to completely enforce all of the state regulations and coverages.

The contractor licensing system is facing many enforcement problems. Many of these current problems are related to the existence of a two-tier licensing system consisting of state "certified" and locally "registered" contractors. Before many of enforcement problems can be solved, a solution must first be found to simplify the existing two-tier licensing system.

#### Summary

The structure of the contractor licensing system needs to change to cope with the growing population and increasing governmental regulations of the industry. The state level of the contractor licensing system relies upon the local level of the system for code and regulation enforcement. With the growing governmental regulations of the construction industry, the local level of the system is finding itself understaffed to complete its mission.

The two-tier contractor licensing system creates unnecessary complexity and a duality of effort between the state and local levels of the licensing system. The state level needs to increase local board's disciplinary powers. These additional powers could be used to fine contractors in a similar manner as the state board. The local levels of the licensing board could be used as the first level of action against violators and the state board could be used as an appeals board. Current disciplinary action by local and state boards is a duplication of effort and a waste of time and money.

In addition, current disciplinary actions take too long to execute. Disciplinary actions need to be streamlined. The time from initial complaint to final

disciplinary action is much too long. This lapse in time allows offenders additional time to cause trouble in the system. A summary of findings is as follows:

- (1) Provide adequate staffing of "front-line" personnel.
- (2) Streamline current disciplinary processes.
- (3) Increase local jurisdictional authorities.
- (4) Mandate stricter penalties.

## CHAPTER V SIGNIFICANT FINDINGS AND CONCLUSION

### Semi-Autonomy

#### Significant Findings

Due to the large quantity of construction-related disciplinary cases and the complex and highly segmented nature of the industry, there is a need for specialized investigators to expedite construction-related cases. Personnel who are required to regulate the industry must be highly versed in the many technical areas of the construction trade fields. Currently, DPR investigators are required to examine all licensed occupations..

Although the real estate licensees make up the largest portion of all licensees under the DPR, disciplinary cases involving licensed and unlicensed practitioners have been dominated by construction related cases.

- (1) Construction related complaints received by the DPR make up the greatest percentage of all complaints received by the DPR., approximately 27% of all complaints received (1987-88).
- (2) Construction related complaints which are found to be legally sufficient made up the greatest percentage of all DPR complaints determined legally sufficient, approximately 34%. (1987-88).
- (3) Construction related probable cause actions made up 30% of all probable cause actions processed by the DPR (1987-88). This is the greatest percentage of any board.
- (4) Construction related imposed fines and collected fines made up the greatest percentage of any board, approximately 31% of all fines imposed by licensing boards (1987-88)



- (5) Construction related cases involving unlicensed practitioners led all licensing fields. Construction related cases made up 55% of all cases (1987-88).

Before 1979, the CILB had investigators dedicated to the single purpose of researching construction-related cases. After the DPR regulatory reorganization these investigators were transferred to the direct control of the DPR. Construction Industry Licensing Board members have indicated they want to return to a "pre-1979" operating condition in which the individual licensing boards retained their own investigative and legal staffs. However, presently this nature of operating condition is not feasible. It has been suggested that if the CILB had more control over investigative and legal personnel, it could better control related costs. Presently, these services are provided by the DPR and charged to the individual boards on an hourly basis.

The Division of Real Estate is the only licensing board to retain a degree of semi-autonomy from the DPR. It retained a legal staff and specialized investigators to work exclusively on real estate cases. Current members of the CILB have expressed their desire to obtain a similar operating status. A comparison of the two boards has determined the following:

- (1) The administration of the Division of Real Estate is much more simplified than that of the CILB. The Division of Real Estate has six categories of licensing, while the CILB has two divisions consisting of 18 categories.
- (2) Revenue for the Division of Real Estate has averaged \$8,844,008, while revenue for the CILB has averaged \$5,217,634 (FY1987-1991).
- (3) Expenditure for the Division of Real Estate has averaged \$8,312,274, while revenue for the CILB has averaged \$5,646,306 (FY1987-1991).

- (4) The large variation in Board Administrative Office cost expenditure for the two boards can be attributed to the Division of Real Estate's "in-house" functions. Real Estate provides for these functions with its own resources. Related expenditures are shown below.

	<u>CILB</u>	<u>Real Estate</u>
DPR Legal Services	\$855,065	\$8,734
Office of Exam Service	\$1,057,585	\$4,547
Consumer Complaints	\$213,495	\$3,359

Comparative analysis of the CILB and the Division of Real Estate has indicated that a similar status for the CILB is justified.

Currently, the Electrical Board serves as a separate licensing entity. The electrical trade is just one of the many building trades that make up a construction project. Having the Electrical Board operate separately from the CILB is a duplication of effort and added expense to the licensing system.

Research investigators believe that one of the principal benefits related to a "semi-autonomous" condition for the CILB would be a greater accountability for the costs associated with the board's administration, specifically, the costs related to investigative fees.

This study has determined that if the CILB were granted a similar operating condition as the Division of Real Estate, many of the current operational problems could be eliminated. For example, the accountability of billable DPR hourly charges to the boards is untraceable. It has been suggested that the boards are being charged for services that are not cost effective.

If a similar operating condition is not possible, the CILB should be given control of its own investigators to enable it to expedite construction cases. Presently, DPR investigators examine all complaints that the DPR processes from

all regulated professions. Investigators should be dedicated solely to construction cases to shorten the long processing times for complaints and disciplinary actions. If the CILB had control of its own investigators, it could better control the budget and more efficiently apply their personnel. This operational independence would reduce the time, cost, and effort associated with administering the construction licensing system. If the CILB were given control of its own investigative staff, it would result in a fair savings in administrative costs.

#### Recommendations

- (1) Combine the CILB and the Electrical Board to make up a separate "Division" similar to the Division of Real Estate.

or

- (1) Dedicate special investigators to be under the direct financial and administrative control of the CILB. These investigators would work specifically on construction cases.
- (2) Increase the amount of detail in the Department of Professional Regulation's current billing method. The DPR should provide a more detailed summary of administrative services furnished to the CILB. Previous administrative cost summaries supplied to individual licensing boards from the DPR are vague. Board members complain of the uncertainty and untraceable nature of the cost summary information.

## Computerization and Modernization

### Significant Findings

There is currently a great need for computerization of the contractor licensing system and modernization of the Construction Industry Licensing Board (CILB). The existence of a licensing system with two levels of contractor certification, state "certification" and local "registration," creates a great deal of administrative complexity. Other state licensing boards have much simpler administrative requirements due to fewer licensing categories and only one state licensing system level. The Division of Real Estate, the largest individual licensing board, has the greatest number of licensees, but with only six different licensing categories statewide and without a local licensing system. The CILB's coverage is broken into two divisions consisting of 18 different licensing categories. The construction licensing system is further complicated by the additional regulation of locally "registered" categories that differ from county to county throughout the state.

Currently, the CILB office keeps track of contractor information manually, either by microfilm or on typewritten cards. Large amounts historical and current data are stored on microfilm and through written documentation. Limited computer assistance is available at this time.

The primary benefit of installing a statewide computer network would be an increase in overall system efficiency. Currently, many CILB office functions are still done manually, such as disciplinary tracking and financial responsibility. Local licensing authorities do not have immediate access to state contractor information. A statewide computer database would provide CILB personnel a method of rapid storage and retrieval of important licensing documentation. In addition, local

authorities would be provided a means immediate license verification, validity, work history, disciplinary actions, etc.

A statewide computer network linking local authorities with the CILB office in Jacksonville would solve the main problems currently hampering the contractor licensing system. The majority of the construction industry personnel who were surveyed by investigators believed that computerizing the contractor licensing system must be a high priority if overall efficiency is to be improved. Eighty-five percent of the building officials surveyed favored computerization. Research investigators believe that the contractor licensing system's productivity would improve substantially if a statewide computer network and database were implemented.

A statewide network database would provide more efficient information transfer between state and local officials. This improved information network would subsequently reduce labor and phone requirements in the CILB main office and increase office efficiencies in local licensing jurisdictions.

The computer system would include a statewide network of PCs in the building department and licensing board offices. This would encourage the transfer of information between local authorities. Currently, very little "registered" contractor information is available outside the "registered" contractors' jurisdiction. Contractors are free to move their operations to other jurisdictions if their local registrations are revoked. A statewide network of contractor information would provide a means of tracking, storing, and accessing historical contractor information.

The CILB is a significant segment of the overall professional licensing system in Florida. The administrative needs of the CILB vary from the other licensing boards due to highly segmented nature of the construction industry. A statewide

computer network would unify all the elements of the state's contractor licensing system.

A computerization and modernization program for the construction licensing system will have to be paid for by the construction industry. License fees and renewals will have to be increased in order to pay for the basic elements of the computer system. Local licensing jurisdictions will have to contribute partial funding to pay for the computer hardware that will be located in local jurisdictional offices. The DPR will have to issue a special appropriation for the purchase of specialized computer equipment which they will not furnish.

#### Recommendations

- (1) Establish a computer and modernization program to include

Establishing a statewide computer network and contractor data base that could be accessed by state and local authorities by a 9600 baud modem. The computer network could be made up of PCs in the local building departments connected via modem to a central computer at the DPR or CILB offices. Each current state licensed contractor would be issued "credit-card" type personal ID card. This ID card would be run through a reader at the building department permit office at time of permit issuance. The contractor's ID number would be entered by bar code or magnetic strip. It would be validated or invalidated instantly via the modem network. The database would also supply important historical information relating to an applicant licensing history, disciplinary actions, current address, etc.

The statewide computer network database could be accessed by local and state building officials to provide them with following contractor information:

- (1) Type of license and renewal date
- (2) Insurance expiration date

- (3) Status of license & licenses held
  - (4) Qualifier & dual qualifier
  - (5) Current address & phone
  - (6) Liability & Workman's Comp information
  - (7) Violations, complaints, and penalties history
  - (8) Permitted work history
  - (9) Bonding company
  - (10) Pending litigation or violations
  - (11) Business headquarters of the qualifier
  - (12) Accounts, financial data, real property
  - (13) Years in service
- (2) Local licensing boards should adopt more unilateral licensing procedures of records management to improve information transfers. A generic complaint form should be created for use by the state and local offices.
  - (3) Provide the CILB office with up-to-date computer equipment and software. Connect existing office computers in a inter-office network. Train office staff in use of computers and programs.
  - (4) Increase contractor licensing fees to pay for computerization and modernization program. Dedicate additional revenue for the sole purpose of a computerization program.
  - (5) Require the DPR to provide a special appropriation for the purchase of required computer equipment. The local building departments would be required to partially pay for the costs of equipment located inside their jurisdictions.

### Two-Tier Licensing System

#### Significant Findings

A state licensing system with only one means of qualification (state certification) would simplify and increase the efficiency of the entire system. The current system should gradually phase out its regulation of the "locally registered."

This regulatory curtailment would reduce the cost, time, and effort involved with the contractor licensing system's enforcement.

If the elimination of local registrations is not feasible, then the local licensing jurisdictions should be mandated greater authority to discipline their own "registered" contractors. One building official stated, "The state should give local personnel increased powers to regulate their own registered contractors if the state cannot handle the large load." Local boards should be granted more authority to expedite disciplinary cases that involve locally registered contractors. These local boards should also be given the power to review all licensed complaints before the state becomes involved. Local complaints and disciplinary actions should be processed locally and local boards should be able to fine registered contractors in a manner similar to the state. The local boards should be used as the first level of action against violators, with the state board acting only as an appeals board.

Local licensing jurisdictions, which have the ability and resources, should be granted the authority to discipline their own registered categories. Counties such as Dade, Broward, and Palm Beach have strong boards and can handle disciplining their own registered contractors. If these jurisdictions were allowed to discipline their own registrants, it would eliminate the current duplication of effort that presently exists between the state and local licensing authorities. Currently, after local authorities have completed a disciplinary action, the state must perform a secondary investigation and issue an additional punishment for the same violation. This disciplinary reiteration causes unnecessary expenditure. Licensing authorities are investigating and fining the violator twice for the same offense. Allowing local authorities to discipline their own districts would streamline CILB costs related to disciplinary actions. The state would lose some income related to licensing, but



would save money in investigative time. The state board would simply act as a sounding board for local authorities. The local authorities would perform their own investigating, disciplining, and fining, and would simply inform the state when actions have been taken.

### Recommendations

- (1) Create a state licensing system with only one means of qualification, state certification. The local jurisdictions should eliminate all licenses that are not state licensed.

or

- (1) The state level of the contractor licensing system should suspend any regulation of the "registered" classifications. Local licensing jurisdictions will license, enforce, and discipline their own locally registered categories. The state will regulate only the state "certified" categories. The local jurisdictions would choose what trades they would regulate under a local "registration" classification. The CILB should only work on "state certified" cases.
- (2) Improve communication between the state and local levels of the licensing system. Establish a statewide computer network and database to help track and store historical contractor information. Provide local jurisdictions with more unilateral licensing procedures and practices relating to records management.
- (3) Limit the expanding coverages of the CILB.
- (4) Provide better local jurisdictional guidance from the state level of the licensing system. Provide local authorities with better enforcement methods for controlling unlicensed activities.

unlicensed activities. A certification program would also clarify the interpretation of building codes by yielding a standard interpretation.

The construction industry must fund this building official certification program. Every time a license is renewed or building permit is issued, the program would be funded. Each building department would have to provide the DPR with individual cost reports related to running the certification program. Funding will be guaranteed by increased licensing fees and building permits.

#### Recommendations

- (1) Mandate a building official certification program under DPR.
- (2) Utilize an existing certification program.

#### Enforcement of the Licensing System

#### Significant Findings

The local licensing jurisdictions should be given more authority for controlling locally registered and unlicensed contractors. The local jurisdictions need to play a greater role in regulating the "registered" contractor and a more authoritative position for curtailing unlicensed activities.

The CILB needs to adopt additional policies for better control of unlicensed activities. It is the job of local jurisdictions to curtail unlicensed activities, but most jurisdictions do not know what to do about it or where to start. The CILB needs to lead the local county building officials in passing local codes and setting up local enforcement to get the job done.

The construction licensing system needs to adopt more timely enforcement policies and stricter penalties for violators. Current enforcement techniques and disciplinary processes have to be modified in order to reduce the continual backlog of cases. Presently the CILB spends 60% of its time trying to administer justice to complaints received from customers, and the results that are eventually obtained do not warrant the effort input. The CILB should increase local jurisdictional powers and allow local code enforcement boards more authority to administer fines for first offense violations. This would substantially reduce state level workloads.

The CILB needs to provide better local jurisdictional guidance and should take a more prominent role in educating local officials. The CILB also needs to prepare an informational package for use by the local jurisdictions. It should inform building officials about the necessary codes and rules for tightening of licensing enforcement and punishments.

Finally, the CILB needs to improve public awareness of the state licensing system in Florida. The public that hires unlicensed persons should be held responsible for their illegal actions, but they should be better educated about the licensing system in order to reduce their reliance upon it.

The majority of CILB members and building officials believe that the future will involve greater governmental regulation pertaining to the contractor licensing system. These new regulations are the result of Florida's growing population and increasing construction activity. Building official apprehension toward the predicted increase in regulations comes from the present shortages of field staff which currently exist on the local levels of the licensing system. Greater regulation means greater roles for local officials, since they are the enforcement force for the state.

In addition, there needs to be an increase in the number of enforcement personnel in the field. A building official states, "The construction industry continues to grow. As the number of contractors in Florida increases, added enforcement will be required." It has been the state's policy to pass regulation at the legislative level. Currently, the state does not have adequate personnel to enforce their regulations; however, they are putting the burden on local building officials. The licensing system should be simplified, focusing on stronger enforcement, greater expedition of complaints and disciplinary actions, and more efficient and unilateral access to contractor licensing information.

The state should only be involved in the regulation of the "certified" level of the licensing system. The local licensing jurisdictions should be provided with adequate field staffing if they are to enforce and police the current and future regulations mandated by the state.

There is currently no state agency to enforce the licensing law. The CILB relies on local licensing jurisdictions to enforce the state licensing system. Economically, the state cannot create its own police force.

#### Recommendations

- (1) The CILB needs to adopt a public awareness campaign to educate the general public on the licensing system.
- (2) Provide the local licensing jurisdictions with more authority in controlling locally registered and unlicensed contractors. Discontinue state level regulation of "locally registered" contractors.

- (3) The CILB needs to support local jurisdictions in passing local codes and setting up local enforcement to strengthen its policing of the licensing system. Allow local code enforcement boards more authority to administer fines for first time violators.
- (4) Reduce the time and effort involved with disciplinary actions and increase the penalties for repeat offenders.

### Conclusion

This comprehensive review and evaluation of the construction licensing system was meant to provide answers to key questions about the state licensing system. Recommendations made in this study are to provide possible solutions for accomplishing the mission and improving the efficiency of the Construction Industry Licensing Board (CILB).

The current state construction contractor licensing system was installed as means of protecting consumers in the State of Florida. The current industry growth and the expanding coverages of the CILB threaten to limit its effectiveness.

Construction Industry Licensing Board members want to gain control over certain administrative functions taken away during the 1979 regulatory reorganization of the DPR. Current costs associated with these administrative areas are untraceable and ambiguous. The Division of Real Estate has retained partial administrative control over elements of its licensing body. This study provides an administrative justification for the CILB to regain administrative control over its investigative fees.

The Construction Industry Licensing Board is operating with antiquated methods and procedures. The current board executive director is directing a modernization and improvement program, but the entire information management

system is critically outdated and labor intensive. A computerization program is urgently needed to update and improve the efficiency of the CILB and the construction licensing system.

The complex nature of the two-level construction licensing system adds additional administrative cost and effort to the licensing system's enforcement. Other licensing boards operate with greater efficiency due to their simplified licensing systems. The current state construction licensing system cannot tolerate the added expense of regulating both the state and local levels of the licensing system.

The majority of building officials and construction industry regulation professionals have indicated their support of a statewide certification program for building officials. A certification program would ensure consistent competent service throughout the construction licensing system in Florida. It would provide unilateral interpretations of codes and regulations and require building officials to be responsible for their actions.

The enforcement of the construction licensing system is in the hands of the local jurisdictional personnel. The state has no police force to enforce its licensing rules and procedures. As the number of contractors in Florida increases, the number of enforcement personnel will have to grow. The licensing system must be simplified, focusing on more enforcement personnel, greater expedition of complaints and disciplinary actions, and more efficient and unilateral licensing system properties.

### Suggestions for Further Research

- (1) To select an effective computer system to meet the current and future needs of the construction licensing system. How to fund such a computer system.
- (2) Where to stop the expanding trade coverages of the construction industry licensing system.
- (3) What is the best method for a continuing education program.
- (4) How to better enforce the licensing law and how to examine the legislative procedure to increase the disciplinary penalties of the licensing system.
- (5) To study the local licensing system and its affect on the state licensing system.

## ENDNOTES

- 1 Staff of Senate Economic, Community, and Consumer Affairs Committee. "A Review of Chapter 489, Part I, Florida Statutes, Construction Contracting." (December, 1987), 9.
- 2 Toy, Gene Arlan. "A Model for Protecting the Public through Contractor Licensing." (Graduate School Doctoral Dissertation, University of Florida. 1989). 22.
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- 6 Toy, Gene Arlan. "A Model for Protecting the Public through Contractor Licensing." (Graduate School Doctoral Dissertation, University of Florida. 1989). 23.
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- 8 Toy, Gene Arlan. "A Model for Protecting the Public through Contractor Licensing." (Graduate School Doctoral Dissertation, University of Florida. 1989). 20.



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APPENDIX A

Construction Industry Licensing Board

Budget and Quarterly Report

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 QUARTERLY FINANCIAL REPORT CASH SUMMARY SHEET  
 NINE MONTHS ENDING MARCH 31, 1991

BEGINNING ACTUAL CASH BALANCE 7/1/90	\$ 630,675
Total Obligations Outstanding From 1989-90	385,116
Less: Unexpended Obligations From 1989-90	76,301
Obligations From 1989-90 Disbursed During 1990-91	308,815
	-----
Add: Adjustment for Property Transfer To Nursing	1,895
	-----
ADJUSTED CASH BALANCE	\$ 323,755

ACTUAL REVENUE COLLECTED:	
Fees (Applications, etc.)	999,001
Licenses (Initial, Renewal, Reactivation, etc.)	596,795
Administrative Fines	234,451
Miscellaneous	3,235
Refunds	11,449
Loan Repayment	86,433
TOTAL REVENUE COLLECTED	1,931,364
	-----

PRORATED INTEREST EARNED:	
First Quarter	4,482
Second Quarter	0
Third Quarter	0
Fourth Quarter	0
	-----
TOTAL RESOURCES AVAILABLE	4,482
	-----
	\$ 2,259,601

CASH DISBURSEMENTS:	
Direct Charges	3,186,612
Operating Support Services	348,605
TOTAL CASH DISBURSEMENTS	3,535,217
	-----
ENDING ACTUAL CASH BALANCE 03/31/91	(\$ 1,275,616)
	=====

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 EXPENDITURE BY FUNCTION  
 NINE MONTHS ENDING MARCH 31, 1991

PRORATED PERCENT	FUNCTION	
7.4	ADMINISTRATIVE SUPPORT	348,605
5.3	OFFICE OF LICENSURE	47,176
5.8	OFFICE OF EXAMINATION SERVICES	614,391
	D. O. A. H.	190,324
20.4	CONSUMER COMPLAINTS	168,401
15.2	DPR LEGAL SERVICES	554,309
10.7	OFFICE OF INVESTIGATIONS	573,018
	ATTORNEY GENERAL'S OFFICE	35,736
	BOARD ADMINISTRATIVE OFFICE	1,003,257
		-----
		3,535,217
		=====

DATE RUN 04/15/91

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

ADMINISTRATIVE SUPPORT

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	184,281.		184,281.
121000 TEMPORARY EMPLOYMENT	3,361.		3,361.
124000 STUDENT OR GRADUATE ASSISTANTS	1,739.		1,739.
131300 PROFESSIONAL FEES-CONSULTING	3,353.		3,353.
131400 PROFESSIONAL FEES-COURT REPORTING		180.	180.
132200 GENERAL FEES-EMPLOYMENT	76.		76.
132900 INDEPENDENT CONTRACTOR - OTHER	63.		63.
151000 SOCIAL SECURITY	74.		74.
TOTAL OTHER PERSONAL SERVICES	8,666.	180.	8,846.
131400 PROFESSIONAL FEES-COURT REPORTING	102.	429.	429.
133100 LEGAL ADVERTISING	638.		638.
133200 EMPLOYMENT ADVERTISING	2,336.	9,273.	11,609.
139900 INDEPENDENT CONTRACTOR - OTHER	334.		334.
158000 STATE PERSONNEL ASSESSMENTS	3,909.		3,909.
221000 COMM & FRT-TELEPHONE	15,984.		15,984.
225000 COMM & FRT-POSTAGE	2,519.		2,519.
227000 COMM & FRT-FREIGHT	1,410.	6,450.	7,860.
230000 CUR CHGS-PRINTING AND REPRODUCTION	11,584.		11,584.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	885.	2,585.	3,470.
261000 IN-STATE TRAVEL	320.		320.
261800 IN STATE TRAVEL-TRAINING	597.		597.
262000 OUT-OF-STATE TRAVEL	203.		203.
262800 OUT OF STATE TRAVEL-TRAINING	8.	6.	14.
264000 CLASS C MEAL ALLOWANCE	8.		8.
270000 UTILITIES	101.		101.
363000 MAINT&HEAT SUPP-PARTS AND FITTINGS	63.		63.
371000 FUEL & LUB-GASOLINE	5,461.		5,461.
380000 CUR CHGS-OFFICE SUPPLIES	785.		785.
399000 OTHER M&S-OTHER	12.		12.
411000 INS&SURETY-AUTOMOBILE FLEET INSURANCE	160.		160.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	854.		854.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	124.		124.
414000 INS&SURETY-FIRE FUND INSURANCE	1,026.		1,026.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	4.		4.
419000 INS&SURETY-OTHER	280.		280.
421000 PENSIONS&BENEF-UNEMPL. COMP. BENEFITS	29,162.		29,162.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	290.		290.
442000 RENTAL EQ-COPYING	5.		5.
443000 RENTAL EQ-POSTAGE			

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

ADMINISTRATIVE SUPPORT

	PRORATED	DIRECT	TOTAL
449000 RENTAL EQ-OTHER	379.		379.
492000 OTHER CUR CHGS-SUBSCRIPTIONS	372.		372.
493000 OTHER CUR CHGS-DUES	192.		192.
498000 OTHER CUR CHGS-STATE AWARDS	138.		138.
499000 OTHER CUR CHGS-OTHER	315.		315.
511000 BOOKS AND OTHER LIBRARY RESOURCES	39.		39.
512000 FURNITURE AND EQUIPMENT	1,031.		1,031.
516000 DATA PROCESSING EQUIPMENT	131.		131.
891000 OTH-NONOP-INT PD ON LATE PAY OF INV.	2.		2.
TOTAL EXPENSES	81,763.	18,743.	100,506.
060000 OPERATING CAPITAL OUTLAY	14,879.		14,879.
180000 TRANSFERS	838.		838.
210000 DATA PROCESSING SERVICES	12,743.	26,501.	39,244.
920000 REISSUES	11.		11.
GRAND TOTAL (CASH BASIS)	303,181.	45,424.	348,605.



DATE RUN 04/15/91

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DIRECTOR OF EXAMINATIONS & LICENSURE

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	5,880.		5,880.
121000 TEMPORARY EMPLOYMENT	99.		99.
151000 SOCIAL SECURITY	1.		1.
TOTAL OTHER PERSONAL SERVICES	100.		100.
158000 STATE PERSONNEL ASSESSMENTS	12.		12.
221000 COMM & FRT-TELEPHONE	9.		9.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	45.		45.
380000 CUR CHGS-OFFICE SUPPLIES	77.		77.
399000 OTHER M&S-OTHER	28.		28.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	4.		4.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	22.		22.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	27.		27.
421000 PENSIONS&BENEF-UNEMPL. COMP. BENEFITS	99.		99.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	252.		252.
492000 OTHER CUR CHGS-SUBSCRIPTIONS	12.		12.
499000 OTHER CUR CHGS-OTHER	3.		3.
512000 FURNITURE AND EQUIPMENT	100.		100.
TOTAL EXPENSES	690.		690.
060000 OPERATING CAPITAL OUTLAY	549.		549.
180000 TRANSFERS	24.		24.
GRAND TOTAL (CASH BASIS)	7,243.		7,243.
LESS: DIRECTOR COST			7,243.
ADJUSTED GRAND TOTAL			0

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

OFFICE OF LICENSURE

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	31,044.		31,044.
121000 TEMPORARY EMPLOYMENT	562.		562.
124000 STUDENT OR GRADUATE ASSISTANTS	465.		465.
151000 SOCIAL SECURITY	15.		15.
TOTAL OTHER PERSONAL SERVICES	1,042.		1,042.
133100 LEGAL ADVERTISING	6.		6.
139900 INDEPENDENT CONTRACTOR - OTHER	627.		627.
158000 STATE PERSONNEL ASSESSMENTS	79.		79.
221000 COMM & FRT-TELEPHONE	252.		252.
227000 COMM & FRT-FREIGHT	13.		13.
230000 CUR CHGS-PRINTING AND REPRODUCTION	2,233.		2,233.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	660.		660.
261000 IN-STATE TRAVEL	3.	71.	74.
264000 CLASS C MEAL ALLOWANCE	1.	9.	10.
270000 UTILITIES	2.		2.
363000 MAINT&HEAT SUPP-PARTS AND FITTINGS	2.		2.
380000 CUR CHGS-OFFICE SUPPLIES	710.		710.
399000 OTHER M&S-OTHER	410.		410.
411000 INS&SURETY-AUTOMOBILE FLEET INSURANCE	12.		12.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	37.		37.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	200.		200.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	240.		240.
419000 INS&SURETY-OTHER	1.		1.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	4,519.		4,519.
442000 RENTAL EQ-COPYING	47.		47.
449000 RENTAL EQ-OTHER	104.		104.
493000 OTHER CUR CHGS-DUES	13.		13.
498000 OTHER CUR CHGS-STATE AMARDS	43.		43.
499000 OTHER CUR CHGS-OTHER	231.		231.
512000 FURNITURE AND EQUIPMENT	167.		167.
TOTAL EXPENSES	10,612.	80.	10,692.
060000 OPERATING CAPITAL OUTLAY	1,297.		1,297.
180000 TRANSFERS	204.		204.

DATE RUN 06/15/91

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

OFFICE OF LICENSURE

	PRORATED	DIRECT	TOTAL
	44,199.	80.	44,279.
	=====	=====	=====
			2,897
			-----
			47,176
			=====

GRAND TOTAL (CASH BASIS)

DIRECTOR COST

ADJUSTED GRAND TOTAL

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

OFFICE OF EXAMINATION SERVICES

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	51,315.		51,315.
121000 TEMPORARY EMPLOYMENT	17.	3,158.	3,175.
124000 STUDENT OR GRADUATE ASSISTANTS		843.	843.
132400 GENERAL FEES-EXAMINATION AND TESTING	2.	490,242.	490,244.
151000 SOCIAL SECURITY		58.	58.
TOTAL OTHER PERSONAL SERVICES	19.	494,301.	494,320.
133100 LEGAL ADVERTISING		9.	9.
133200 EMPLOYMENT ADVERTISING	5.		5.
139900 INDEPENDENT CONTRACTOR - OTHER	8.	1,859.	1,867.
158000 STATE PERSONNEL ASSESSMENTS	118.		118.
221000 COMM & FRT-TELEPHONE	661.	11.	672.
227000 COMM1 & FRT-FREIGHT	39.	22.	61.
230000 CUR CHGS-PRINTING AND REPRODUCTION	86.	1,193.	1,279.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	144.		144.
261000 IN-STATE TRAVEL	52.	1,435.	1,487.
261800 IN STATE TRAVEL-TRAINING	19.		19.
262000 OUT-OF-STATE TRAVEL	13.		13.
264000 CLASS C MEAL ALLOWANCE		48.	48.
341000 ED, MED, & AGR. SUPP.-EDUCATIONAL		571.	571.
380000 CUR CHGS-OFFICE SUPPLIES	948.		948.
399000 OTHER M&S-OTHER	124.		124.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	57.		57.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	305.		305.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	366.		366.
419000 INS&SURETY-OTHER	2.		2.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	4,414.	42,750.	47,164.
442000 RENTAL EQ-COPYING	208.		208.
449000 RENTAL EQ-OTHER	97.		97.
498000 OTHER CUR CHGS-STATE AWARDS	9.	6,739.	6,836.
499000 OTHER CUR CHGS-OTHER	4.		4.
512000 FURNITURE AND EQUIPMENT	17.	414.	431.
TOTAL EXPENSES	7,696.	55,051.	62,747.
060000 OPERATING CAPITAL OUTLAY	1,244.		1,244.
180000 TRANSFERS	302.		302.

DATE RUN 04/15/91

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

OFFICE OF EXAMINATION SERVICES

	PRORATED	DIRECT	TOTAL
210000 DATA PROCESSING SERVICES	87.	30.	117.
GRAND TOTAL (CASH BASIS)	60,663.	549,382.	610,045.
DIRECTOR COST		4,346	
ADJUSTED GRAND TOTAL			614,391

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 06/15/91

DIRECTOR OF REGULATIONS

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	32,895.		32,895.
121000 TEMPORARY EMPLOYMENT	966.		966.
124000 STUDENT OR GRADUATE ASSISTANTS	271.		271.
151000 SOCIAL SECURITY	18.		18.
TOTAL OTHER PERSONAL SERVICES	1,255.		1,255.
133100 LEGAL ADVERTISING	39.		39.
133200 EMPLOYMENT ADVERTISING	11.		11.
139900 INDEPENDENT CONTRACTOR - OTHER	4.		4.
158000 STATE PERSONNEL ASSESSMENTS	70.		70.
221000 COMM & FRT-TELEPHONE	246.		246.
225000 COMM & FRT-POSTAGE	9.		9.
227000 COMM & FRT-FREIGHT	49.		49.
230000 CUR CHGS-PRINTING AND REPRODUCTION	4.		4.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	89.		89.
261000 IN-STATE TRAVEL	242.	66.	308.
261800 IN STATE TRAVEL-TRAINING	161.		161.
264000 CLASS C MEAL ALLOWANCE	1.		1.
363000 MAINT/HEAT SUPP-PARTS AND FITTINGS	101.		101.
380000 CUR CHGS-OFFICE SUPPLIES	178.		178.
399000 OTHER M&S-OTHER	359.		359.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	31.		31.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	166.		166.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	199.		199.
419000 INS&SURETY-OTHER	1.		1.
421000 PENSIONS&BENEF-UNEMPL. COMP. BENEFITS	463.		463.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	2,631.		2,631.
442000 RENTAL EQ-COPYING	226.		226.
449000 RENTAL EQ-OTHER	43.		43.
492000 OTHER CUR CHGS-SUBSCRIPTIONS	284.		284.
499000 OTHER CUR CHGS-OTHER	56.		56.
511000 BOOKS AND OTHER LIBRARY RESOURCES	999.		999.
512000 FURNITURE AND EQUIPMENT	538.		538.
516000 DATA PROCESSING EQUIPMENT	40.		40.
TOTAL EXPENSES	7,240.	66.	7,306.
060000 OPERATING CAPITAL OUTLAY	2,417.		2,417.

DATE RUN 04/15/91

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

DIRECTOR OF REGULATIONS

	PRORATED	DIRECT	TOTAL
180000 TRANSFERS	156.		156.
GRAND TOTAL (CASH BASIS)	43,963.	66.	44,029.
LESS: DIRECTOR COST			-
ADJUSTED GRAND TOTAL			0

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

D.O.A. HEARINGS

	PRORATED	DIRECT	TOTAL
131600 PROFESSIONAL FEES-LEGAL		190,324.	190,324.
TOTAL D O A H		190,324.	190,324.
GRAND TOTAL (CASH BASIS)		190,324.	190,324.



DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

CONSUMER COMPLAINTS SECTION

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	102,749.		102,749.
121000 TEMPORARY EMPLOYMENT	6,112.		6,112.
151000 SOCIAL SECURITY	89.		89.
TOTAL OTHER PERSONAL SERVICES	6,201.		6,201.
133100 LEGAL ADVERTISING	11.	5,532.	5,543.
139900 INDEPENDENT CONTRACTOR - OTHER	392.		392.
158000 STATE PERSONNEL ASSESSMENTS	215.		215.
221000 COMM & FRT-TELEPHONE	8,363.		8,363.
227000 COMM & FRT-FREIGHT	7.		7.
230000 CUR CHGS-PRINTING AND REPRODUCTION	360.		360.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	914.		914.
380000 CUR CHGS-OFFICE SUPPLIES	1,709.		1,709.
399000 OTHER M&S-OTHER	239.		239.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	102.		102.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	547.		547.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	657.		657.
419000 INS&SURETY-OTHER	3.		3.
421000 PENSIONS&BENEF-UNEMPL. COMP. BENEFITS	240.		240.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	19,532.		19,532.
442000 RENTAL EQ-COPYING	872.		872.
497000 OTHER CUR CHGS-PAY. FOR INFO. & EVIDEN		4.	4.
498000 OTHER CUR CHGS-STATE AMARDS	15.		15.
499000 OTHER CUR CHGS-OTHER	32.		32.
511000 BOOKS AND OTHER LIBRARY RESOURCES	20.		20.
512000 FURNITURE AND EQUIPMENT	31.		31.
TOTAL EXPENSES	34,261.	5,536.	39,797.
060000 OPERATING CAPITAL OUTLAY	8,089.		8,089.
180000 TRANSFERS	558.		558.
GRAND TOTAL (CASH BASIS)	151,858.	5,536.	157,394.
DIRECTOR COST			11,007
ADJUSTED GRAND TOTAL			168,401

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

LEGAL SERVICES

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	251,529.		251,529.
121000 TEMPORARY EMPLOYMENT	28,638.		28,638.
124000 STUDENT OR GRADUATE ASSISTANTS	15,272.		15,272.
131400 PROFESSIONAL FEES-COURT REPORTING		2,719.	2,719.
131600 PROFESSIONAL FEES-LEGAL		93,994.	93,994.
131630 GENERAL FEES-INVESTIGATIVE		29,195.	29,195.
151000 SOCIAL SECURITY	637.		637.
891000 OTH-NONOP-INT PD ON LATE PAY OF INV.		23.	23.
TOTAL OTHER PERSONAL SERVICES	44,547.	125,931.	170,478.
131400 PROFESSIONAL FEES-COURT REPORTING		9,175.	9,175.
133200 EMPLOYMENT ADVERTISING	111.		111.
139900 INDEPENDENT CONTRACTOR - OTHER	66.	200.	266.
151000 SOCIAL SECURITY		9.	9.
158000 STATE PERSONNEL ASSESSMENTS	500.		500.
221000 COMM & FRT-TELEPHONE	4,363.		4,363.
225000 COMM & FRT-POSTAGE	10.		10.
227000 COMM & FRT-FREIGHT	2,464.	58.	2,522.
230000 CUR CHGS-PRINTING AND REPRODUCTION	53.	879.	932.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	2,264.		2,264.
261000 IN-STATE TRAVEL	5.	23,493.	23,498.
261800 IN STATE TRAVEL-TRAINING	149.		149.
262000 OUT-OF-STATE TRAVEL	58.		58.
262800 OUT OF STATE TRAVEL-TRAINING	37.		37.
264000 CLASS C MEAL ALLOWANCE	2.		2.
363000 MAINT&HEAT SUPP-PARTS AND FITTINGS	1.	228.	230.
380000 CUR CHGS-OFFICE SUPPLIES			1.
399000 OTHER M&S-OTHER	5,102.		5,102.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	309.		309.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	218.		218.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	1,175.		1,175.
419000 INS&SURETY-OTHER	1,411.		1,411.
421000 PENSIONS&BENEF-UNEMPL. COMP. BENEFITS	7.		7.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	1,126.		1,126.
449000 RENTAL EQ-OTHER	36,423.		36,423.
492000 OTHER CUR CHGS-SUBSCRIPTIONS	630.		630.
497000 OTHER CUR CHGS-PAY. FOR INFO. & EVIDEN	20.		20.
499000 OTHER CUR CHGS-OTHER		207.	207.
511000 BOOKS AND OTHER LIBRARY RESOURCES	157.		157.
512000 FURNITURE AND EQUIPMENT	67.		67.
	3,143.		3,143.

DATE RUN 04/15/91

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

LEGAL SERVICES

	PRORATED	DIRECT	TOTAL
891000 OTH-NONOP-INT PD ON LATE PAY OF INV.	1.		1.
TOTAL EXPENSES	59,872.	34,249.	94,121.
060000 OPERATING CAPITAL OUTLAY	14,814.		14,814.
180000 TRANSFERS	1,337.		1,337.
920000 REISSUES	15.		15.
GRAND TOTAL (CASH BASIS)	372,114.	160,180.	532,294.
DIRECTOR COST			22,015
ADJUSTED GRAND TOTAL			554,309

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

OFFICE OF INVESTIGATIONS

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	466,073.		466,073.
121000 TEMPORARY EMPLOYMENT	2,625.		2,625.
139900 INDEPENDENT CONTRACTOR - OTHER	13.		13.
151000 SOCIAL SECURITY	38.		38.
TOTAL OTHER PERSONAL SERVICES	2,676.		2,676.
133100 LEGAL ADVERTISING	2.		2.
133200 EMPLOYMENT ADVERTISING	10.		10.
139900 INDEPENDENT CONTRACTOR - OTHER	203.	19.	222.
151000 SOCIAL SECURITY	3.	71.	74.
158000 STATE PERSONNEL ASSESSMENTS	928.		928.
221000 COMM & FRT-TELEPHONE	6,062.	4.	6,066.
225000 COMM & FRT-POSTAGE	1,610.		1,610.
227000 COMM & FRT-FREIGHT	1,646.		1,646.
230000 CUR CHGS-PRINTING AND REPRODUCTION	187.	10.	197.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	5,861.		5,861.
261000 IN-STATE TRAVEL	1,937.	3,899.	5,836.
264000 CLASS C MEAL ALLOWANCE	13.	914.	927.
270000 UTILITIES	267.		267.
363000 MAINT#HEAT SUPP-PARTS AND FITTINGS	2,332.		2,332.
371000 FUEL & LUB-GASOLINE	3,083.		3,083.
377000 FUEL & LUB-LUBRICANTS	93.		93.
380000 CUR CHGS-OFFICE SUPPLIES	3,614.		3,614.
399000 OTHER M&S-OTHER	359.	6.	365.
411000 INS&SURETY-AUTOMOBILE FLEET INSURANCE	2,330.		2,330.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	430.		430.
413000 INS&SURETY-MORKERS' COMP. INSURANCE	2,312.		2,312.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	2,776.		2,776.
419000 INS&SURETY-OTHER	13.		13.
421000 PENSIONSBENEF-UNEMPL. COMP. BENEFITS	297.		297.
431000 RENTALS-FROM GENERAL SERVICES	13,700.		13,700.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	29,154.		29,154.
442000 RENTAL EQ-COPYING	641.		641.
443000 RENTAL EQ-POSTAGE	355.		355.
449000 RENTAL EQ-OTHER	32.		32.
492000 OTHER CUR CHGS-SUBSCRIPTIONS	72.		72.
496000 OTHER CUR CHGS-JURORS AND WITNESSES		93.	93.
497000 OTHER CUR CHGS-PAY. FOR INFO. & EVIDEN	1.	541.	542.
498000 OTHER CUR CHGS-STATE AWARDS	17.		17.
499000 OTHER CUR CHGS-OTHER	409.	54.	463.

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

OFFICE OF INVESTIGATIONS

	PRORATED	DIRECT	TOTAL
511000 BOOKS AND OTHER LIBRARY RESOURCES	34.		34.
512000 FURNITURE AND EQUIPMENT	2,392.		2,392.
TOTAL EXPENSES	83,175.	5,611.	88,786.
060000 OPERATING CAPITAL OUTLAY	2,020.		2,020.
180000 TRANSFERS	2,422.		2,422.
920000 REISSUES	34.		34.
GRAND TOTAL (CASH BASIS)	556,400.	5,611.	562,011.
DIRECTOR COST			11,007
ADJUSTED GRAND TOTAL			573,018

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

DEPUTY ASST. SECRETARY-PROFESSIONS 7/1/90-12/31/90

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	15,917.		15,917.
121000 TEMPORARY EMPLOYMENT	222.		222.
151000 SOCIAL SECURITY	3.		3.
TOTAL OTHER PERSONAL SERVICES	225.		225.
139900 INDEPENDENT CONTRACTOR - OTHER	1.		1.
158000 STATE PERSONNEL ASSESSMENTS	26.		26.
221000 COMM & FRI-TELEPHONE	65.		65.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	326.		326.
261000 IN-STATE TRAVEL	171.	1,229.	1,400.
262000 OUT-OF-STATE TRAVEL	168.		168.
380000 CUR CHGS-OFFICE SUPPLIES	112.		112.
399000 OTHER M&S-OTHER	25.		25.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	18.		18.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	99.		99.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	119.		119.
419000 INS&SURETY-OTHER	1.		1.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	420.		420.
449000 RENTAL EQ-OTHER	124.		124.
499000 OTHER CUR CHGS-OTHER	70.		70.
512000 FURNITURE AND EQUIPMENT	118.		118.
TOTAL EXPENSES	1,863.	1,229.	3,092.
060000 OPERATING CAPITAL OUTLAY	159.		159.
180000 TRANSFERS	71.		71.
GRAND TOTAL (CASH BASIS)	18,235.	1,229.	19,464.
LESS: DEP. ASST. SECRETARY - 7/90-12/90			19,464.
ADJUSTED GRAND TOTAL			0

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

DIRECTOR, PROFESSIONS - AFTER 12/31/90

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	17,838.		17,838.
139900 INDEPENDENT CONTRACTOR - OTHER	1.		1.
158000 STATE PERSONNEL ASSESSMENTS	34.		34.
221000 COMM & FRT-TELEPHONE	70.		70.
230000 CUR CHGS-PRINTING AND REPRODUCTION	3.		3.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	239.		239.
261000 IN-STATE TRAVEL	159.	219.	378.
261800 IN STATE TRAVEL-TRAINING	34.		34.
262000 OUT-OF-STATE TRAVEL	133.		133.
380000 CUR CHGS-OFFICE SUPPLIES	160.		160.
399000 OTHER M&S-OTHER	33.		33.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	316.		316.
516000 DATA PROCESSING EQUIPMENT	39.		39.
TOTAL EXPENSES	1,221.	219.	1,440.
060000 OPERATING CAPITAL OUTLAY	745.		745.
180000 TRANSFERS	56.		56.
920000 REISSUES	4.		4.
GRAND TOTAL (CASH BASIS)	19,864.	219.	20,083.
LESS: PROFESSIONS DIRECTOR'S OFFICE COST			20,083.
ADJUSTED GRAND TOTAL			0

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

ATTORNEY GENERAL

	PRORATED	DIRECT	TOTAL
131600 PROFESSIONAL FEES-LEGAL		32,340.	32,340.
TOTAL OTHER PERSONAL SERVICES		32,340.	32,340.
261000 IN-STATE TRAVEL		3,390.	3,390.
264000 CLASS C MEAL ALLOWANCE		6.	6.
TOTAL EXPENSES		3,396.	3,396.
GRAND TOTAL (CASH BASIS)		35,736.	35,736.



DATE RUN 04/15/91

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

BOARD ADMINISTRATIVE OFFICE

	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS		331,235.	331,235.
121000 TEMPORARY EMPLOYMENT	12,941.		12,941.
123000 BOARD MEMBERS	14,000.		14,000.
131400 PROFESSIONAL FEES-COURT REPORTING	1,270.		1,270.
151000 SOCIAL SECURITY	391.		391.
TOTAL OTHER PERSONAL SERVICES	28,602.		28,602.
131400 PROFESSIONAL FEES-COURT REPORTING	261.		261.
133100 LEGAL ADVERTISING	265.		265.
139900 INDEPENDENT CONTRACTOR - OTHER	7,996.		7,996.
151000 SOCIAL SECURITY	6.		6.
158000 STATE PERSONNEL ASSESSMENTS	835.		835.
221000 COMM & FRT-TELEPHONE	5,793.		5,793.
225000 COMM & FRT-POSTAGE	28,718.		28,718.
227000 COMM & FRT-FREIGHT	620.		620.
230000 CUR CHGS-PRINTING AND REPRODUCTION	4,661.		4,661.
240000 CUR CHGS-REPAIRS AND MAINTENANCE	9,363.		9,363.
261000 IN-STATE TRAVEL	46,705.		46,705.
261800 IN STATE TRAVEL-TRAINING	545.		545.
264000 CLASS C MEAL ALLOWANCE	162.		162.
270000 UTILITIES	136.		136.
281000 MOVING EXP-PAYMENTS TO THIRD PARTY	2,162.		2,162.
282000 MOVING EXP-PAYMENTS TO EMPLOYEE	611.		611.
363000 MAINT&HEAT SUPP-PARTS AND FITTINGS	200.		200.
380000 CUR CHGS-OFFICE SUPPLIES	6,383.		6,383.
399000 OTHER M&S-OTHER	1,320.		1,320.
412000 INS&SURETY-GENERAL LIABILITY INSURANCE	405.		405.
413000 INS&SURETY-WORKERS' COMP. INSURANCE	2,181.		2,181.
415000 INS&SURETY-CIVIL RIGHTS INSURANCE	2,619.		2,619.
416000 INS&SURETY-SURETY BONDS	22.		22.
419000 INS&SURETY-OTHER	13.		13.
421000 PENSIONS&BENEF-UNEMPL. COMP. BENEFITS	1,918.		1,918.
431000 RENTALS-FROM GENERAL SERVICES	90,183.		90,183.
434000 RENTALS-FROM NON-GOVERNMENTAL ENTITIES	3,625.		3,625.
442000 RENTAL EQ-COPYING	1,252.		1,252.
443000 RENTAL EQ-POSTAGE	1,259.		1,259.
444000 RENTAL EQ-OFFICE	203.		203.
449000 RENTAL EQ-OTHER	1,866.		1,866.
493000 OTHER CUR CHGS-DUES	475.		475.
498000 OTHER CUR CHGS-STATE AWARDS	40.		40.
499000 OTHER CUR CHGS-OTHER	320.		320.

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

BOARD ADMINISTRATIVE OFFICE

	PRORATED	DIRECT	TOTAL
512000 FURNITURE AND EQUIPMENT		1,626.	1,626.
891000 OTH-NONDP-INT PD ON LATE PAY OF INV.		9.	9.
TOTAL EXPENSES		224,738.	224,738.
060000 OPERATING CAPITAL OUTLAY		13,927.	13,927.
180000 TRANSFERS		206,187.	206,187.
220000 REFUNDS		63,519.	63,519.
310300 SERVICE CHARGES-GEN.REVENUE,SUNSET		94,678.	94,678.
920000 REISSUES		824.	824.
GRAND TOTAL (CASH BASIS)		963,710.	963,710.
DEPUTY ASSISTANT SECRETARY COST THRU 12/90			19,464
PROFESSION'S DIRECTOR OFFICE COST AFTER 12/90			20,083
ADJUSTED GRAND TOTAL			1,003,257

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

	GRAND TOTAL	PRORATED	DIRECT	TOTAL
010000 SALARIES AND BENEFITS	1,159,521.	331,235.	1,490,756.	
121000 TEMPORARY EMPLOYMENT	42,602.	16,099.	58,701.	
123000 BOARD MEMBERS	17,747.	14,000.	14,000.	
124000 STUDENT OR GRADUATE ASSISTANTS	3,353.	843.	18,590.	
131300 PROFESSIONAL FEES-COURT REPORTING	4,169.	4,169.	3,353.	
131400 PROFESSIONAL FEES-COURT REPORTING	126,334.	126,334.	4,169.	
131600 PROFESSIONAL FEES-LEGAL	29,195.	29,195.	126,334.	
131630 GENERAL FEES-INVESTIGATIVE	76.	76.	29,195.	
132200 GENERAL FEES-EMPLOYMENT	2.	2.	76.	
132400 GENERAL FEES-EXAMINATION AND TESTING	76.	76.	490,244.	
139900 INDEPENDENT CONTRACTOR - OTHER	875.	875.	76.	
151000 SOCIAL SECURITY		449.	1,324.	
891000 OTH-NONOP-INT PD ON LATE PAY OF INV.		23.	23.	
TOTAL OTHER PERSONAL SERVICES	64,731.	681,354.	746,085.	
131400 PROFESSIONAL FEES-COURT REPORTING	160.	9,865.	9,865.	
133100 LEGAL ADVERTISING	775.	5,806.	5,806.	
133200 EMPLOYMENT ADVERTISING	3,658.	19,347.	22,985.	
139900 INDEPENDENT CONTRACTOR - OTHER	3.	86.	89.	
151000 SOCIAL SECURITY	2,316.	835.	3,151.	
158000 STATE PERSONNEL ASSESSMENTS	24,000.	5,808.	29,808.	
221000 COMM & FRT-TELEPHONE	17,613.	28,718.	46,331.	
225000 COMM & FRT-POSTAGE	6,737.	700.	7,437.	
227000 COMM & FRT-FREIGHT	4,336.	13,173.	17,509.	
230000 CUR CHGS-PRINTING AND REPRODUCTION	22,126.	9,363.	31,489.	
240000 CUR CHGS-REPAIRS AND MAINTENANCE	3,454.	83,092.	86,546.	
261000 IN-STATE TRAVEL	683.	545.	1,228.	
261800 IN STATE TRAVEL-TRAINING	969.	969.	969.	
262000 OUT-OF-STATE TRAVEL	240.	240.	240.	
262800 OUT OF STATE TRAVEL-TRAINING	25.	25.	1,398.	
264000 CLASS C MEAL ALLOWANCE	277.	136.	413.	
270000 UTILITIES		2,162.	2,162.	
281000 MOVING EXP-PAYMENTS TO THIRD PARTY		611.	611.	
282000 MOVING EXP-PAYMENTS TO EMPLOYEE		571.	571.	
341000 ED, MED, & AGR. SUPP.-EDUCATIONAL		200.	2,737.	
363000 MAINT&HEAT SUPP-PARTS AND FITTINGS	2,537.	200.	3,146.	
371000 FUEL & LUB-GASOLINE	3,146.	93.	3,146.	
377000 FUEL & LUB-LUBRICANTS	93.	93.	93.	
380000 CUR CHGS-OFFICE SUPPLIES	18,071.	6,383.	24,454.	
399000 OTH M&S-OTHER	2,671.	1,326.	3,997.	
411000 INS&SURETY-AUTOMOBILE FLEET INSURANCE	2,354.	2,354.	2,354.	

DEPARTMENT OF PROFESSIONAL REGULATION  
 CONSTRUCTION INDUSTRY LICENSING BOARD  
 NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

	GRAND TOTAL	PRORATED	DIRECT	TOTAL
412000	INS&SURETY-GENERAL LIABILITY INSURANCE	1,057.	405.	1,462.
413000	INS&SURETY-MORKERS' COMP. INSURANCE	5,680.	2,181.	7,861.
414000	INS&SURETY-FIRE FUND INSURANCE	124.		124.
415000	INS&SURETY-CIVIL RIGHTS INSURANCE	6,821.	2,619.	9,440.
416000	INS&SURETY-SURETY BONDS		22.	22.
419000	INS&SURETY-OTHER	32.	13.	45.
421000	PENSIONS&BENEF-UNEMPL. COMP. BENEFITS	2,505.	1,918.	4,423.
431000	RENTALS-FROM GENERAL SERVICES	13,700.	90,183.	103,883.
434000	RENTALS-FROM NON-GOVERNMENTAL ENTITIES	126,823.	46,375.	173,198.
442000	RENTAL EQ-COPYING	2,284.	1,252.	3,536.
443000	RENTAL EQ-POSTAGE	360.	1,259.	1,619.
444000	RENTAL EQ-OFFICE		203.	203.
449000	RENTAL EQ-OTHER	1,409.	8,605.	10,014.
492000	OTHER CUR CHGS-SUBSCRIPTIONS	760.		760.
493000	OTHER CUR CHGS-DUES	205.		205.
496000	OTHER CUR CHGS-JURORS AND WITNESSES		475.	475.
497000	OTHER CUR CHGS-PAY. FOR INFO. & EVIDEN		93.	93.
498000	OTHER CUR CHGS-STATE AWARDS		752.	752.
499000	OTHER CUR CHGS-OTHER	1.	40.	41.
511000	BOOKS AND OTHER LIBRARY RESOURCES	1,277.	788.	2,065.
512000	FURNITURE AND EQUIPMENT	1,159.		1,159.
516000	DATA PROCESSING EQUIPMENT	7,537.	1,626.	9,163.
891000	OTH-NONOP-INT PD ON LATE PAY OF INV.	210.		210.
		3.	9.	12.
TOTAL EXPENSES		288,393.	348,918.	637,311.
060000	OPERATING CAPITAL OUTLAY		13,927.	60,140.
131600	PROFESSIONAL FEES-LEGAL		190,324.	190,324.
TOTAL D O A H			190,324.	190,324.
180000	TRANSFERS	5,968.	206,187.	212,155.
210000	DATA PROCESSING SERVICES	12,830.	26,531.	39,361.
220000	REFUNDS		63,519.	63,519.
310300	SERVICE CHARGES-GEN.REVENUE,SUNSET		94,678.	94,678.

DEPARTMENT OF PROFESSIONAL REGULATION  
CONSTRUCTION INDUSTRY LICENSING BOARD  
NINE MONTHS ENDING MARCH 31, 1991

DATE RUN 04/15/91

GRAND TOTAL

	PRORATED	DIRECT	TOTAL
920000 REISSUES	64.	824.	888.
GRAND TOTAL (CASH BASIS)	1,577,720.	1,957,497.	3,535,217.

BUREAU OF INVESTIGATIVE SERVICES - INVES

BOARD OFFICE	Investigation	
	TOTAL	%
Accountancy	314.9	0.1%
Acupuncture	126.9	0.1%
Architecture	1131.0	0.5%
Athlete Agents	1.0	0.0%
Auctioneer	1107.0	0.5%
Barbers	4299.3	2.0%
Chiropractic	2634.9	1.2%
Construction	22728.9	10.6%
Cosmetology	20688.7	9.6%
Dentistry	5408.1	2.5%
Dental Laboratories	72.3	0.0%
Dieticians	97.3	0.0%
Direct Disposers	144.1	0.1%
Disp. Opticians	1244.6	0.6%
Electric Contr.	3718.5	1.7%
Emerg. Medical	0.0	0.0%
Engineers	2518.0	1.2%
Funeral Homes	3232.7	1.5%
Geologist	24.1	0.0%
Hearing Aid	432.2	0.2%
Interior Designers	16.0	0.0%
Landscape Arch	136.6	0.1%
Land Surveyors	922.7	0.4%
Massage	3084.6	1.4%
Medical Exam	42790.2	19.9%
Midwifery	107.0	0.0%
Naturopathic	78.3	0.0%
Nursing	15928.4	7.4%
Nursing Home	617.9	0.3%
Occupational Therapy	79.0	0.0%
Optometry	1268.1	0.6%
Osteopaths	3218.9	1.5%
Pharmacy	14382.2	6.7%
Physical Therapy Cou	476.9	0.2%
Pilots	2.0	0.0%
Podiatry	1025.1	0.5%
Psychology	1580.9	0.7%
Clinical Soc.	227.4	0.1%
Marriage & Family	418.6	0.2%
Mental Health	68.8	0.0%
School Psychology	26.3	0.0%
Real Estate	53779.3	25.0%
Respiratory Therapy	546.1	0.3%
Speech/Lang/Audio	27.5	0.0%
Talent Agencies	536.4	0.2%
Veterinary Medicine	3535.1	1.6%
TOTAL	<u>214804.8</u>	100.0%

# Bureau of Complaints Billable Hours (90-91)

FISCAL YEAR 1990-91

	JULY	AUGUST	SEPTEMBER	SUBTOTAL	%
ACCOUNTANCY	61.5	68.9	34.6	165.0	2.4%
ACUPUNCTURE	3.8	0.5	1.8	6.0	0.1%
ARCHITECTURE	16.8	16.0	6.5	41.3	0.6%
ATHLETE AGENTS	0.0	0.0	0.0	0.0	0.0%
AUCTIONEERS	27.0	26.3	32.7	87.9	1.3%
BARBER'S BOARD	15.6	17.4	6.5	39.4	0.6%
CERTIFIED SOCIAL WORKERS	0.0	0.0	0.0	0.0	0.0%
CHIROPRACTIC	63.5	72.9	46.9	163.3	2.7%
SOCIAL WORKERS, MT'S & MH	13.1	20.2	10.4	44.3	0.6%
CONSTRUCTION	564.2	515.9	389.3	1469.4	21.5%
COSMETOLOGY	65.5	91.0	81.5	238.0	3.5%
DENTISTRY	102.1	118.4	86.8	307.4	4.5%
DIETICIANS	0.6	9.0	0.0	9.6	0.1%
ELECTRICAL CONTRACTORS	41.8	105.7	47.5	195.0	2.9%
ENGINEERS	27.7	26.9	26.1	80.7	1.2%
FUNERAL DIRECTORS & EMBALMERS	37.5	116.5	71.3	225.2	3.3%
HEARING AID SPECIALISTS	25.1	6.4	21.4	55.0	0.8%
INDUSTRIAL HYGIENISTS	0.0	0.0	0.0	0.0	0.0%
INTERIOR DESIGNERS	0.0	0.0	0.0	0.0	0.0%
LAND SURVEYORS	22.7	13.9	19.9	56.5	0.8%
LANDSCAPE ARCHITECTURE	3.8	10.2	1.5	15.5	0.2%
MASSAGE	51.5	18.4	21.6	91.4	1.3%
MEDICINE	773.3	842.2	736.1	2351.6	34.4%
NATUROPATHIC	1.9	0.0	0.8	2.6	0.0%
NURSING	92.7	119.9	92.4	305.1	4.5%
NURSING HOME ADMINISTRATORS	5.9	1.8	2.2	9.9	0.1%
OCCUPATIONAL THERAPY	0.0	0.0	0.0	0.0	0.0%
OPTICIANRY	19.6	24.3	15.1	59.0	0.9%
OPTOMETRY	27.4	23.0	17.0	67.4	1.0%
OSTEOPATHIC MEDICINE	38.5	37.8	35.1	111.5	1.6%
PHARMACY	59.9	43.5	50.7	154.0	2.3%
PHYSICAL THERAPY COUNCIL	4.6	10.0	4.6	19.2	0.3%
PILOT COMMISSIONERS	4.5	2.3	2.5	9.4	0.1%
PODIATRY	37.0	25.1	18.4	78.5	1.1%
PROFESSIONAL GEOLOGISTS	2.3	0.0	0.6	2.9	0.0%
PSYCHOLOGICAL EXAMINERS	15.7	27.3	23.7	66.7	1.0%
REAL ESTATE COMMISSION	0.0	0.0	0.0	0.0	0.0%
RESPIRATORY THERAPY COUNCIL	5.9	5.2	5.6	16.7	0.2%
SCHOOL PSYCHOLOGISTS	0.0	1.3	0.9	2.2	0.0%
SPEECH-AUDIOLOGY	0	0	0	0.0	0.0%
TALENT AGENCIES	75.7	55.4	41.1	172.1	2.5%
VETERINARY MEDICINE	31.4	20.2	45.3	96.8	1.4%
HRS				0.0	0.0%
CLINICAL LAB - JC	0.0	0.0	0.0	0.0	0.0%
RADIOL. TECH - JX	0.0	0.0	0.0	0.0	0.0%
PARAMEDICS - JA	0.0	0.0	0.0	0.0	0.0%
EMT - JT	0.0	0.0	0.0	0.0	0.0%
MIDWIFE - JW	0.6	0.0	0.0	0.6	0.0%
TOTAL	2340.4	2495.3	2000.3	6839.0	100.0%

OCTOBER	NOVEMBER	DECEMBER	SUBTOTAL	TOTAL	%	JANUARY	FEBRUARY
64.6	61.1	52.0	177.6	342.6	2.8%	60.4	63.2
3.3	2.4	0.0	5.7	11.8	0.1%	2.3	4.1
19.3	26.1	22.8	68.2	105.5	0.8%	15.6	21.2
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
27.8	19.7	24.5	72.0	159.9	1.2%	22.0	14.5
12.6	12.9	22.4	48.1	87.5	0.7%	21.0	19.8
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
85.7	53.9	49.7	192.3	375.6	2.9%	57.9	47.9
14.9	26.5	12.2	53.6	97.9	0.7%	5.1	15.8
486.7	327.9	375.0	1191.5	2661.0	20.2%	488.2	452.3
74.1	62.3	66.4	224.8	462.8	3.5%	129.9	126.1
75.9	108.8	63.0	247.7	555.1	4.2%	125.3	98.2
0.4	0.5	1.0	1.9	11.5	0.1%	5.6	2.1
67.4	74.8	68.6	210.8	405.8	3.1%	60.6	51.2
25.6	11.2	32.8	69.6	150.3	1.1%	41.0	16.3
27.1	22.7	19.7	69.4	294.7	2.2%	12.3	28.9
36.2	15.4	16.9	72.5	127.5	1.0%	6.9	7.9
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
18.8	11.8	19.0	49.7	106.2	0.8%	17.2	10.4
3.2	2.9	0.9	7.0	22.5	0.2%	0.0	1.4
31.9	16.9	24.7	73.5	164.9	1.3%	27.5	8.3
898.2	624.9	633.3	2156.4	4505.0	34.2%	755.8	626.8
0.7	0.2	0.0	1.0	3.6	0.0%	0.0	0.1
113.5	107.4	105.5	326.4	631.4	4.8%	118.4	116.6
8.4	2.3	7.7	18.6	28.4	0.2%	1.6	2.6
1.0	0.0	2.0	2.9	2.9	0.0%	0.0	1.7
17.1	21.7	6.0	44.8	103.8	0.8%	35.8	26.8
37.4	18.8	25.8	86.0	153.4	1.2%	10.4	15.6
34.6	36.2	33.2	104.0	215.5	1.6%	41.5	45.2
68.9	72.2	72.0	213.1	367.1	2.8%	75.9	73.2
4.3	0.0	5.1	9.4	26.6	0.2%	3.1	2.3
3.4	11.2	3.5	18.2	27.6	0.2%	3.2	2.4
34.3	18.0	25.3	77.6	156.1	1.2%	25.6	27.2
0.0	0.0	0.0	0.0	2.9	0.0%	0.0	0.0
22.5	24.0	36.2	82.7	151.4	1.1%	33.8	12.7
0.0	0.1	0.4	0.5	0.5	0.0%	1.8	0.0
20.7	10.5	9.0	40.2	56.9	0.4%	3.5	4.8
1.2	0.0	1.3	2.5	4.7	0.0%	1.2	1.4
0.0	0.2	0.0	0.2	0.2	0.0%	0.1	2.5
86.2	72.9	40.1	201.9	373.9	2.8%	35.8	57.9
45.5	38.0	25.4	107.0	203.8	1.5%	26.7	38.6
			0.0	0.0	0.0%	0.0	0.0
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
0.0	0.0	0.0	0.0	0.0	0.0%	0.0	0.0
2479.1	1920.7	1929.5	6329.3	13166.4	100.0%	2304.8	2047.2



MARCH	SUBTOTAL	TOTAL	%	APRIL	MAY	JUNE	SUBTOTAL
73.5	197.1	539.7	2.7%				0.0
0.8	7.2	19.0	0.1%				0.0
12.3	49.1	158.6	0.8%				0.0
0.0	0.0	0.0	0.0%				0.0
13.4	49.9	209.8	1.1%				0.0
19.3	60.1	147.6	0.8%				0.0
0.0	0.0	0.0	0.0%				0.0
60.7	166.5	542.1	2.8%				0.0
21.0	43.9	141.7	0.7%				0.0
398.9	1339.4	4000.4	20.4%				0.0
109.0	365.0	827.8	4.2%				0.0
53.9	321.4	576.5	4.5%				0.0
0.3	8.0	19.6	0.1%				0.0
86.5	218.3	624.1	3.2%				0.0
18.2	75.5	225.8	1.1%				0.0
48.2	87.4	384.0	2.0%				0.0
16.2	31.0	158.5	0.8%				0.0
0.0	0.0	0.0	0.0%				0.0
	0.0	0.0	0.0%				0.0
10.3	37.9	144.1	0.7%				0.0
2.4	3.8	26.3	0.1%				0.0
19.1	54.9	219.8	1.1%				0.0
644.9	2027.5	6535.5	33.3%				0.0
0.5	0.6	4.2	0.0%				0.0
119.2	354.2	985.6	5.0%				0.0
0.2	4.4	32.8	0.2%				0.0
0.0	1.9	4.8	0.0%				0.0
16.2	78.6	182.4	0.9%				0.0
22.4	48.4	201.8	1.0%				0.0
41.5	128.6	344.0	1.8%				0.0
61.7	210.8	576.0	2.9%				0.0
13.4	18.8	47.3	0.2%				0.0
4.1	9.7	37.2	0.2%				0.0
25.7	81.5	237.7	1.2%				0.0
0.0	0.0	2.9	0.0%				0.0
14.6	63.1	214.5	1.1%				0.0
0.0	1.8	2.4	0.0%				0.0
7.0	17.3	74.2	0.4%				0.0
0.0	2.6	7.3	0.0%				0.0
1.5	4.1	4.4	0.0%				0.0
106.5	260.2	574.2	2.9%				0.0
31.0	97.3	301.1	1.5%				0.0
	0.0	0.0	0.0%				0.0
0.0	0.0	0.0	0.0%				0.0
0.0	0.0	0.0	0.0%				0.0
0.0	0.0	0.0	0.0%				0.0
0.0	0.0	0.0	0.0%				0.0
0.0	0.0	0.6	0.0%				0.0
2117.8	6467.8	<u>19636.2</u>	100.0%	0.0	0.0	0.0	0.0

TOTAL	%	NUMBER OF CASES			
		1ST QTR	2ND QTR	3RD QTR	4TH QTR
539.7	2.7%	17	83		
19.0	0.1%	1	2		
158.6	0.8%	4	43		
0.0	0.0%	0	0		
209.8	1.1%	14	36		
147.6	0.8%	10	47		
0.0	0.0%	0	0		
542.1	2.8%	31	101		
141.7	0.7%	8	32		
4000.4	20.4%	289	1134		
827.8	4.2%	97	230		
876.5	4.5%	55	173		
19.6	0.1%	0	3		
624.1	3.2%	21	72		
225.8	1.1%	13	45		
384.0	2.0%	97	25		
158.5	0.8%	16	18		
0.0	0.0%	0	0		
0.0	0.0%	0	0		
144.1	0.7%	11	33		
26.3	0.1%	0	3		
219.8	1.1%	9	31		
6535.5	33.3%	491	831		
4.2	0.0%	2	0		
985.6	5.0%	57	244		
32.8	0.2%	1	8		
4.8	0.0%	0	3		
182.4	0.9%	10	29		
201.8	1.0%	11	32		
344.0	1.8%	30	77		
578.0	2.9%	33	145		
47.3	0.2%	4	8		
37.2	0.2%	5	15		
237.7	1.2%	9	45		
2.9	0.0%	0	0		
214.5	1.1%	10	29		
2.4	0.0%	1	0		
74.2	0.4%	4	21		
7.3	0.0%	1	0		
4.4	0.0%	0	0		
574.2	2.9%	20	46		
301.1	1.5%	40	62		
0.0	0.0%				
0.0	0.0%	0	0		
0.0	0.0%	1	0		
0.0	0.0%	0	0		
0.0	0.0%	0	0		
0.0	0.0%	0	0		
0.6	0.0%	0	0		
19638.2	100.0%	1423	3709	0	0

	BILLABLE HOURS	ADMIN	TOTAL	BILLING PERCENT
YEAR-TO-DATE	+	=		
BOARD OF ARCHITECTURE AND INTERIOR DESIGN	32.8	4.8	37.7	1.2%
BOARD OF BARBERS	263.0	0.0	263.0	8.6%
BOARD OF ACCOUNTANCY	920.0	141.2	1,061.2	20.6%
CONSTRUCTION INDUSTRY LICENSING BOARD	174.8	27.4	204.2	4.0%
BOARD OF CHIROPRACTIC MEDICINE	61.4	9.6	71.0	1.4%
BOARD OF COSMETOLOGY	304.7	46.9	351.6	6.8%
BOARD OF DENTISTRY	46.7	6.9	53.6	1.0%
BOARD OF OPTICIANRY LICENSING BOARD	36.2	5.5	41.7	0.8%
ELECTRICAL CONTRACTORS LICENSING BOARD	139.7	21.3	161.0	3.1%
BOARD OF PROFESSIONAL ENGINEERS	11.6	2.1	13.7	0.3%
BOARD OF FUNERAL DIRECTORS AND EMBALMERS	56.3	8.9	65.2	1.3%
BOARD OF TALENT AGENCIES	46.4	6.9	53.3	1.0%
BOARD OF MASSAGE	1,604.7	246.1	1,850.8	35.9%
BOARD OF NURSING	11.0	1.4	12.4	0.2%
BOARD OF NURSING PATHS	2.1	0.0	2.1	0.0%
BOARD OF NURSING HOME ADMINISTRATORS	27.4	4.1	31.5	0.6%
BOARD OF OPTOMETRICAL EXAMINERS	133.9	20.6	154.5	3.0%
BOARD OF OSTEOPATHIC MEDICAL EXAMINERS	84.3	8.2	92.5	1.8%
BOARD OF PHARMACY	29.1	4.7	33.8	0.7%
BOARD OF PSYCHOLOGICAL EXAMINERS	87.6	14.7	102.3	2.0%
BOARD OF AUDIOLOGISTS	24.7	4.1	28.8	0.6%
BOARD OF VETERINARY MEDICINE	392.7	61.0	453.7	8.9%
REAL ESTATE COMMISSION	5.0	0.0	5.0	0.0%
BOARD OF PILOT COMMISSIONERS	12.2	2.1	14.3	0.3%
BOARD OF MEDICINE - RESPIRATORY THERAPY	11.9	2.1	14.0	0.3%
BOARD OF MEDICINE - DIETITIAN/NUTRITION COUNSELORS	41.3	6.2	47.5	0.9%
DENTAL LABORATORIES	11.0	0.0	11.0	0.2%
BOARD OF PROFESSIONAL LAND SURVEYORS	2.5	0.0	2.5	0.0%
BOARD OF ACUPUNCTURE	321.00	2.7	323.7	6.3%
BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY	14.2	2.1	16.3	0.3%
BOARD OF CLINICAL SOCIAL WORK	6.0	0.0	6.0	0.1%
MENTAL HEALTH COUNSELING	11.3	0.0	11.3	0.2%
BOARD OF MARRIAGE AND FAMILY THERAPY	1.1	0.0	1.1	0.0%
SCHOOL PSYCHOLOGIST	1.3	0.0	1.3	0.0%
DIRECT DISPOSERS	37.8	5.5	43.3	0.8%
BOARD OF HEARING AID SPECIALISTS	2.1	0.0	2.1	0.0%
BOARD OF PHYSICAL THERAPY	1.8	0.0	1.8	0.0%
BOARD OF MEDICINE - OCCUPATIONAL THERAPY	4,469.3	685.6	5,154.9	100.0%

YTD

\*\*\*\*\* END OF REPORT \*\*\*\*\*

APPENDIX B

Chapter 489, Florida Statutes

# CONSTRUCTION INDUSTRY LICENSING BOARD

## FLORIDA STATUTES CHAPTER 489 CONTRACTING

*REVISED OCTOBER 1990*

Department of Professional Regulation

LAWTON CHILES  
*Governor*



GEORGE STUART  
*Secretary*

## CHAPTER 489

## CONTRACTING

## PART I CONSTRUCTION CONTRACTING (ss. 489.101-489.133)

## PART II ELECTRICAL AND ALARM SYSTEM CONTRACTING (ss. 489.501-489.537)

## PART III SEPTIC TANK CONTRACTING (ss. 489.551-489.559)

## PART I

## CONSTRUCTION CONTRACTING

- 489.101 Purpose.  
 489.103 Exemptions.  
 489.105 Definitions.  
 489.107 Construction Industry Licensing Board.  
 489.108 Rulemaking authority of the board.  
 489.109 Fees.  
 489.111 Examinations.  
 489.113 Qualifications for practice; restrictions.  
 489.114 Evidence of workers' compensation coverage.  
 489.115 Certification and registration; endorsement; renewals.  
 489.117 Registration.  
 489.119 Business organizations; qualifying agents.  
 489.1195 Responsibilities.  
 489.121 Emergency registration upon death of contractor.  
 489.123 Reports of certified and registered contractors to local licensing boards.  
 489.125 Certificateholders eligible to participate in projects under s. 235.31.  
 489.127 Prohibitions; penalties.  
 489.129 Disciplinary proceedings.  
 489.131 Applicability.  
 489.132 Prohibited acts by unlicensed principals; investigation; hearing; penalties.  
 489.133 Pollutant storage systems specialty contractors; definitions; certification; restrictions.

**489.101 Purpose.**—The Legislature recognizes that the construction and home improvement industries may pose a danger of significant harm to the public when incompetent or dishonest contractors provide unsafe, unstable, or short-lived products or services. Therefore, it is necessary in the interest of the public health, safety, and welfare to regulate the construction industry.

*History.*—ss. 1, 17, ch. 79-200; ss. 2, 3, ch. 81-318; ss. 1, 20, 21, ch. 88-156.

*Note.*—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

**489.103 Exemptions.**—This part does not apply to:

(1) Contractors in work on bridges; roads, streets, highways, or railroads, or utilities and services incidental thereto.

(2) Any employee of a certificateholder or registrant who is acting within the scope of the license held by that certificateholder or registrant and with the knowledge and permission of the licenseholder. However:

(a) If the employer is not a certificateholder or registrant in that type of contracting, and the employee performs any of the following, the employee is not exempt:

1. Holds himself or his employer out to be licensed or qualified by a licensee;
2. Leads the consumer to believe that the employee has an ownership or management interest in the company; or
3. Performs any of the acts which constitute contracting.

(b) The legislative intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions.

For the purpose of this part, "employee" is defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

(3) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision if the employee does not hold himself out for hire or otherwise engage in contracting; except in accordance with his employment.

(4) An officer appointed by a court when he is acting within the scope of his office as defined by law or court order. When construction projects which were not undertaken at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee.

(5) Public utilities on construction, maintenance, and development work performed by their employees, which work is incidental to their business.

(6) The sale or installation of any finished products, materials, or articles of merchandise which are not fabricated into and do not become a permanent fixed part of the structure, except for inground spas and swimming pools that involve excavation, plumbing, chemicals, or wiring of any appliance without a factory-installed electrical cord and plug. This subsection shall not be construed to limit the exemptions provided in subsection (7).

(7) Owners of property when acting as their own contractor and providing all material supervision themselves; when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings at a cost of under \$25,000 on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part,

proof of the sale or lease, or offering for sale or lease, of more than one such structure by the owner-builder within 1 year after completion of same is prima facie evidence that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

#### Disclosure Statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building at a cost of \$25,000 or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you sell or lease more than one building you have built yourself within 1 year after the construction is complete, the law will presume that you built it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your construction must be done according to building codes and zoning regulations. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal law supersedes this part.

(9) 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, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$1,000 for the purpose of evading this part or otherwise.

(b) To a person who advertises that he is a contractor or otherwise represents that he is qualified to engage in contracting.

(10)(a) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches;

(b) Regularly constituted irrigation districts or reclamation districts; or

(c) Clearing or other work on the land in rural districts for fire prevention purposes or otherwise except when performed by a licensee.

(11) A registered architect or engineer acting within the scope of his practice or any person exempted by the law regulating architects and engineers, including persons doing design work as specified in s. 481.229(1)(b); provided, however, that an architect or engineer shall

not act as a contractor unless properly licensed under this chapter.

(12) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of the contractor.

(13) Any person who is licensed pursuant to chapter 527 when such person is performing the work authorized by such license.

(14) Any person who sells, services, or installs heating or air conditioning units which have a capacity no greater than 3 tons or 36,000 Btu, which have no ducts, and which have a factory-installed electrical cord and plug.

(15) The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services. No municipality or county may adopt an ordinance, rule, or regulation which requires such an operator to become licensed, certified, or registered as a plumber or which otherwise prevents the installation and maintenance of such water conditioning units by an operator.

(16) An architect or landscape architect licensed pursuant to chapter 481 or an engineer licensed pursuant to chapter 471 who offers or renders design-build services which may require the services of a contractor certified or registered pursuant to the provisions of this chapter, as long as the contractor services to be performed under the terms of the design-build contract are offered and rendered by a certified or registered general contractor in accordance with this chapter.

*History.*—ss. 11, 17, ch. 79-200; ss. 2, 3, ch. 81-318; s. 1, ch. 84-160; s. 1, ch. 87-235; ss. 2, 20, 21, ch. 88-156; s. 3, ch. 89-115; s. 69, ch. 89-162; s. 1, ch. 89-343; s. 29, ch. 89-374.

*Note.*—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

#### 489.105 Definitions.—As used in this part:

(1) "Board" means the Construction Industry Licensing Board.

(2) "Department" means the Department of Professional Regulation.

(3) "Contractor" means the person who is qualified for and responsible for the entire project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or by others construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(n):

(a) "General contractor" means a contractor whose services are unlimited as to the type of work which he may do, except as provided in this part.

(b) "Building contractor" means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which commercial or residential buildings do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.

(c) "Residential contractor" means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two stories in height and accessory use structures in connection therewith.

(d) "Sheet metal contractor" means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, when not prohibited by law, of ferrous or non-ferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same and including the balancing of air-handling systems.

(e) "Roofing contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof.

(f) "Class A air conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to disconnect or reconnect power wiring and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(g) "Class B air conditioning contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating

systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to disconnect or reconnect power wiring and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(h) "Class C air conditioning contractor" means a contractor whose business is limited to the servicing of air conditioning, heating, or refrigeration systems, including duct alterations in connection with those systems he is servicing, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. No person not previously registered or certified as a Class C air conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air conditioning contractors who held Class C licenses prior to October 1, 1988.

(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and natural gas fuel lines within buildings; to disconnect or reconnect power wiring and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.



(j) "Commercial pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

(k) "Residential pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, water treatment, and servicing of any residential swimming pool or hot tub or spa, regardless of use. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fibreglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, installation of housing for pool equipment, and installation of package pool heaters. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable waterlines.

(l) "Swimming pool/spa servicing contractor" means a contractor whose scope of work involves the servicing, repair, water treatment, including, but not limited to, the direct infusion of chlorine gas, and maintenance of any swimming pool or hot tub or spa, whether public or private. The scope of such work may include any necessary piping and repairs, replacement and repair of existing equipment, or installation of new additional equipment as necessary. The scope of such work includes the reinstallation of tile and coping, repair and replacement of all piping, filter equipment, and chemical feeders of any type, replastering, reconstruction of decks, and reinstallation or addition of pool heaters.

(m) "Plumbing contractor" means a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, when not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, when not prohibited by law, design the following without obtaining any additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities; venting systems; public or private water supply systems; septic tanks; drainage and supply wells; swimming pool piping; irrigation systems; or 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 (excluding liquid petroleum gases), and storm and sanitary sewer

lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, when not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers to the extent authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor shall apply to private property and public property, shall include any excavation work incidental thereto, and shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified herein as being the work of a trade other than that of a plumbing contractor. Nothing in this definition shall be construed to limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6). Nothing in this definition shall be construed to require certification or registration under this part of any authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater.

(n) "Underground utility contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary sewer collection systems, main water distribution systems, and storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. An underground utility contractor shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021(7) beginning at the point where the piping is used exclusively for such system.

(4) "Primary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the contracting activities of the business organization with which he is connected; who has the responsibility to supervise, direct, manage, and control construction activities on a job for which he has obtained the building permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part, as attested by the department.

(5) "Secondary qualifying agent" means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control construction activities on a job for which he has obtained a permit, and whose technical

and personal qualifications have been determined by investigation and examination as provided in this part, as attested by the department.

(6) "Contracting" means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (3) which define types of contractors. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure.

(7) "Certificate" means a certificate of competency issued by the department as provided in this part.

(8) "Certified contractor" means any contractor who possesses a certificate of competency issued by the department and who shall be allowed to contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.

(9) "Registration" means registration with the department as provided in this part.

(10) "Registered contractor" means any contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. Registered contractors may contract only in such jurisdictions.

(11) "Certification" means the act of obtaining or holding a certificate of competency from the department as provided in this part.

(12) "Specialty contractor" means a contractor whose scope of work and responsibility is limited to a particular phase of construction or whose scope of work is limited to a subset of the activities described in the categories established in paragraphs (a)-(n) of subsection (3). Categories of specialty contractor shall be established by the board by rule.

(13) "Local construction regulation board" means a board, composed of not fewer than three residents of a county or municipality, which the governing body of that county or municipality may create and appoint to maintain the proper standard of construction of that county or municipality.

**History.**—ss. 2, 17, ch. 79-200; ss. 1, 3, ch. 80-85; s. 367, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 28, 49, ch. 82-179; s. 1, ch. 83-140; s. 5, ch. 83-160; s. 1, ch. 85-290; ss. 27, 31, ch. 86-159; s. 6, ch. 87-374; ss. 3, 20, 21, ch. 88-156; s. 2, ch. 89-343; s. 30, ch. 89-374.

**Note.**—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

#### **1489.107 Construction Industry Licensing Board.—**

(1) To carry out the provisions of this part, there is created within the Department of Professional Regulation the Construction Industry Licensing Board. Members shall be appointed by the Governor, subject to confirmation by the Senate. Effective October 1, 1988, the Governor shall appoint four members, each for a term of 1 year; five members, each for a term of 2 years; four members, each for a term of 3 years; and five members, each for a term of 4 years. Thereafter, successors shall be appointed for 4-year terms. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. No member shall serve more than two consecutive 4-year terms or more than 11 years on the board.

(2) The board shall consist of eighteen members, of whom:

(a) Four are primarily engaged in business as general contractors;

(b) Three are primarily engaged in business as building contractors or residential contractors, however, at least one building contractor and one residential contractor shall be appointed;

(c) One is primarily engaged in business as a roofing contractor;

(d) One is primarily engaged in business as a sheet metal contractor;

(e) One is primarily engaged in business as an air conditioning contractor;

(f) One is primarily engaged in business as a mechanical contractor;

(g) One is primarily engaged in business as a pool contractor;

(h) One is primarily engaged in business as a plumbing contractor;

(i) One is primarily engaged in business as an underground utility contractor;

(j) Two are lay persons who are not, and have never been, members or practitioners of a profession regulated by the board or members of any closely related profession; and

(k) Two are building officials of a municipality or county.

(3) To be eligible for appointment, each contractor member must have been certified by the board to operate as a contractor in the category with respect to which he is appointed, be actively engaged in the construction business, and have been so engaged for a period of not less than 5 consecutive years before the date of his appointment. Each appointee must be a citizen and resident of the state.

(4) The board shall be divided into two divisions, Division I and Division II.

(a) Division I is comprised of the general contractor, building contractor, and residential contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division I has jurisdiction over the examination and regulation of general contractors, building contractors, and residential contractors.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division II has jurisdiction over the examination and regulation of roofing contractors, sheet metal contractors, air conditioning contractors, mechanical contractors, pool contractors, plumbing contractors; and underground utility contractors.

(5) Five members of Division I constitute a quorum, and five members of Division II constitute a quorum. The combined divisions shall meet together at such times as the board deems necessary, but neither division, nor any committee thereof, shall take action on any matter under the jurisdiction of the other division. However, if either division is unable to obtain a quorum for the pur-

pose of conducting disciplinary proceedings, it may request members of the other division, who are otherwise qualified to serve on the division unable to obtain a quorum, to join in its deliberations. Such additional members shall vote and count toward a quorum only during those disciplinary proceedings.

(6) The board shall establish at least one, but not more than two, probable cause panels for each division to meet the responsibilities set out in s. 455.225(4).

*History.*—ss. 3, 17, ch. 79-200; ss. 2, 3, ch. 80-85; s. 368, ch. 81-259; ss. 2, 3, ch. 81-318, s. 1, ch. 84-322; ss. 4, 20, 21, ch. 88-156; s. 11, ch. 89-162.

*Note.*—Repealed effective October 1, 1996, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

**1489.108 Rulemaking authority of the board.**—The board is authorized to make such rules not inconsistent with law which are necessary to carry out the duties and authority conferred upon it by this chapter.

*History.*—s. 2, ch. 87-235; s. 21, ch. 88-156.

*Note.*—Repealed effective October 1, 1996, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

**1489.109 Fees.**—

(1) The board, by rule, shall establish reasonable fees to be paid for applications, examination, certification and renewal, registration and renewal, and record-making and recordkeeping. The fees shall be established as follows:

(a) With respect to an applicant for a certificate, the initial application and examination fee shall not exceed \$350, and the initial certification fee and the renewal fee shall not exceed \$200; and

(b) With respect to an applicant for registration, the initial application fee shall not exceed \$50, and the initial registration fee and the renewal fee shall not exceed \$200.

The board, by rule, may also establish penalty fees not to exceed \$50 for certification and \$50 for registration for renewal applications made within 90 days after the end of the period. The board, by rule, may establish a fee for transfer of a certificate or registration from one business organization to another, not to exceed \$50. The board shall establish fees which are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of the construction industry.

(2) Failure to renew an active or voluntary inactive certificate or registration at the time of renewal will result in the certificate or registration becoming involuntarily inactive. Failure to reactivate an involuntarily inactive certificate or registration after two consecutive renewal periods have lapsed will result in the certificate or registration becoming null and void without further action of the board. The department shall notify certificateholders and registrants who have failed to reactivate their certificates or registrations for a renewal period that such certificates or registrations shall become null and void if not renewed by the end of the second period.

(3) A certificate or registration which is involuntarily inactive may be reactivated by application to the department, including payment of an application fee for reactivation not to exceed \$100 as established by board rule, complying with any background investigation that may be required by the board, and upon payment of the cur-

rent renewal fee for each renewal period in which the certificate or registration was involuntarily inactive and payment of the penalty fee.

(4) The department shall notify those certificateholders and registrants currently in an inactive status of the provisions of this section at the time of the next renewal period.

(5) A certificateholder or registrant whose license has become null and void may reapply to the board for certification or registration. The board may waive education and experience requirements as promulgated by board rule upon reapplication; however, the board may require any additional current requirements for certification or registration, including reexamination.

(6) A person who is registered or holds a valid certificate from the board may go on voluntary inactive status during which time he shall not engage in contracting, but may retain his certificate or registration on an inactive basis, on payment of a renewal fee during the inactive period, not to exceed \$50 per renewal period. To go off voluntary inactive status, such person shall be required only to pay the regular renewal fee for certification or registration.

(7) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all certificateholders and registrants shall pay a fee of \$4 to the department at the time of application or renewal. The funds shall be transferred at the end of each licensing period to the Department of Education to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the Department of Education on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of Education. The Department of Education shall allocate 50 percent of the funds to a graduate program in building construction in a Florida university and 50 percent of the funds to all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution. The Department of Education shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of Education shall cause a report to be made to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

*History.*—ss. 4, 17, ch. 79-200; ss. 2, 3, ch. 81-318; ss. 5, 20, 21, ch. 88-156; s. 35, ch. 88-205; s. 1, ch. 89-5; s. 62, ch. 89-162; s. 31, ch. 89-374.

*Note.*—Repealed effective October 1, 1996, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

**1489.111 Examinations.**—

(1) Any person who desires to be certified shall ap-

ply to the department in writing to take the certification examination.

(2) A person shall be entitled to take the examination for the purpose of determining whether he is qualified to engage in contracting throughout this state if the person:

- (a) Is 18 years of age;
- (b) Is of good moral character; and
- (c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 man-hours shall be used in determining full-time equivalency.

2. Has a total of at least 4 years of active experience as a workman who has learned his trade by serving an apprenticeship as a skilled workman who is able to command the rate of a mechanic in his particular trade or as a foreman who is in charge of a group of workmen and usually is responsible to a superintendent or a contractor or his equivalent, provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled workman, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college level courses; or has a combination of not less than 2 years of experience as a skilled workman, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. For the number of years of credits for any accredited college-level courses, the applicant shall show completion of an equal number of courses in the appropriate field of engineering, architecture, or building construction. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to take the building contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified residential contractor is eligible to take the general contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified building contractor is eligible to take the general contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

5.a. An active certified air conditioning Class C contractor is eligible to take the air conditioning Class B contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified air conditioning Class C contractor is eligible to take the air conditioning Class A contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified air conditioning Class B contractor is eligible to take the air conditioning Class A contractors' examination if he possesses a minimum of 1 year of proven experience in the classification in which he is certified.

6.a. An active certified swimming pool servicing contractor is eligible to take the residential swimming pool contractors' examination if he possesses a minimum of 3 years of proven experience in the classification in which he is certified.

b. An active certified swimming pool servicing contractor is eligible to take the swimming pool commercial contractors' examination if he possesses a minimum of 4 years of proven experience in the classification in which he is certified.

c. An active certified residential swimming pool contractor is eligible to take the commercial swimming pool contractors' examination if he possesses a minimum of 1 year of proven experience in the classification in which he is certified.

(3)(a) The board may refuse to certify an applicant for failure to satisfy the requirement of good moral character only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a certified contractor; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(b) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(4) The department shall ensure that a sensitivity review committee has been established including representatives of various ethnic/minority groups. No question found by this committee to be discriminatory against any ethnic/minority group shall be included in the examination.

*History.—*ss. 5, 17, ch. 79-200; s. 369, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 6, 20, 21, ch. 88-156; s. 12, ch. 89-162.

*Note.—*Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

#### **1489.113 Qualifications for practice; restrictions.—**

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his competency and qualifications to be certified pursuant to this part. To establish his competency, a person shall pass the appropriate examination administered by the department. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

(2) No person who is not certified or registered shall engage in the business of contracting in this state. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certi-

fication or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county, municipality, or local licensing board created by special act may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

(3) A contractor shall subcontract the electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air conditioning work for which a local examination for a certificate of competency or a license is required, unless such contractor holds a state certificate of competency or license of the respective trade category, as required by the appropriate local authority. However, a general, building, or residential contractor shall not be required to subcontract the installation of wood shingles, wood shakes, or asphalt or fiberglass shingle roofing materials on a new building of his own construction, and a general contractor shall not be required to subcontract structural swimming pool work. Further, a general contractor, on new site development work, site redevelopment work, mobile home parks, and commercial properties, shall not be required to subcontract the construction of the main sanitary sewer collection system, the storm collection system, and the water distribution system, not including the continuation of utility lines from the mains to the buildings. Further, as to mobile home parks, the general contractor shall not be required to subcontract the continuation of utility lines from the mains, and the continuations are to be considered a part of the main sewer collection and main water distribution systems. This subsection does not apply if the local authority does not require a certificate of competency or license for such trade. However, no general, building, or residential contractor certified after 1973 shall act as, hold himself out to be, or advertise himself to be a roofing contractor unless he is certified or registered as a roofing contractor. Any general contractor currently qualifying <sup>2</sup>as a swimming pool company shall have a period of 2 years from the effective date of this act in which to obtain either a registered or certified commercial or residential pool license.

(4) When a certificateholder desires to engage in contracting in any area of the state, as a prerequisite therefor, he shall be required only to exhibit to the local building official, tax collector, or other person in charge of the issuance of licenses and building permits in the area evidence of holding a current certificate and to pay the fee for the occupational license and building permit required of other persons. However, a local construction regulation board may deny the issuance of a building permit to a certified contractor, or issue a permit with specific conditions, if the local construction regulation board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the county or municipality that the local construction regulation board represents or if the local construction regulation board has proof that such

contractor, through the public hearing process, has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice to the contractor, that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the Department of Professional Regulation within 15 days after the local construction regulation board decides to deny the permit.

(5) The certificate is not transferable.

(6) The board shall, by rule, designate those types of specialty contractors which may be certified under this part.

(7) If an eligible applicant fails any contractor's written examination, except the general and building contractors' examination, and provides the board with acceptable proof of lack of comprehension of written examinations, the applicant may petition the board to be administered a uniform oral examination, subject to the following conditions:

(a) The applicant documents 10 years of experience in the appropriate construction craft.

(b) The applicant files written recommendations concerning his competency in the appropriate construction craft.

(c) The applicant is administered only one oral examination within a period of 1 year.

(8) Any public record of the board, when certified by the executive director of the board or his representative, may be received as prima facie evidence in any administrative or judicial proceeding.

*History.*—ss. 6, 17, ch. 79-200; ss. 3, 4, ch. 80-85; ss. 2, 3, ch. 81-318; s. 2, ch. 85-293; ss. 28, 31, ch. 86-159; s. 3, ch. 87-235; s. 13, ch. 87-310; s. 7, ch. 87-374; ss. 7, 20, 21, ch. 88-156; s. 32, ch. 89-374.

*Note.*—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

*Note.*—The word "as" was inserted by the editors.

**489.114 Evidence of workers' compensation coverage.**—Any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the Construction Industry Licensing Board evidence of workers' compensation coverage pursuant to chapter 440 by the submission to the board of a copy of the insurance policy or a certificate of insurance issued by the carrier or self-insurer to the contractor showing the date and duration of the coverage. The failure to maintain workers' compensation coverage shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.129. The board shall establish by rule the procedures needed to monitor the maintenance of coverage by contractors.

*History.*—s. 29, ch. 89-289.

**489.115 Certification and registration; endorsement; renewals.**—

(1)(a) The department shall issue a certificate or registration to each person qualified by the board and upon receipt of the original license fee.

(b) Certification allows the certificateholder to engage in contracting only for the type of work covered by the certificate.

(2) The board shall certify as qualified for certification by endorsement any applicant who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.111; or

(b) Holds a valid license to practice contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the license was issued.

(3)(a) Each certificateholder or registrant who desires to continue as a certificateholder or registrant shall renew his certificate or registration every 2 years, except that the department may issue a 3-year license to certificateholders renewing for the 3-year period beginning July 1, 1989, notwithstanding any other law to the contrary. The department shall mail each certificateholder and registrant an application for renewal.

(b) The certificateholder or registrant shall complete, sign, and forward the renewal application to the department, together with the appropriate fee. Upon receipt of the application and fee, the department shall renew the certificate or registration.

(4) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the board attesting to the fact that the applicant has obtained public liability and property damage insurance for the safety and welfare of the public in amounts determined by rule of the board. The board shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random sample method. In addition to the affidavit of insurance, as a prerequisite to the initial issuance of a certificate, the applicant shall furnish evidence of financial responsibility, credit, and business reputation of either himself or the business organization he desires to qualify. The board shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant for certification. If, within 60 days from the date the applicant is notified that he has qualified, he does not provide the evidence required, he shall apply to the department for an extension of time which shall be granted upon a showing of just cause.

(5) An initial applicant shall, along with his application, and a certificateholder or registrant shall, upon requesting a change of status, submit to the board a credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant or certificateholder or registrant. The credit report required for the initial applicant shall be considered the minimum evidence necessary to satisfy the board that he is financially responsible to be certified, that he has the necessary credit and business reputation to engage in con-

tracting in the state, and that he has the minimum financial stability necessary to avoid the problem of financial mismanagement or misconduct. The board shall, by rule, adopt guidelines for determination of financial stability.

*History.*—ss. 7, 17, ch. 79-200, ss. 2, 3, ch. 81-318; s. 85, ch. 83-329, ss. 8, 20, 21, ch. 88-156; s. 2, ch. 89-5; s. 33, ch. 89-374.

*Note.*—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

#### 1489.117 Registration.—

(1) Any person engaged in the business of contracting in the state shall be registered in the proper classification, unless he is certified. Any person entering the business of contracting shall be registered prior to engaging in contracting, unless he is certified. To be initially registered, the applicant shall submit the required fee and file evidence, in a form provided by the department, of holding a current local occupational license issued by any municipality, county, or development district for the type of work for which registration is desired and evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. No examination shall be required for registration.

(2) Registration allows the registrant to engage in contracting only in the counties, municipalities, or development districts where he has complied with all local licensing requirements and only for the type of work covered by the registration.

(3) Upon findings of fact supporting the need therefor, the board may grant a limited nonrenewable registration to a contractor not domiciled in the state, for one project. During the period of such registration the board may require compliance with this and any other statute of the state.

(4) The application for a temporary registration shall constitute appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of contracting for which the temporary license was issued.

(5) A special registration shall be granted to a specialty contractor as defined in subsection 489.105(12), provided local licensing is required for that specialty.

*History.*—ss. 8, 17, ch. 79-200; ss. 2, 3, ch. 81-318; ss. 9, 20, 21, ch. 88-156.  
*Note.*—Repealed effective October 1, 1999, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

#### 1489.119 Business organizations; qualifying agents.

(1) If an individual proposes to engage in contracting in his own name, registration or certification may be issued only to that individual.

(2) If the applicant proposes to engage in contracting as a partnership, corporation, business trust, or other legal entity, the applicant shall apply through a qualifying agent; the application shall state the name of the partnership and of its partners, the name of the corporation and of its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members; and the applicant shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the qualifying agent is legally qualified to act for the busi-

ness organization in all matters connected with its contracting business and that he has authority to supervise construction undertaken by such business organization. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with board rules. The registration or certification, when issued upon application of a business organization, shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

(3)(a) The qualifying agent shall be certified or registered under this part in order for the business organization to be certified or registered in the category of the business conducted for which the qualifying agent is certified or registered. If any qualifying agent ceases to be affiliated with such business organization, he shall so inform the department. In addition, if such qualifying agent is the only certified or registered individual affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in contracting until a qualifying agent is employed.

(b) The qualifying agent shall inform the department in writing when he proposes to engage in contracting in his own name or in affiliation with another business organization, and he or such new business organization shall supply the same information to the department as required of applicants under this part.

(c) Upon a favorable determination by the board, after investigation of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the department shall issue, without an examination, a new certificate or registration in the qualifying agent's name, and the name of the new business organization shall be noted thereon.

(4) When a certified qualifying agent, on behalf of a business organization, makes application for an occupational license in any municipality or county of this state, the application shall be made with the tax collector in the name of the qualifying agent and the name of the business organization; and the license, when issued, shall be issued to the qualifying agent and the business organization, upon payment of the appropriate licensing fee and exhibition to the tax collector of a valid certificate issued by the department, and the state license number shall be noted thereon.

(5)(a) Each registered or certified contractor shall affix the number of his registration or certification to each application for a building permit and on each building permit issued and recorded. Each city or county building department shall require, as a precondition for the issuance of the building permit, that the contractor taking out the permit must provide verification giving his Construction Industry Licensing Board registration or certification number.

(b) The registration or certification number of each contractor shall appear in any newspaper, airwave transmission, phone directory, or other advertising medium used by that contractor.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for certification or registration of a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the board shall require him to present evidence of ability and financial responsibility of each such organization. The issuance of such certification or registration is discretionary with the board.

(7) If a business organization or any of its partners, officers, directors, trustees, or members is fined for violating s. 489.129(2), the board may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization.

History.—ss 9, 17, ch. 79-200; ss. 2, 3, ch. 81-318; ss. 29, 49, ch. 82-179; s. 6, ch. 83-160; s. 86, ch. 83-329; s. 2, ch. 84-322; ss. 10, 20, 21, ch. 88-156

\*Note.—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

#### **489.1195 Responsibilities.—**

(1) A qualifying agent is a primary qualifying agent unless he is a secondary qualifying agent under this section. All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization; for all field work at all sites; and for financial matters, both for the organization in general and for each specific job.

(2) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the board, by all qualifying agents for the business organization. The joint agreement must be submitted to the board for approval. If the board determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents. The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.

(a) A designated sole primary qualifying agent has all the responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.

(b) A secondary qualifying agent is responsible only for:

1. The supervision of field work at sites where his license was used to obtain the building permit; and
2. Any other work for which he accepts responsibility.

A secondary qualifying agent is not responsible for supervision of financial matters.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate his status as such by giving actual notice to the business organization, to the board, and to all secondary qualifying agents of his intention to terminate his status. His notice to the board must include proof satisfactory to the board that he has given the notice required in this paragraph. The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the board, whichever first occurs. If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.

(b) Any change in the status of a qualifying agent is prospective only. A qualifying agent is not responsible for his predecessor's actions but is responsible, even after a change in status, for matters for which he was responsible while in a particular status.

*History.*—ss. 11, 21, ch. 88-156.

*Note.*—Expires October 1, 1998, pursuant to s. 21, ch. 88-156, and is scheduled for review pursuant to s. 11.61.

**1489.121 Emergency registration upon death of contractor.**—If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not certified or registered. Such person shall notify the board, within 30 days after the death of the contractor, of his name and address, his knowledge of the contract, and his ability to complete it. If the board approves, he may proceed with the contract. For purposes of this section, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his death, or on which he was the low bidder and the contract is subsequently awarded to him, regardless of whether any actual work has commenced under the contract before his death.

*History.*—ss. 10, 17, ch. 79-200; ss. 2, 3, ch. 81-318; ss. 12, 20, 21, ch. 88-156.

*Note.*—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

**1489.123 Reports of certified and registered contractors to local licensing boards.**—Upon request, the board shall inform local licensing boards or agencies annually during October of the names of those contractors certified or registered and the status of the certificates or registrations.

*History.*—ss. 10, 17, ch. 79-200; ss. 2, 3, ch. 81-318; ss. 20, 21, ch. 88-156.

*Note.*—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

**1489.125 Certificateholders eligible to participate in projects under s. 235.31.**—Notwithstanding any provisions to the contrary in s. 235.31 relating to prequalification of bidders, any person holding a certificate shall be deemed qualified to participate in any project thereunder.

*History.*—ss. 10, 17, ch. 79-200; ss. 2, 3, ch. 81-318; ss. 20, 21, ch. 88-156.

*Note.*—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

**1489.127 Prohibitions; penalties.**—

(1) No person shall:

(a) Falsely hold himself or a business organization out as a licensee, certificateholder, or registrant;

(b) Falsely impersonate a certificateholder or registrant;

(c) Present as his own the certificate or registration of another;

(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a certificate or registration;

(e) Use or attempt to use a certificate or registration which has been suspended or revoked;

(f) Engage in the business or act in the capacity of a contractor or advertise himself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified; or

(g) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent.

(2) Any person who violates any of the provisions of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Each county or municipality may, at its option, designate one or more of its code inspectors, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of paragraph (1)(f) against persons who engage in activity for which certification or registration under this part is required.

(a) A code inspector designated pursuant to this subsection may issue a citation for any violation of paragraph (1)(f) whenever, based upon personal investigation, the officer has reasonable and probable grounds to believe that such a violation has occurred.

(b) A citation issued by a code inspector must be in a form prescribed by the local governing body of the county or municipality and must state the time and date of issuance, the name and address of the violator, the date of the violation, a description of the violation, the name of the code inspector, and the timeframe during which the person charged must appear in court if the citation is appealed.

(c) The act for which the citation is issued must be ceased upon receipt of the citation; and the person charged with the violation, or other person designated in writing by the person charged, may, within 3 days, exclusive of weekends and legal holidays, submit a written request to the enforcement or licensing board for an appearance before the enforcement or licensing board to challenge the validity of the citation, to show that the violation has been corrected, or to establish a time before which the violation must be corrected.

1. Hearings by the enforcement or licensing board shall be conducted pursuant to the requirements of ss. 162.07 and 162.08.

2. If the person charged, or his designated representative, shows that the citation is invalid or that the violation has been corrected prior to appearing before the enforcement or licensing board, the enforcement or licensing board shall dismiss the citation. If the violation is corrected within the time set by the enforcement or licensing board for correction, the enforcement or licens-



ing board shall dismiss the citation; but if the violation has not been corrected within that time, the provisions of paragraph (d) apply.

3. If the enforcement or licensing board determines that the violation is irreparable or irreversible in nature, the enforcement or licensing board shall impose a civil penalty pursuant to paragraph (e).

4. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this subsection.

(d)1. A person cited for a violation pursuant to this subsection is deemed to be charged with a noncriminal infraction and cited to appear in court, unless the citation is dismissed pursuant to the provisions of paragraph (c).

2. A person cited for a violation pursuant to this subsection may post a bond equal in amount to the applicable civil penalty established pursuant to paragraph (e) or sign and accept a citation indicating a promise to appear. If he refuses to post a bond or accept and sign the citation and does not submit a written request to the enforcement or licensing board for an appearance before the enforcement or licensing board pursuant to the provisions of paragraph (c), he is in violation of this act and shall be punished in accordance with paragraph (e).

3. If a person cited for a violation pursuant to this subsection pays the applicable civil penalty established pursuant to paragraph (e) before the date he is to appear in court, he shall have the option to admit the commission of the infraction or to indicate that he does not wish to contest the citation. If such a person forfeits the bond he has posted by not appearing at the designated time and location, he is deemed to have admitted the commission of the infraction.

(e) The civil penalty required for the disposition of violations of this subsection shall be a fine not to exceed \$500. An enforcement or licensing board, upon notification by the code inspector that an order of the enforcement or licensing board has not been complied with by the set time or upon finding that the same violation has been repeated by the same violator, may order the violator to pay a fine not to exceed \$250 for each day the violation continues past the date set for compliance or for each time the violation has been repeated, and a hearing shall not be necessary for issuance of the order. In determining the amount of the fine, if any, the enforcement or licensing board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

(f) This subsection does not authorize or permit a code enforcement officer to perform any function or duty of a law enforcement officer other than a function or duty that is authorized in this subsection.

(g) The local governing body of the county or municipality may enact an ordinance establishing procedures for implementing this subsection.

(h) An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement or licensing board to the circuit court. Such

an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement or licensing board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(i) All notices required by this subsection shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer or code inspector; or by leaving the notice at the violator's usual place of residence with some person of his family above 15 years of age and informing such person of the contents of the notice.

(j) For those counties which enact ordinances to implement this subsection and which have local construction licensing boards or local government code enforcement boards, the local construction licensing board or local government code enforcement board shall be responsible for the administration of such citation program and training of investigators. The local governing body of the county shall enter into interlocal agreements with any municipalities in the county so that such municipalities may by ordinance, resolution, policy, or administrative order, authorize individuals to enforce the provisions of this section. Such individuals shall be subject to the requirements of training as specified by the local construction licensing board.

**History.**—ss. 13, 17, ch. 79-200; ss. 13, 15, 25, 30, 34, 58, 62, ch. 80-406; s. 370, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 30, 34, ch. 86-159; s. 11, ch. 87-310; ss. 13, 20, 21, ch. 88-156; s. 3, ch. 89-343.

**Note.**—Repealed effective October 1, 1998, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

**Note.**—Section 775.084 was amended by s. 6, ch. 88-131, deleting all reference to misdemeanors.

#### 1489.129 Disciplinary proceedings.—

(1) The board may revoke, suspend, or deny the issuance or renewal of the certificate or registration of a contractor, require financial restitution to a consumer, impose an administrative fine not to exceed \$5,000, place a contractor on probation, require continuing education, assess costs associated with investigation and prosecution, or reprimand or censure a contractor if the contractor, or if the business organization for which the contractor is a primary qualifying agent or is a secondary qualifying agent responsible under s. 489.1195, is found guilty of any of the following acts:

(a) Obtaining a certificate or registration by fraud or misrepresentation.

(b) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting.

(c) Violating chapter 455.

(d) Willfully or deliberately disregarding and violating the applicable building codes or laws of the state or of any municipalities or counties thereof.

(e) Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.

(f) Knowingly combining or conspiring with an uncertified or unregistered person by allowing his certificate or registration to be used by the uncertified or un-

registered person with intent to evade the provisions of this part. When a certificateholder or registrant allows his certificate or registration to be used by one or more business organizations without having any active participation in the operations, management, or control of such business organizations, such act constitutes prima facie evidence of an intent to evade the provisions of this part.

(g) Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration, or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration, or as later changed as provided in this part.

(h) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 30 days after the date of such liens.

2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned.

3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(i) Being disciplined by any municipality or county for an act or violation of this part, which discipline shall be reviewed by the state board before the state board takes any disciplinary action of its own.

(j) Failing in any material respect to comply with the provisions of this part.

(k) Abandoning a construction project in which the contractor is engaged or under contract as a contractor. A project is to be considered abandoned after 90 days if the contractor terminates the project without notification to the prospective owner and without just cause.

(l) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.

(m) Being found guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the practice of contracting.

(n) Proceeding on any job without obtaining applicable local building department permits and inspections.

(2) If a contractor disciplined under subsection (1) is a qualifying agent for a business organization and the violation was performed in connection with a construction project undertaken by that business organization, the board may impose an additional administrative fine not to exceed \$5,000 against the business organization or against any partner, officer, director, trustee, or member if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.

(3) The board may specify by rule the acts or omissions which constitute violations of this section.

(4) In recommending penalties in any proposed recommended final order, the department shall follow the penalty guidelines established by the board by rule. The department shall advise the hearing officer of the appropriate penalty, including mitigating and aggravating circumstances, and the specific rule citation.

(5) The board may not reinstate the certification or registration of, or cause a certificate or registration to be issued to, a person who the board has determined unqualified until it is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of competently engaging in the business of contracting.

(6) The board may assess interest payments on all fines imposed under this chapter against any person or business organization which has not paid the imposed fine by the due date established by rule or final order. The provisions of chapter 120 do not apply to such assessment. Interest rates to be imposed shall be established by rule and shall not be usurious.

(7) The board shall not issue or renew a certificate or registration to any person who has been assessed a fine, interest payments, or costs associated with investigation and prosecution, until such fine, interest payments, or costs associated with investigation and prosecution are paid in full.

(8) If the board finds any certified or registered contractor guilty of a violation involving financial or general business practices, the board may, as part of its disciplinary action, require such contractor to obtain continuing education in the areas of financial or general business practices.

*History.*—ss. 12, 17, ch. 79-200; s. 371, ch. 81-259; ss. 2, 3, ch. 81-318; s. 7, ch. 83-160; ss. 87, 119, ch. 83-329; s. 9, ch. 87-74; ss. 14, 20, 21, ch. 88-156; s. 13, ch. 89-162; s. 34, ch. 89-374.

*Note.*—Repealed effective October 1, 1996, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

#### 1489.131 Applicability.—

(1) This part applies to all contractors, including, but not limited to, those performing work for the state or any county or municipality. Officers of the state or any county or municipality shall determine compliance with this part before awarding any contract for construction, improvement, remodeling, or repair.

(2) The state or any county or municipality shall require that bids submitted for construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that the bidder holds an appropriate certificate or registration, unless the work to be

performed is exempt under s. 489.103, or the contractor is not domiciled in this state and can satisfactorily show that he will comply with s. 489.117(3). Any contractor not domiciled in this state shall submit to the state, county, or city proof of workers' compensation coverage and evidence that the contractor's carrier or self-insurer has current knowledge of the contractor's intent to do business within this state.

(3) Nothing in this part limits the power of a municipality or county:

(a) To regulate the quality and character of work performed by contractors through a system of permits, fees, and inspections which is designed to secure compliance with and aid in the implementation of state and local building laws.

(b) To enforce other laws for the protection of the public health and safety.

(c) To collect occupational license and inspection fees for engaging in contracting or examination fees from persons who are registered with the board pursuant to local examination requirements. However, nothing in this part shall be construed to require general contractors, building contractors, or residential contractors to obtain additional occupational licenses for specialty work when such specialty work is performed by employees of such contractors on projects for which they have substantially full responsibility and such contractors do not hold themselves out to the public as being specialty contractors.

(d) To adopt any system of permits requiring submission to and approval by the municipality or county of plans and specifications for work to be performed by contractors before commencement of the work.

(e) To require one bond for each contractor in an amount not to exceed \$5,000, which bond shall be conditioned only upon compliance with the applicable state minimum building code and applicable local building code requirements adopted pursuant to s. 553.73. Any such bond must be equally available to all contractors without regard to the period of time a contractor has been certified or registered and without regard to any financial responsibility requirements. Any such bonds shall be payable to the Governor and filed in each county or municipality in which a building permit is requested. Bond reciprocity shall be granted statewide. All such bonds shall be included in meeting any financial responsibility requirements imposed by any statute or rule. Any contractor who provides a third party insured warranty policy in connection with a new building or structure for the benefit of the purchaser or owner shall be exempt from the bond requirements under this subsection with respect to such building or structure.

(f) To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he has been disciplined for each of them by the board and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least \$1,000, or probation; or to issue permits with specific conditions to a contractor who, within the previous 12 months, has had final action taken against him by the department or by a local board or agency which licenses contractors and has reported the action pursuant to

paragraph (6)(c), for engaging in the business or acting in the capacity of a contractor without a license.

(4) Nothing in this part shall be construed to waive any requirement of any ordinance or resolution existing on October 1, 1979, of a board of county commissioners regulating the type of work required to be performed by a specialty contractor.

(5) Any official authorized to issue building or other related permits shall, before issuing a permit, ascertain that the applicant contractor is certified or is registered in the area where the construction is to take place.

(6)(a) Municipalities or counties may continue to provide examinations for their territorial area, provided that no examination is given to the holder of a certificate.

(b) To engage in contracting in the territorial area, an applicant shall also be registered with the board.

(c) Each local board or agency which licenses contractors transmits monthly to the board a report of any disciplinary action taken against contractors and of any administrative or disciplinary action taken against unlicensed persons for engaging in the business or acting in the capacity of a contractor including any cease and desist orders issued pursuant to s. 489.113(2)(b) and any fine issued pursuant to s. 489.127(3).

(7) The right to create local boards in the future by any municipality or county is preserved.

(8) A Division I contractor, except as otherwise provided in this part, shall be responsible for any construction or alteration of a structural component of a building or structure. The term "structural component" is defined, for purposes of this subsection, to mean any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

History.—ss. 10, 17, ch. 79-200, s. 372, ch. 81-259; ss. 2, 3, ch. 81-318; s. 1, ch. 87-152; ss. 15, 20, 21, ch. 88-156; s. 30, ch. 89-289; s. 35, ch. 89-374.

\*Note.—Repealed effective October 1, 1996, by s. 21, ch. 88-156, and scheduled for review pursuant to s. 11.61.

#### **1489.132 Prohibited acts by unlicensed principals; investigation; hearing; penalties.—**

(1) No uncertified or unregistered person associated with a contracting firm qualified by the licensee under this chapter shall:

(a) Conceal or cause to be concealed, or assist in concealing, from the primary qualifying agent, any material activities or information about the contracting firm;

(b) Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent;

(c) Knowingly cause any part of the contracting firm's activities, financial or otherwise, to be conducted without the primary qualifying agent's supervision; or

(d) Assist or participate with any qualifying agent in the violation of any provision of this chapter.

(2) The department shall cause an investigation of any incident where it appears that any uncertified or unregistered person associated with a contracting firm is in violation of this section. When, after investigation, the department finds there is probable cause to believe this section has been violated, the department shall prepare and file an administrative complaint which shall be

served on the uncertified or unregistered person. The department shall prosecute the complaint pursuant to chapter 120.

(3) Upon a finding of a violation of this section, the department is authorized to impose a fine of not more than \$5,000 and assess reasonable investigative and legal costs for the prosecution of the violation against the violator. Any such fine and assessments shall be paid within 30 days of the filing of the final order with the department. In the event of an appeal, the time for payment of any fine and assessments shall be stayed until a final order is rendered upholding the department decision.

(4) In the event any fine and assessments imposed by the department are not paid within the time provided for payment, the department may bring action in the appropriate circuit court of the state for enforcement of the final order, and the circuit court shall not rehear the merit of those matters included in the final order of the department.

(5) The department may suspend, revoke, or deny a qualifying agent's license for any contracting firm that associates a person in any matter, directly or indirectly, after such person has been found under a final order to have violated this section.

*History.—*ss. 36, 41, ch. 89-374.

*Note.—*Expires October 1, 1998, pursuant to s. 41, ch. 89-374, and is scheduled for review pursuant to s. 11.61.

**1489.133 Pollutant storage systems specialty contractors; definitions; certification; restrictions.—**

(1) As used in this part:

(a) "Pollutant storage systems specialty contractor" means a contractor who installs or removes a pollutant storage tank.

(b) "Pollutant storage tank" means a tank, together with associated piping or dispensing facilities, which is or could be used for the storage or supply of pollutants as defined in s. 376.301 and which is required to be registered under chapter 17-61 of the Florida Administrative Code or for which notification must be submitted under Subtitle I of the Resource Conservation and Recovery Act.

(c) "Tank" means any container other than one which is aboveground and either elevated or situated upon an impermeable surface, or which is located in an accessible underground area and either elevated or situated upon an impermeable surface therein, in such manner that any leak in such container may be readily detected.

(d) "Registered precision tank tester" means any precision tank tester who has registered with the department pursuant to subsection (2). This registration shall be exempt from the provisions of prior municipality, county, or development district registration, as required under s. 489.117, and shall be registered on a statewide basis.

(2) The board shall adopt rules providing standards for registration of precision tank testers who precision test a pollutant storage tank. The Department of Environmental Regulation shall review and comment on such rules prior to adoption.

(3) The board shall adopt rules providing standards for certification of pollutant storage systems specialty contractors and, by July 1, 1988, amend such rules to

include persons who remove such systems. The board shall provide the proposed rules to the Department of Environmental Regulation for review and comment prior to adoption. The rules shall include, but not be limited to:

(a) Standards for operating as a pollutant storage systems specialty contractor.

(b) Requirements for certification as a pollutant storage systems specialty contractor.

(c) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who has passed a local licensure examination, a licensure examination in another state, or a licensure examination of a national organization, which is at least as stringent as the examination adopted by the board.

(d) Requirements for certification without examination of pollutant storage systems specialty contractors for any certified mechanical contractor, any certified plumbing contractor, and any registered mechanical or plumbing contractor who has passed a local examination judged by the board to be at least as stringent as the equivalent state mechanical or plumbing contractor's examination, provided that such contractor has been certified prior to July 1, 1986, or has been registered and passed such local examination prior to July 1, 1986.

(e) Requirements for certification by practical examination, demonstrating the ability to competently install or remove pollutant storage tanks, of pollutant storage systems specialty contractors for any person who has received a temporary certificate under paragraph (4)(a) and has operated as a pollutant storage systems specialty contractor since September 1, 1981, provided that such person pays for the actual cost of the practical examination.

(f) Requirements for certification without examination of pollutant storage systems specialty contractors for any person who satisfactorily shows to the board evidence of having operated as a pollutant storage systems specialty contractor continuously for 10 years prior to July 1, 1990: statements from local officials in the areas where the person performs most of his work that such work has been competently and safely performed; and a statement from the Department of Environmental Regulation that it has taken no legal or administrative action against such person related to public health and safety issues resulting from pollutant storage systems. Application for certification without examination of pollutant storage systems specialty contractor shall be made to the board prior to July 1, 1990.

The board may use standards and examinations of national organizations if such standards and examinations are adequate to ensure competent installation and removal of pollutant storage tanks. All such standards and examinations shall be designed to ensure that leaks and other discharges are eliminated to the greatest extent possible.

(4)(a) Any person who has operated as a pollutant storage systems specialty contractor during the 5 years preceding September 1, 1986, shall receive within 30 days after written request a temporary certificate per-

mitting such person to continue operating without certification until July 1, 1990, if such person:

1. Notifies the department in writing that he intends to continue such operation and submits an application fee set by the board not to exceed \$50.

2. Provides a history of successful operation as a pollutant storage systems specialty contractor within such time period.

(b) A contractor seeking to be certified pursuant to paragraph (3)(d) shall receive within 30 days after written request a temporary certificate permitting such contractor to continue operating without certification until the board determines whether he qualifies for a certificate under paragraph (3)(d), provided that such contractor:

1. Notifies the department in writing that he intends to apply for certification under paragraph (3)(d).

2. Provides the board sufficient information to determine that such contractor qualifies on the basis of certification or registration and the passage of an examination.

The board may revoke or refuse to issue such temporary certificate for violation of s. 489.127 or s. 489.129.

(5)(a) Notwithstanding any provision of this part to the contrary, no person shall engage in contracting as a pollutant storage systems specialty contractor unless such person is certified as a pollutant storage systems specialty contractor pursuant to this part, nor shall any official authorized to issue building or other related permits issue a permit or permits for the installation or removal of a pollutant storage tank unless such official ascertains that the applicant for such permit or permits is certified as a pollutant storage systems specialty contractor.

(b) Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303.

(6) Any person who operates as a pollutant storage systems specialty contractor in violation of this section or any person who violates subsection (5) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*History.*—ss. 16, 21, ch. 88-156; s. 37, ch. 89-374.

*Note.*—Expires October 1, 1996, pursuant to s. 21, ch. 88-156, and is scheduled for review pursuant to s. 11.61.

CHAPTER 489, PART I, FLORIDA STATUTES  
1990 LEGISLATIVE CHANGES  
(effective 10/1/90)

Subsection (7) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(7) Owners of property when acting as their own contractor and providing all material supervision themselves, when building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings at a cost of under \$25,000 on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part, proof of the sale or lease, or offering for sale or lease, of more than one such structure by the owner-builder within 1 year after completion of same is prima facie evidence that the construction was undertaken for purposes of sale or lease. This subsection does not exempt any person who is employed by such owner and who acts in the capacity of a contractor. ~~For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot. To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:~~

Disclosure Statement

State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor even though you do not have a license. You must supervise the construction yourself. You may build or improve a one-family or two-family residence or a farm outbuilding. You may also build or improve a commercial building at a cost of \$25,000 or less. The building must be for your own use and occupancy. It may not be built for sale or lease. If you sell or lease more than one building you have built yourself within 1 year after the construction is complete, the law will presume that you built it for sale or lease, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your construction must be done according to building codes and zoning regulations. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for and responsible for the entire project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or by others construct, repair, alter, remodel, add to, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(n):

(f) "Class A air conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appliances, apparatus, or equipment used in connection therewith; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(g) "Class B air conditioning contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 BTU of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(h) no change

(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect and low voltage heating, ventilating, and air conditioning control wiring on the load side of an existing electrical disconnect switch; and to install a condensate drain from an air conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum gas fuel lines within buildings, potable waterlines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.

(6) "Contracting" means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (3) which define types of contractors. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure. However, the term "contracting" shall not extend to business organizations which retain or engage the services of a qualified contractor certified or registered pursuant to the requirements of this chapter, nor shall such business organizations themselves be subject to agent qualification as a contracting business in accordance with the provisions of section 489.119 and rules of the board.

Subsection (14) is added to section 489.105, Florida Statutes, to read:

489.105 Definitions.—As used in this part:

(14) "Mediation" means a process whereby a neutral third party acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable agreement.

Subsection (9) of section 489.113, Florida Statutes, is created to read:

489.113 Qualifications for practice; restrictions.—

(9) Nothing in this part shall be construed to prevent any contractor from acting as a prime contractor where the bulk of the work to be performed under the contract is within the scope of his license and from sub-contracting to other licensed contractors that remaining work which is incidental to the completion of the project contracted.

Section 489.114, Florida Statutes, is amended to read:

489.114 Evidence of workers' compensation coverage.—Any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the Construction Industry Licensing Board, as provided by board rule, evidence of workers' compensation coverage pursuant to chapter 440. In the event that the Division of Workers' Compensation of the Department of Labor and Employment Security receives notice of the cancellation of a policy of workers' compensation insurance insuring a person or entity governed by this section, the Division of Workers' Compensation shall certify and identify all persons or entities by certification or registration license number to the department after verification is made by the Division of Workers' Compensation that such cancellation has occurred or that persons or entities governed by this section are no longer covered by workers' compensation insurance. Such certification and verification by the Division of Workers' Compensation shall result solely from records furnished to the Division of Workers' Compensation by the persons or entities governed by this section. The department shall notify the persons or entities governed by this section who have been determined to be in noncompliance with chapter 440, and the persons or entities notified shall provide certification of compliance with chapter 440 to the department and pay an administrative fine as provided by rule, by the submission to the board of a copy of the insurance policy or a certificate of insurance issued by the carrier or self-insurer to the contractor showing the date and duration of the coverage. The failure to maintain workers' compensation coverage as required by law shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.129. The board shall establish by rule the procedures needed to monitor the maintenance of coverage by contractors.

Subsection (3) of section 489.127, Florida Statutes, is amended to

read:

489.127 Prohibitions; penalties.—

(3) Each county or municipality may, at its option, designate one or more of its code inspectors, as defined in chapter 162, to enforce, as set out in this subsection, the provisions of paragraph (1)(f) against persons who engage in activity for which certification or registration under this part is required.

(a) A code inspector designated pursuant to this subsection may issue a citation for any violation of paragraph (1)(f) whenever, based upon personal investigation, the officer has reasonable and probable grounds to believe that such a violation has occurred.

(b) A citation issued by a code inspector must be in a form prescribed by the local governing body of the county or municipality and must state the time and date of issuance, the name and address of the violator, the date of the violation, a description of the violation, the name of the code inspector, and the timeframe during which the person charged must appear in court if the citation is appealed.

(c) The act for which the citation is issued must be ceased upon receipt of the citation; and the person charged with the violation, or other person designated in writing by the person charged, may, within 3 days, exclusive of weekends and legal holidays, submit a written request to the enforcement or licensing board for an appearance before the enforcement or licensing board to challenge the validity of the citation, to show that the violation has been corrected, or to establish a time before which the violation must be corrected.

1. Hearings shall be held before an by-the enforcement or licensing board or designated special master as established by section 162.93(2) and shall be conducted pursuant to the requirements of ss. 162.07 and 162.08.

2. If the person charged, or his designated representative, shows that the citation is invalid or that the violation has been corrected prior to appearing before the enforcement or licensing board, the enforcement or licensing board shall dismiss the citation. If the violation is corrected within the time set by the enforcement or licensing board for correction, the enforcement or licensing board shall dismiss the citation; but if the violation has not been corrected within that time, the provisions of paragraph (d) apply.

3. If the enforcement or licensing board determines that the violation is irreparable or irreversible in nature, the enforcement or licensing board shall impose a civil penalty pursuant to paragraph (e).

4. Each day a willful, knowing violation continues shall constitute a separate offense under the provisions of this subsection.

(d)1. A person cited for a violation pursuant to this subsection is deemed to be charged with a noncriminal infraction and cited to appear in court, unless the citation is dismissed pursuant to the provisions of paragraph (c).

2. A person cited for a violation pursuant to this subsection may post a bond equal in amount to the applicable civil penalty established pursuant to paragraph (e) or sign and accept a citation indicating a promise to appear. If he refuses to post a bond or accept and sign the citation and does not submit a written request to the enforcement or licensing board for an appearance before the enforcement or licensing board pursuant to the provisions of paragraph (c), he is in violation of this act and shall be punished in accordance with paragraph (e).

Subsection (2) of section 489.119, Florida Statutes, is amended to

read:

489.119 Business organizations; qualifying agents.—

(2)(a) If the applicant proposes to engage in contracting as a partnership, corporation, business trust, or other legal entity, the applicant must shall apply through a qualifying agent; The application must shall state the name of the partnership and of its partners; the name of the corporation and of its officers and directors and the name of each of its stockholders who is also an officer or director; the name of the business trust and its trustees; or the name of such other legal entity and its members. In addition, and the applicant must shall furnish evidence of statutory compliance if a fictitious name is used. Such application must shall also show that the qualifying agent is legally qualified to act for the business organization in all matters connected with its contracting business and that he has authority to supervise construction undertaken by such business organization. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with board rules. The registration or certification, when issued upon application of a business organization, must shall be in the name of the qualifying agent, and the name of the business organization must shall be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

(b) Any person certified or registered pursuant to part 1 of chapter 489 who has had his license revoked shall not be eligible to be a partner, officer, director, or trustee of a business organization defined by this section for a 5-year period. Such person shall also be ineligible to reapply for certification or registration under part 1 of chapter 489 for a period of 5 years.



Paragraph (h) of subsection (1) of section 489.129, Florida Statutes, is amended, and paragraph (o) is added to subsection (1) of said section, to read:

489.129 Disciplinary proceedings.—

(1) The board may revoke, suspend, or deny the issuance or renewal of the certificate or registration of a contractor, require financial restitution to a consumer, impose an administrative fine not to exceed \$5,000, place a contractor on probation, require continuing education, assess costs associated with investigation and prosecution, or reprimand or censure a contractor if the contractor, or if the business organization for which the contractor is a primary qualifying agent or is a secondary qualifying agent responsible under s. 489.1195, is found guilty of any of the following acts:

(h) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 30 days after the date of such liens.

2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned.

3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(o) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.

Subsection (9) is added to section 489.129, Florida Statutes, to read:

489.129 Disciplinary Proceedings.—

(9)(a) The department may, by rule, provide for a mediation process for the complainant and the licensee. Notwithstanding the provisions of chapter 120 and 455, Florida Statutes, upon receipt of a legally sufficient consumer complaint alleging a violation of this part, both the licensee and the complainant may consent in writing to mediation within 15 days following notification of this process by the department. The department may suspend all action in the matter for 45 days when notice of consent to mediation is received by the department. If the mediation process is successfully concluded within the 60-day period, the department may close the case file with a notation of the disposition and the licensee's record shall reflect only that a complaint was filed and resolved through mediation. If mediation is rejected by either the complainant or licensee, or should said parties fail to reach a mediated solution within the 60-day period, the department shall process the complaint in the manner required by chapters 120 and 455, Florida Statutes. The mediator shall provide a written report to the department of the mediation results within 10 days of the conclusion of the mediation process, as provided by rule.

(b) No licensee may avail himself of the mediation process more than 3 times without the approval of the board. The board may consider the subject and the dates of the earlier complaints in rendering its decision. The board's decision shall not be considered a final agency action and is not appealable.

(c) The licensee shall bear all costs of mediation.

(d) Mediation shall be conducted according to rules of practice and procedure for circuit court as adopted by the Supreme Court. The mediator shall be a certified circuit court mediator.

(e) The department, in conjunction with the board, shall determine by rule the types of cases which may be included in the mediation process. The department may initiate or continue disciplinary action, pursuant to chapter 455 and chapter 489 against the licensee as determined by rule.

Section 489.134, Florida Statutes, is created to read:

489.134 Authority of licensed job scope.—A licensee under this part need not have a license under part II to perform work within the scope of his license under this part.

3. If a person cited for a violation pursuant to this subsection pays the applicable civil penalty established pursuant to paragraph (e) before the date he is to appear in court, he shall have the option to admit the commission of the infraction or to indicate that he does not wish to contest the citation. If such a person forfeits the bond he has posted by not appearing at the designated time and location, he is deemed to have admitted the commission of the infraction.

(e) The civil penalty required for the disposition of violations of this subsection shall be a fine not to exceed \$500. An enforcement or licensing board, upon notification by the code inspector that an order of the enforcement or licensing board has not been complied with by the set time or upon finding that the same violation has been repeated by the same violator, may order the violator to pay a fine not to exceed \$20 for each day the violation continues past the date set for compliance or for each time the violation has been repeated, and a hearing shall not be necessary for issuance of the order. In determining the amount of the fine, if any, the enforcement or licensing board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

(f) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, by such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After 3 months from the filing of any such lien which remains unpaid, the enforcement board or licensing board may authorize the local governing body attorney to foreclose on the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under section 4, Art. X of the State Constitution.

(g)(f) This subsection does not authorize or permit a code enforcement officer to perform any function or duty of a law enforcement officer other than a function or duty that is authorized in this subsection.

(h)(g) The local governing body of the county or municipality may enact an ordinance establishing procedures for implementing this subsection.

(i)(h) An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement or licensing board or special master to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement or licensing board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(j)(i) All notices required by this subsection shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer or code inspector; or by leaving the notice at the violator's usual place of residence with some person of his family above 15 years of age and informing such person of the contents of the notice.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(k)(j) For those counties which enact ordinances to implement this subsection and which have local construction licensing boards or local government code enforcement boards, the local construction licensing board or local government code enforcement board shall be responsible for the administration of such citation program and training of investigators. The local governing body of the county shall enter into interlocal agreements with any municipalities in the county so that such municipalities may by ordinance, resolution, policy, or administrative order, authorize individuals to enforce the provisions of this section. Such individuals shall be subject to the requirements of training as specified by the local construction licensing board, scheduled for review pursuant to s. 11.61.

(l) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(m) Nothing contained in this section shall prohibit a county or municipality from enforcing its codes or ordinances by any other means.

Section 489.128, Florida Statutes, is created to read:

489.128 Contracts performed by unlicensed contractors unenforceable.—As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain his license in accordance with this part shall be unenforceable in law, and the court in its discretion may extend this provision to equitable remedies. Provided however in the event the contractor obtains or reinstates his license the provisions of this section shall no longer apply.

APPENDIX C  
Chapter 455, Florida Statutes

## CHAPTER 455

## REGULATION OF PROFESSIONS AND OCCUPATIONS: GENERAL PROVISIONS

## PART I GENERAL PROVISIONS (ss. 455.01-455.11)

PART II REGULATION BY DEPARTMENT OF PROFESSIONAL REGULATION  
(ss. 455.20-455.309)

## PART I

## GENERAL PROVISIONS

- 455.01 Administrative boards defined.  
 455.02 Members of Armed Forces in good standing with administrative boards.  
 455.10 Restriction on requirement of citizenship.  
 455.11 Qualification of immigrants for examination to practice a licensed profession or occupation.

**455.01 Administrative boards defined.**—The term "administrative board" relates to minor regulatory boards created by the state, including the following:

- (1) Department of Professional Regulation.
- (2) Bureau of Electronic Repair Dealer Registration, chapter 468.
- (3) Florida State Advisory Council of Speech-Language Pathology and Audiology, chapter 468.
- (4) Such other minor regulatory boards as may be created by legislative act.

*History.*—s. 1, ch. 21885, 1943; s. 1, ch. 22215, 1953; s. 12, ch. 63-195; s. 2, ch. 65-170; s. 27, ch. 67-248; s. 3, ch. 67-403; s. 1, ch. 67-595; s. 121, ch. 71-355; s. 122, ch. 73-333; s. 5, ch. 79-36; s. 123, ch. 79-164; s. 2, ch. 84-70.

*Note.*—The reference to the Bureau of Electronic Repair Dealer Registration is obsolete, the provisions of part IV, ch. 468, F.S. 1979, relating to electronic repair, having been repealed by s. 10, ch. 81-170.

*Note.*—Former s. 485.01.

**455.02 Members of Armed Forces in good standing with administrative boards.**—

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of his becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his part to be performed, as long as he is a member of the Armed Forces of the United States on active duty and for a period of 6 months after his discharge from active duty as a member of the Armed Forces of the United States, provided he is not engaged in his licensed profession or vocation in the private sector for profit.

(2) The boards listed in s. 20.30 shall promulgate rules exempting the spouses of members of the Armed Forces of the United States from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

*History.*—s. 2, ch. 21885, 1943; s. 5, ch. 79-36; s. 95, ch. 83-329; s. 1, ch. 84-15; s. 71, ch. 85-81.

*Note.*—Former s. 485.02.

**455.10 Restriction on requirement of citizenship.**—No person shall be disqualified from practicing an occupa-

tion or profession regulated by the state solely because he is not a United States citizen.

*History.*—ss. 1, 2, 3, ch. 72-125; s. 1, ch. 74-37; s. 1, ch. 77-174; s. 5, ch. 79-36.  
*Note.*—Former s. 455.012.

**455.11 Qualification of immigrants for examination to practice a licensed profession or occupation.**—

(1) It is the declared purpose of this section to encourage the use of foreign-speaking Florida residents duly qualified to become actively qualified in their professions so that all Florida citizens may receive better services.

(2) Any person who has successfully completed, or is currently enrolled in, an approved course of study created pursuant to chapters 74-105 and 75-177, Laws of Florida, shall be deemed qualified for examination and reexaminations for professional or occupational licensure, which shall be administered in the English language unless 15 or more such applicants request that said reexamination be administered in their native tongue. In the event that such reexamination is administered in a foreign language, the full cost to the board or commission of preparing and administering same shall be borne by said applicants.

(3) Each board and commission within the Department of Professional Regulation shall adopt and implement programs designed to qualify for examination all persons who were resident nationals of the Republic of Cuba and who, on July 1, 1977, were residents of this state.

*History.*—ss. 1, 3, ch. 77-255; s. 5, ch. 79-36; s. 194, ch. 79-400.  
*Note.*—Former s. 455.015.

## PART II

## REGULATION BY DEPARTMENT OF PROFESSIONAL REGULATION

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- 455.20 Definition of "board".**—As used in this part, the term "board" means any board or commission within the Department of Professional Regulation, including the Florida Real Estate Commission.  
 History.—s. 2, ch. 82-1; s. 78, ch. 83-218.
- 455.201 Professions and occupations regulated by Department of Professional Regulation; legislative intent.**—  
 (1) It is the intent of the Legislature that persons desiring to engage in any lawful profession regulated by the Department of Professional Regulation shall be entitled to do so as a matter of right if otherwise qualified.  
 (2) The Legislature further believes that such professions shall be regulated only for the preservation of the health, safety, and welfare of the public under the police powers of the state. Such professions shall be regulated when:  
 (a) Their unregulated practice can harm or endanger the health, safety, and welfare of the public, and when the potential for such harm is recognizable and clearly outweighs any anticompetitive impact which may result from licensing.  
 (b) The public is not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation.  
 (c) Less restrictive means of regulation are not available.  
 (3) No board within the Department of Professional Regulation shall create unreasonably restrictive and extraordinary standards that deter qualified persons from entering the various professions. No board shall take any action which tends to create or maintain an economic condition that unreasonably restricts competition, except as specifically provided by law.  
 (4) It is the further legislative intent that the use of the term "profession" with respect to those activities licensed and regulated by the Department of Professional Regulation shall not be deemed to mean that such activities are not occupations for other purposes in state or federal law; and, accordingly, the term "profession" shall also mean "occupation."  
 History.—s. 1, ch. 76-28; s. 5, ch. 79-36; s. 122, ch. 79-164; s. 3, ch. 82-1; s. 79, ch. 83-218.  
 Note.—Former s. 455.001.
- 455.203 Department of Professional Regulation; powers and duties.**—The Department of Professional Regulation shall:  
 (1) Adopt rules establishing a procedure for the biennial renewal of licenses; provided, however, the department may issue a 3-year license to selected licensees during the period July 1, 1989, through June 30, 1991, notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board within the department, subject to the approval of the board.

(3) With the advice of the boards, submit a biennial budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules which relate to the regulation of the appropriate profession and with the structure of the department.

(5) Adopt all rules necessary to administer this chapter.

(6) Establish by rules procedures by which the department shall use the expert or technical advice of the board for the purposes of investigation, inspection, evaluation of applications, and other duties of the department.

(7) Require all proceedings of any board or panel thereof within the department and all formal or informal proceedings conducted by the department or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established by the rules of the respective boards.

(9) Cause peer review of certain health care providers to be performed, as provided for in s. 460.4104.

History.—s. 5, ch. 79-36; s. 27, ch. 81-302; s. 7, ch. 83-329; s. 15, ch. 86-285; s. 15, ch. 89-162.

**455.205 Contacting boards through department.**—Each board may be contacted through the headquarters of the Department of Professional Regulation in the City of Tallahassee or at any regional office of the department.

History.—s. 30, ch. 69-106; s. 2, ch. 77-115; s. 5, ch. 79-36.  
Note.—Former s. 455.004.

**455.206 Board members.**—Notwithstanding any provision of law to the contrary, any person who otherwise meets the requirements of law for board membership and who is connected in any way with any medical college, dental college, or community college may be appointed to any board so long as that connection does not result in a relationship wherein such college represents the person's principal source of income. However, this section shall not apply to the physicians required by s. 458.307(2)(a) to be on the faculty of a medical school in this state or on the full-time staff of a teaching hospital in this state.

History.—s. 2, ch. 84-161; s. 1, ch. 84-271; s. 3, ch. 86-392.

**455.207 Boards; organization; meetings; compensation and travel expenses.**—

(1) Each board within the Department of Professional Regulation shall comply with the provisions of this section.

(2) The board shall annually elect from among its number a chairman and vice chairman.

(3) The board shall hold such meetings during the year as it may deem necessary, one of which shall be the annual meeting. The chairman or a quorum of the

board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of business by the board. Unless otherwise provided by law, 51 percent or more of the members of the board shall constitute a quorum. A vacancy shall occur upon the failure of a member of a board to attend three consecutive meetings of the board or 50 percent of the meetings of the board during a 12-month period.

(4) Unless otherwise provided by law, a board member shall be compensated \$50 for each day he attends an official meeting of the board and for each day he participates in any other business involving the board. Each board shall adopt rules defining the phrase "other business involving the board," but the phrase may not be defined to include telephone conference calls. A board member also shall be entitled to reimbursement for expenses pursuant to s. 112.061. Travel out of state shall require the prior approval of the secretary.

(5) Two or more boards that have differences between them may elect to establish a special committee to settle those differences. The special committee shall consist of three members designated by each board, who may be members of the designating board or other experts designated by the board, and of one additional person designated and agreed to by the members of the special committee. The committee shall recommend such rules as may be necessary to resolve the differences, and the rules shall be adopted by the respective boards.

History.—s. 5, ch. 79-36; s. 28, ch. 81-302; s. 8, ch. 83-329; s. 72, ch. 85-81; s. 4, ch. 88-392.

**455.208 Publication of information.**—The department and the boards shall have the authority to advise licensees periodically, through the publication of a newsletter, about information that the department or the board determines is of interest to the industry.

History.—s. 5, ch. 88-392.

**455.209 Accountability and liability of board members.**—

(1) Each board member shall be accountable to the Governor for the proper performance of his duties as a member of the board. The Governor shall investigate any legally sufficient complaint or unfavorable written report received by him or by the secretary concerning the actions of the board or its individual members. The Governor may suspend from office any board member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

(2) Each board member, and each past board member serving on a probable cause panel pursuant to paragraph 458.307(2)(b), shall be exempt from civil liability for any act or omission when acting in his official capacity, and the department or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In providing such defense, the department or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

History.—s. 5, ch. 79-36; ss. 13, 15, 25, 30, 34, 57, 62, ch. 80-406; s. 6, ch. 88-392.

**455.211 Board rules; final agency action; challenges.—**

(1) The secretary of the department shall have standing to challenge any rule or proposed rule of a board pursuant to ss. 120.54 and 120.56. In addition to challenges for any invalid exercise of delegated legislative authority, the hearing officer, upon such a challenge by the secretary, may declare all or part of a rule or proposed rule invalid if it:

(a) Does not protect the public from any significant and discernible harm or damages;

(b) Unreasonably restricts competition or the availability of professional services in the state or in a significant part of the state; or

(c) Unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

However, there shall not be created a presumption of the existence of any of the conditions cited in this subsection in the event that the rule or proposed rule is challenged.

(2) In addition, either the secretary or the board shall be a substantially interested party for purposes of s. 120.54(5). The board may, as an adversely affected party, initiate and maintain an action pursuant to s. 120.68 challenging the final agency action.

History.—s. 5, ch. 79-36.

**455.213 General licensing provisions.—**

(1) Any person desiring to be licensed shall apply to the department in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the department and shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the agency.

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule.

(3) When any hearing officer conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the department, the hearing officer shall submit his recommended order to the appropriate board, which shall thereupon issue a final order. The applicant for licensure may appeal the final order of the board in accordance with the provisions of chapter 120.

(4) A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

(5) As a condition of renewal of a license, the <sup>1</sup>Board of Medical Examiners, the Board of Osteopathic Medical Examiners, the Board of Chiropractic, and the <sup>2</sup>Board of

Podiatry shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, of which at least 5 hours shall concern risk management. Criteria for, and content of, continuing education courses shall be approved by the respective boards. The respective boards shall consider equivalent national or state educational courses, including those offered by a medical society or specialty organization, to fulfill part or all of the requirements of this subsection. The respective boards shall adopt rules to implement the provisions of this subsection.

(6) The respective boards of the Division of Professions may adopt rules to provide for the use of approved video cassette courses, not to exceed 5 hours per subject, to fulfill the continuing education requirements of the professions they regulate. Such rules shall provide for prior board approval of the criteria for and content of such courses and shall provide for a video cassette course validation form to be signed by the vendor and the licensee and submitted to the department, along with the license renewal application, for continuing education credit.

History.—s. 5, ch. 79-36; s. 29, ch. 81-302; s. 9, ch. 83-329; s. 7, ch. 84-203; s. 30, ch. 85-175; s. 3, ch. 86-287; s. 1, ch. 89-162; s. 67, ch. 89-374.

<sup>1</sup>Note.—Section 2, ch. 88-1, amended s. 20.30 to replace the Board of Medical Examiners with the Board of Medicine for purposes of regulation of physicians under chapter 458. The Board of Medicine was created in s. 458.307 by s. 4, ch. 86-245.

<sup>2</sup>Note.—The Board of Podiatry was renamed the Board of Podiatric Medicine by s. 4, ch. 66-71.

**455.215 Board intervention in licensing proceedings.—**In any proceeding regarding the issuance of a license to an applicant, the appropriate board may intervene in such proceeding on behalf of either the applicant or the department.

History.—s. 5, ch. 79-36.

**455.217 Examinations.—**

(1) The Division of Examination and Licensure of the Department of Professional Regulation shall provide services for the preparation and administration of all examinations.

(a) The department, acting in conjunction with the Division of Examination and Licensure and the Division of Real Estate, as appropriate, shall ensure that the examinations adequately and reliably measure an applicant's ability to practice the profession regulated by the department and shall seek the advice of the appropriate board in the preparation and administration of the examinations. After an examination has been administered, the board may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The department shall use professional testing services to prepare, administer, grade, and evaluate the examinations, when such services are available and approved by the board.

(b) To the extent not otherwise specified by statute, the board or, when there is no board, the department, shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade. If a practical examination is deemed to be necessary, the rules shall

specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board may conduct such exercise. Therefore, board members may serve as examiners at a practical examination with the consent of the board.

(c) The department shall use any national examination which is available and which is approved by the board. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department. The department may delegate to the board the duty to provide and administer the examination.

(d) Each board or, when there is no board, the department shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards.

(2) The board or, when there is no board, the department shall make rules providing for reexamination of any applicants who have failed the examination. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which he failed to achieve a passing grade, if he successfully passes that portion within a reasonable time of his passing the other portion. The board or, when there is no board, the department shall make available an examination review procedure for applicants and charge an examination review fee not to exceed \$75 per review. Unless prohibited or limited by rules implementing security or access guidelines of national examinations, the applicant is entitled to review his examination questions, answers, papers, grades, and grading key. An applicant may waive in writing the confidentiality of his examination grades.

(3) The department shall make an accurate record of each applicant's examination questions, answers, papers, grades, and grading key. The department shall keep such record for a period of not less than 2 years immediately following the examination, and such record shall thereafter be maintained or destroyed as provided in chapters 119 and 267.

(4) Notwithstanding the provisions of ss. 119.14 and 286.011, meetings and records of meetings of any member of the department or of any board or commission within the department held for the exclusive purpose of creating or reviewing licensure examination questions or proposed examination questions are exempt from the provisions of chapter 119 and s. 286.011. However, this exemption shall not affect the right of any person to review an examination as provided in subsection (2). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

*History.—*s. 30, ch. 69-106; s. 1, ch. 73-97; s. 3, ch. 77-115; s. 5, ch. 79-36; s. 296, ch. 81-259; s. 30, ch. 81-302; s. 4, ch. 82-1; s. 39, ch. 82-173; s. 80, ch. 83-218; s. 10, ch. 83-329; s. 1, ch. 88-49; s. 2, ch. 89-162.

*Note.—*The provisions in ch. 267 which dealt with records management were transferred to ch. 257 by ch. 86-163, Laws of Florida.

*Note.—*Former s. 455.007(2).

**455.218 Foreign-trained professionals; special examination and licensure provisions.—**

(1) The Department of Professional Regulation shall, by rule, provide procedures under which exiled professionals may be examined for licensure within each practice act. A person shall be eligible for such examination if he:

(a) Immigrated to the United States after leaving his home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department and submits a fee;

(c) Was a Florida resident immediately preceding his application for licensure;

(d) Demonstrates to the department, through submission of documentation verified by his respective professional association in exile, that he was graduated with an appropriate professional or occupational degree from a college or university; however, the department may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced his profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which provides the applicant with a course of study which will prepare him for the examination offered under subsection (2). The department shall develop rules for the approval of such programs.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department shall provide a written practical examination which tests his current ability to practice his profession competently in accordance with the actual practice of his profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department on such fundamentals.

(3) The fees charged for the examinations offered under subsection (2) shall be established by the department by rule and shall be sufficient to develop or to contract for the development of the examination and its administration, grading, and grade reviews.

(4) The department shall license any applicant who meets the requirements of subsections (1) and (2). All licenses so issued are subject to the administrative requirements of this chapter and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this chapter and the respective practice act under which his license was issued.

(5) Upon a request by an applicant otherwise qualified under this section, the examinations offered under subsection (2) may be given in the applicant's native language, provided that any translation costs are borne by the applicant.

(6) The department shall not issue an initial license to, or renew a license of, any applicant or licensee who



is under investigation in any jurisdiction for an action which would constitute a violation of this chapter or the professional practice acts administered by the department and the boards until such time as the investigation is complete, at which time the provisions of the professional practice acts shall apply.

History.—s. 1, ch. 86-90; s. 7, ch. 88-205; s. 7, ch. 88-392.

**455.2182 Construction of chapter 86-290, Laws of Florida.**—Nothing contained herein shall be construed to allow the unsupervised practice of any health care practitioner licensed pursuant to chapter 86-90, Laws of Florida.

History.—s. 25, ch. 86-290.

Note.—The word "herein" appears as enacted in s. 25, ch. 86-290.

**455.219 Fees; receipts; disposition.—**

(1) Each board within the Department of Professional Regulation shall determine by rule the amount of licensing fees for its profession, based upon estimates by the department of the revenue required to implement this part and the provisions of law with respect to the regulation of professions by the department and any board within the department.

(2) All moneys collected by the Department of Professional Regulation from fees or fines or from costs awarded to the department by a court shall be paid into the Professional Regulation Trust Fund, which fund is created in the department. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this part and the provisions of law with respect to professions regulated by the department and any board within the department. The department shall maintain separate revenue accounts in the Professional Regulation Trust Fund for every profession within the department. The department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. Each board shall be provided an annual report of revenue and allocated expenses related to the operation of that profession, and these reports may be used by the board to determine the amount of licensing fees. This subsection shall operate pursuant to the provisions of ss. 215.20 and 215.22(24).

History.—s. 5, ch. 79-36; s. 287, ch. 81-259; s. 2, ch. 84-271.

**455.221 Legal and investigative services.—**

(1) The Department of Legal Affairs shall provide legal services to each board within the Department of Professional Regulation, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. Subject to the prior approval of the Attorney General, any board may retain independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel shall be paid from the Professional Regulation Trust Fund.

(2) The Department of Professional Regulation may employ or utilize the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or utilized by the department shall prosecute a matter and provide legal ser-

vices to the board with respect to the same matter.

History.—s. 30, ch. 89-106; s. 1, ch. 73-87; s. 3, ch. 77-115; s. 5, ch. 79-36; s. 288, ch. 81-259; s. 31, ch. 81-302.

Note.—Former s. 455.007(3),(4).

**455.2226 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—**

(1) The board shall require each person licensed or certified under chapter 463, chapter 464, chapter 465, part II, part III, or part V of chapter 468, chapter 490, or chapter 491 to complete an educational course approved by the board on human immunodeficiency virus and acquired immune deficiency syndrome. Each licensee under chapter 463, chapter 464, chapter 465, part II or part V of chapter 468, chapter 490, or chapter 491 shall submit confirmation on a form as provided by the board of having completed said course by July 1, 1989. Each person licensed under part III of chapter 468 shall submit confirmation on a form as provided by the board of having completed said course by December 31, 1989. The course shall consist of education on the transmission, control, treatment, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with emphasis on appropriate behavior and attitude change.

(2) The board shall require each person licensed or certified under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 466, or chapter 470 to complete an educational course approved by the board on human immunodeficiency virus and acquired immune deficiency syndrome. Each licensee shall submit confirmation on a form as provided by the board of having completed said course by December 31, 1989. The course shall consist of education on the transmission, control, treatment, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome with emphasis on appropriate behavior and attitude change.

(3) The board shall require each person licensed or certified under chapter 486 to complete an educational course approved by the board on human immunodeficiency virus and acquired immune deficiency syndrome. Each licensee shall submit, on a form provided by the board, confirmation of having completed the course by December 31, 1990. The course shall consist of education on the transmission, control, treatment, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with emphasis on appropriate behavior and attitude change.

(4) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsections (1), (2), and (3). Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing educational requirements as required by law.

(5) Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and s. 455.227(1)(g). In addition to discipline by the board, the licensee shall be required to complete said course.

<sup>2</sup>(6) As of July 1, 1989, the board shall require as a condition of granting a license under the chapters specified in subsections (1) and (2), and as of July 1, 1990, the board shall require as a condition of granting a license under the chapter specified in subsection (3), that an applicant making initial application for licensure complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall upon an affidavit showing good cause be allowed 6 months to complete this requirement.

<sup>2</sup>(7) The board shall have the authority to adopt rules to carry out the provisions of this section.

<sup>2</sup>(8) The board shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

<sup>1</sup>History.—s. 4, ch. 88-380, s. 10, ch. 89-350.

<sup>1</sup>Note.—Expires July 1, 1990, pursuant to s. 4, ch. 88-380, as amended by s. 10, ch. 89-350.

<sup>2</sup>Note.—Expires July 1, 1991, pursuant to s. 4, ch. 88-380, as amended by s. 10, ch. 89-350.

<sup>1</sup>Note.—The reference to "part V" of chapter 468 was substituted by the editors for the apparently erroneous reference to "part IV" of chapter 468 to provide contextual conformity. Part IV of chapter 468 authorizes regulation of radiologic technology by the Department of Health and Rehabilitative Services.

<sup>1</sup>Note.—The reference to "chapter 490" was substituted by the editors for the apparently erroneous reference to "chapter 494" to provide contextual conformity. Chapter 494 authorizes regulation of mortgage brokers by the Department of Banking and Finance.

#### **1455.2228 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—**

(1) The board shall require each person licensed or certified under chapter 476, chapter 477, or chapter 480 to complete an educational course approved by the board on human immunodeficiency virus and acquired immune deficiency syndrome. Each licensee shall be notified at the time of the next biennial renewal from July 5, 1989, that said educational course shall be required and completed by the subsequent biennial renewal period. Each licensee shall submit confirmation on a form as provided by the board, or the department if there is no board, of having completed said course. At the time of the subsequent biennial renewal when course work is to be completed, if the licensee has not submitted confirmation which has been received and recorded by the board, or department if there is no board, the department shall not renew the license. The course shall consist of education on the transmission, control, treatment, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome, with emphasis on appropriate behavior and attitude change.

(2) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1).

(3) As of December 31, 1992, the board shall require, as a condition of granting a license under the chapters specified in subsection (1), that an applicant making initial application for licensure complete an educational course acceptable to the board on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(4) The board shall have the authority to adopt rules to carry out the provisions of this section.

(5) The board shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

<sup>1</sup>History.—s. 11, ch. 89-350

<sup>1</sup>Note.—Expires December 31, 1993, pursuant to s. 11, ch. 89-350.

**455.223 Power to administer oaths, take depositions, and issue subpoenas.—**For the purpose of any investigation or proceeding conducted by the department, the department shall have the power to administer oaths, take depositions, issue subpoenas which shall be supported by affidavit, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The department shall exercise this power on its own initiative or whenever requested by the probable cause panel of any board. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.58.

<sup>1</sup>History.—s. 5, ch. 79-36; s. 32, ch. 81-302; s. 4, ch. 86-90.

#### **455.225 Disciplinary proceedings.—**

(1) The department shall cause to be investigated any complaint which is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts which show that a violation of this chapter, or any of the practice acts relating to the professions regulated by the department, or of any rule promulgated by the department or a regulatory board in the department has occurred. Prior to finding legal sufficiency, the department may require supporting information or documentation as necessary to determine legal sufficiency. The department may investigate or continue to investigate, and the department and the appropriate regulatory board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates his desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. Unless a complaint has been filed with the department or the department has been specifically authorized by statute, the department may not initiate an investigation unless it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. When an investigation of any person is undertaken, the department shall notify him of the investigation and inform him of the substance of any complaint filed against him. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification.

tion. The department may conduct an investigation without notification to any person if the act under investigation is a criminal offense. The department may delegate, by rule, its investigative function regarding a given practice act to the regulatory board having regulatory power over the practice.

(2) The department shall expeditiously investigate complaints. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department if there is no board, shall establish by rule those minor violations under this provision that do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide, by rule, that the determination of probable cause shall be made by a panel of its members or by the department. The panel, if any, shall be composed of board members, but not more than one of the panel members may be a lay member. All proceedings of the panel are exempt from the provisions of s. 286.011 until probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. In aid of its duty to determine the existence of probable cause, the probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. If the probable cause panel finds that probable cause exists, it shall direct the department to send the licensee a letter of guidance or to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to

do so, the department shall file a formal complaint against the regulated professional or subject of the investigation and prosecute that complaint pursuant to the provisions of chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year of the filing of a complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Professional Regulation Trust Fund. All proceedings of the probable cause panel shall be exempt from the provisions of s. 120.53(1)(d).

(5) A formal hearing before a hearing officer from the Division of Administrative Hearings of the Department of Administration shall be held pursuant to chapter 120 unless all parties, including the Department of Professional Regulation, agree in writing that there is no disputed issue of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department.

(7) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a health care practitioner pursuant to s. 120.60(8) shall be conducted by the secretary or his designee, who shall issue the final summary order.

(9) The department shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department shall be exempt from s. 119.07 until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Nothing in this subsection shall be construed to prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or

proceeding pursuant to this act, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the Division of Medical Quality Assurance with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part II of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the division about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

*History.*—s. 1, ch. 74-57; s. 5, ch. 79-36; s. 269, ch. 81-259; s. 33, ch. 81-302; s. 12, ch. 83-329; s. 8, ch. 84-203; s. 3, ch. 85-311; s. 5, ch. 86-90; s. 6, ch. 88-1; s. 5, ch. 88-277; s. 1, ch. 88-279; s. 3, ch. 89-162.  
*Note.*—Former s. 455.013.

#### 455.227 Grounds for discipline; penalties; enforcement.—

(1) The board shall have the power to revoke, suspend, or deny the renewal of the license, or to reprimand, censure, or otherwise discipline a licensee, if the board finds that:

(a) The licensee has made misleading, deceptive, untrue, or fraudulent representations in the practice of his profession;

(b) The licensee has intentionally violated any rule adopted by the board or the department;

(c) The licensee has been convicted of a felony which relates to the practice of his profession;

(d) The licensee has been adjudicated mentally incompetent;

(e) The license has been obtained by fraud or material misrepresentation of a material fact;

(f) The licensee has used a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules promulgated pursuant to s. 501.122(2) governing the registration of such devices with the Department of Health and Rehabilitative Services; or

(g) The licensee has failed to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(2) In addition to, or in lieu of, any other discipline imposed pursuant to this section, the board may impose

an administrative fine not to exceed \$1,000 for each violation. In any case where the board imposes a civil penalty and the penalty is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, the Department of Legal Affairs shall bring, upon request by the board, a civil action to recover the penalty.

(3) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this part, or any provisions of law with respect to professions regulated by the department and any board therein, or the rules adopted pursuant thereto.

*History.*—s. 5, ch. 79-36; s. 13, ch. 83-329; s. 5, ch. 86-380.

#### 455.2273 Disciplinary guidelines.—

(1) Each board shall adopt, by rule, disciplinary guidelines applicable to each specific ground for disciplinary action which may be imposed by the board.

(2) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses, it being the legislative intent that minor violations be distinguished from those which endanger the public health, safety, and welfare; that such guidelines provide reasonable and meaningful notice to the public of likely penalties which may be imposed for proscribed conduct; and that such penalties be consistently applied by the board.

(3) A specific finding of mitigating or aggravating circumstances shall allow the board to impose a penalty other than that provided for in such guidelines.

(4) The department shall review such disciplinary guidelines for compliance with the legislative intent as set forth herein and may also challenge such rules pursuant to s. 455.211.

(5) The rules provided for in this section shall be promulgated no later than January 1, 1987.

*History.*—s. 2, ch. 86-90.

455.2275 Penalty for giving false information.—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the act of knowingly giving false information in the course of applying for or obtaining a license to practice as a health care practitioner pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, chapter 474, chapter 486, or chapter 490, with intent to mislead a public servant in the performance of his official duties, or the act of attempting to obtain or obtaining a license to practice a health care profession defined in such chapters by misleading statements or knowing misrepresentations shall constitute a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*History.*—s. 31, ch. 85-175; s. 12, ch. 89-124.

#### 455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement.—

(1) When the department has probable cause to believe that any person not licensed by the department or the appropriate regulatory board within the department has violated any provision of this chapter or any statute

that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than \$500 and no more than \$5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3) The provisions of this section only apply to the professional practice acts administered by the Department of Professional Regulation.

*History.—s. 3, ch. 84-271.*

**455.2285 Annual report concerning administrative complaints and disciplinary actions.—**The Department of Professional Regulation is directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by January 1 of each year, beginning in 1985. In addition to any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

- (1) The number of complaints received and investigated.
- (2) The number of findings of probable cause made.
- (3) The number of findings of no probable cause made.
- (4) The number of administrative complaints filed.
- (5) The disposition of all administrative complaints.
- (6) A description of disciplinary actions taken, by statutory classification.
- (7) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.2273, including recommendations for statutory changes necessary for such development or implementation.

*History.—s. 4, ch. 84-271; s. 3, ch. 86-60.*

**455.229 Public inspection of information required from applicants; exceptions.—**

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, examination questions, answers, papers, grades, and grading keys, which shall not be discussed with or made accessible to anyone except members of the board, the department, and its staff who have a bona fide need to know such information.

(2) Examination questions and answers are not subject to discovery or introduction into evidence in any ad-

ministrative proceeding under chapter 120. However, an unsuccessful examination candidate and his attorney may review such candidate's examination questions and answers for the purpose of an administrative proceeding under the direct supervision of and subject to such reasonable security measures as may be required by the department. The department shall provide such examination questions and answers to the hearing officer at the administrative hearing; however, the examination questions and answers provided at the hearing must be sealed and are not subject to public inspection.

*History.—s. 5, ch. 79-36; s. 1, ch. 88-392.*

**455.230 Examinations; discovery; challenge.—**Notwithstanding any other provision of this chapter, examination questions and answers shall not be subject to discovery, but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120. However, an applicant who has taken an examination within the previous year and who failed to obtain a score necessary for licensure in this or any other state, or such applicant's attorney, may review the examination questions and answers for the purpose of analyzing the applicant's score or challenging any portion of the examination. Such review shall be conducted under the direct supervision of and subject to such reasonable security measures as may be required by the department. In any subsequent administrative hearing the department shall provide challenged examination questions and answers to the hearing officer. Examination questions and answers so provided at the hearing, which are not invalidated, shall be sealed and not open to public inspection.

*History.—s. 1, ch. 88-205.*

**455.232 Disclosure of confidential information.—**

(1) No officer, employee, or person under contract with the department, or any board therein, shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of s. 119.01, s. 119.07(1), or s. 286.011.

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and shall be removed from office, employment, or the contractual relationship.

*History.—s. 2, ch. 85-311.*

*\*Note.—Section 775.084 was amended by s. 6, ch. 88-131, deleting all reference to misdemeanors.*

**455.24 Advertisement by health care provider of free or discounted services; required statement.—**In any advertisement for a free, discounted fee, or reduced fee service, examination, or treatment by a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, chapter 474, or chapter 486, the following statement shall appear in capital letters clearly distinguishable from the rest of the text: THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION, OR TREAT-

MENT WHICH IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONDING TO THE ADVERTISEMENT FOR THE FREE, DISCOUNTED FEE, OR REDUCED FEE SERVICE, EXAMINATION, OR TREATMENT. However, the required statement shall not be necessary as an accompaniment to an advertisement of a licensed health care provider defined by this section if the advertisement appears in a classified directory the primary purpose of which is to provide products and services at free, reduced, or discounted price to persons 60 years of age or older and in which the statement prominently appears in at least one place.

History.—s. 1, ch. 84-161; s. 1, ch. 85-7; s. 6, ch. 86-90; s. 13, ch. 89-124.

**455.241 Patient records; report or copies of records to be furnished.—**

(1) Any health care practitioner licensed pursuant to chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, part I or part II of chapter 484, chapter 486, or chapter 491 who makes a physical or mental examination of, or administers treatment to, any person shall, upon request of such person or his legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information; except that when a patient's psychiatric records are requested by him or his legal representative, the practitioner may provide a report of examination and treatment in lieu of copies of records. However, upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a disputed fee for services rendered. However, if a fee is required, the person requesting such records shall pay a fee, except for X rays, not to exceed the fee charged per page for copying records by the clerk of the county court of the county in which the health care practitioner's office is located.

(2) Except as otherwise provided in s. 440.13(2)(c), such records shall not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or his legal representative or other health care providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization to any person, firm, or corporation which has procured or furnished such examination or treatment with the patient's consent or when compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff. Such records may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or his legal representative by the party seeking such records. Except in a medical negligence action when a health care provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient

is confidential and may be disclosed only to other health care providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given. The Department of Professional Regulation may obtain patient records pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of s. 458.331(1)(q), s. 459.015(1)(u), s. 461.013(1)(p), s. 462.14(1)(q), s. 466.028(1)(q), or s. 474.214(1)(x) or (y) or that a practitioner has practiced his profession below that level of care, skill, and treatment required as defined by s. 458.331(1)(t), s. 459.015(1)(y), s. 460.413(1)(s), s. 461.013(1)(t), s. 462.14(1)(t), s. 463.016(1)(n), s. 464.018(1)(h), s. 466.028(1)(y), or s. 474.214(1)(o); provided, however, the patient record obtained by the department pursuant to this subsection shall be used solely for the purpose of the department and board in disciplinary proceedings. The record shall otherwise be sealed and shall not be available to the public pursuant to the provisions of s. 119.07 or any other statute providing access to public records. Nothing in this section shall be construed to limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the practitioner shall release records of treatment for medical conditions even if the practitioner has also treated the patient for mental or nervous disorders. If the department has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

(3) All patient records obtained by the Department of Professional Regulation and any other documents identifying the patient by name shall be used solely for the purpose of the Department of Professional Regulation and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall be sealed and shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the Department of Professional Regulation or the appropriate regulatory board.

(4) A health care practitioner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the appropriate regulatory board.

History.—s. 1, ch. 79-302; s. 1, ch. 82-22; s. 1, ch. 83-108; s. 81, ch. 83-218; s. 14, 119, ch. 83-329; s. 2, ch. 84-15; s. 41, ch. 85-175; s. 4, ch. 87-333; s. 9, ch. 88-1; s. 2, ch. 88-208; s. 14, ch. 88-219; s. 6, ch. 88-277; s. 10, ch. 88-392; s. 2, ch. 89-85; s. 14, ch. 89-124; s. 28, ch. 89-289.

**455.2415 Communications confidential; exceptions.**—Communications between a patient and a psychiatrist, as defined in s. 394.455(2)(e), shall be held confidential and shall not be disclosed except upon the request of the patient or his legal representative. Provision of psychiatric records and reports shall be governed by s. 455.241. Notwithstanding any other provisions of this section or s. 90.503, where:

(1) A patient is engaged in a treatment relationship with a psychiatrist;

(2) Such patient has made an actual threat to physically harm an identifiable victim or victims; and

(3) The treating psychiatrist makes a clinical judgment that the patient has the apparent capability to commit such an act and that it is more likely than not that in the near future the patient will carry out that threat,

the psychiatrist may disclose patient communications to the extent necessary to warn any potential victim or to communicate the threat to a law enforcement agency. No civil or criminal action shall be instituted, and there shall be no liability on account of disclosure of otherwise confidential communications by a psychiatrist in disclosing a threat pursuant to this section.

History.—s. 10, ch. 88-1.

**455.2416 Practitioner disclosure of confidential information; immunity from civil or criminal liability.**—

(1) A practitioner regulated through the Division of Medical Quality Assurance of the department shall not be civilly or criminally liable for the disclosure of otherwise confidential information to a sexual partner or a needle-sharing partner under the following circumstances:

(a) If a patient of the practitioner who has tested positive for human immunodeficiency virus discloses to the practitioner the identity of a sexual partner or a needle-sharing partner;

(b) The practitioner recommends the patient notify the sexual partner or the needle-sharing partner of the positive test and refrain from engaging in sexual or drug activity in a manner likely to transmit the virus and the patient refuses, and the practitioner informs the patient of his intent to inform the sexual partner or needle-sharing partner; and

(c) If pursuant to a perceived civil duty or the ethical guidelines of the profession, the practitioner reasonably and in good faith advises the sexual partner or the needle-sharing partner of the patient of the positive test and facts concerning the transmission of the virus.

However, any notification of a sexual partner or a needle-sharing partner pursuant to this section shall be done in accordance with protocols developed pursuant to rule of the Department of Health and Rehabilitative Services.

(2) Notwithstanding the foregoing, a practitioner regulated through the Division of Medical Quality Assurance of the department shall not be civilly or criminally liable for failure to disclose information relating to a positive test result for human immunodeficiency virus of a patient to a sexual partner or a needle-sharing partner.

History.—s. 43, ch. 88-380, s. 12, ch. 89-350.

**455.242 Disposition of records of deceased practitioners or practitioners relocating or terminating practice.**—Each board created under the provisions of chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, chapter 464, chapter 465, chapter 466, chapter 474, part I or part II of chapter 484, chapter 486, chapter 490, or chapter 491, and the department under the provisions of chapter 462, shall provide by rule for the disposition, under said chapter, of the medical records or records of a psychological nature of practitioners which are in existence at the time the practitioner dies, terminates his practice, or relocates and is no longer available to his patients and which records pertain to the practitioner's patients. The rules shall provide that the records be retained for at least 2 years after the practitioner's death, termination of practice, or relocation. In the case of the death of the practitioner, the rules shall provide for the disposition of such records by the estate of the practitioner.

History.—s. 1, ch. 79-302, s. 11, ch. 88-1; s. 11, ch. 88-392, s. 15, ch. 89-124.

**455.243 Authority to inspect.**—In addition to the authority specified in s. 465.017, duly authorized agents and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours:

(1) Any pharmacy; or

(2) Any establishment at which the services of a licensed practitioner authorized to prescribe controlled substances specified in chapter 893 are offered,

for the purpose of determining if any of the provisions of chapter 458, chapter 459, chapter 461, chapter 466, or chapter 474 or any rule promulgated thereunder is being violated; or for the purpose of securing such other evidence as may be needed for administrative prosecution under chapter 458, chapter 459, chapter 461, chapter 466, or chapter 474

History.—s. 2, ch. 82-22.

**455.244 Chiropractic and podiatric health care; denial of payment; limitation.**—A chiropractic physician licensed under chapter 460 or a podiatrist licensed under chapter 461 shall not be denied payment for treatment rendered solely on the basis that the chiropractor or podiatrist is not a member of a particular preferred provider organization or exclusive provider organization which is composed only of physicians licensed under the same chapter.

History.—s. 43, ch. 85-167.

**455.245 Health care practitioners; immediate suspension of license for certain convictions.**—

(1) As used in this section, the term "health care practitioner" means any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, chapter 466, chapter 474, or chapter 486.

(2) The department shall issue an emergency order suspending the license of any health care practitioner convicted of a felony under chapter 893 or under 21 U.S.C. ss. 801-970. The emergency order shall remain in effect until the licensing board enters an order setting the emergency suspension aside.

(3) If the board has previously found any physician or osteopathic physician in violation of the provisions of s. 458.331(1)(t) or s. 459.015(1)(y), in regard to his treatment of three or more patients, and the probable cause panel of the board finds probable cause of an additional violation of that section, then the secretary shall review the matter to determine if an emergency suspension or restriction order is warranted. Nothing in this section shall be construed so as to limit the secretary's authority to issue an emergency order.

*History.*—s. 1, ch. 86-91; s. 12, ch. 88-1; s. 16, ch. 89-124.  
*Note.*—Section 16, ch. 89-124, purported to amend entire s. 455.245 but did not republish subsection (3). Subsection (3) is republished here, however, for the omission appears to have occurred through inadvertence rather than an intent to repeal.

#### 455.247 Health care practitioners; reports on professional liability claims and actions.—

(1) Any practitioner of medicine licensed pursuant to the provisions of chapter 458, practitioner of osteopathic medicine licensed pursuant to the provisions of chapter 459, podiatrist licensed pursuant to the provisions of chapter 461, or dentist licensed pursuant to the provisions of chapter 466 shall report to the department any claim or action for damages for personal injury alleged to have been caused by error, omission, or negligence in the performance of such licensee's professional services or based on a claimed performance of professional services without consent if the claim was not covered by an insurer required to report under s. 627.912 and the claim resulted in:

- (a) A final judgment in any amount.
- (b) A settlement in any amount.
- (c) A final disposition not resulting in payment on behalf of the licensee.

Reports shall be filed with the department no later than 60 days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c).

- (2) Reports shall contain:
- (a) The name and address of the licensee.
  - (b) The date of the occurrence which created the claim.
  - (c) The date the claim was reported to the licensee.
  - (d) The name and address of the injured person. This information shall be privileged and confidential and shall not be disclosed by the department without the injured person's consent. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.
  - (e) The date of suit, if filed.
  - (f) The injured person's age and sex.
  - (g) The total number and names of all defendants involved in the claim.
  - (h) The date and amount of judgment or settlement, if any, including the itemization of the verdict, together with a copy of the settlement or judgment.
  - (i) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.
  - (j) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.
  - (k) The date and reason for final disposition, if no judgment or settlement.

(l) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within such institution, at which the injury occurred.
2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.
3. A description of the misdiagnosis made, if any, of the patient's actual condition.
4. The operation or the diagnostic or treatment procedure causing the injury.
5. A description of the principal injury giving rise to the claim.
6. The safety management steps that have been taken by the licensee to make similar occurrences or injuries less likely in the future.

(m) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

*History.*—s. 13, ch. 88-1.

**455.25 Disclosure of financial interest by practitioners.**—It shall be a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or 's. 775.084, for any health care practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 to make any professional referral for physical therapy services, as defined in s. 486.021, or to provide medicinal drugs from any source other than on a complimentary basis when the practitioner has a financial interest or for which the practitioner will receive some financial remuneration, unless in advance of any such referral the practitioner notifies the patient, in writing, of such financial interest.

*History.*—s. 1, ch. 86-31.

*Note.*—Section 775.084 was amended by s. 6, ch. 88-131, deleting all reference to misdemeanors.

#### 455.26 Impaired Practitioners Committee; duties.

(1) There is created the Impaired Practitioners Committee to be composed of one representative from each practice licensed under chapter 458, chapter 459, chapter 461, chapter 464, chapter 465, chapter 466, chapter 474, or chapter 490 to be appointed by the board under which the practitioner is licensed and of one addictionologist, one lay member having an appropriate background in the area of impairment, and a representative of the department, each to be appointed by the secretary of the Department of Professional Regulation. Section 455.207 applies to the activities of the committee.

(2) The committee shall:

- (a) Establish policies and guidelines to be used in approving treatment providers for preventive and rehabilitative programs directed to impaired practitioners;
- (b) Act as liaison between approved treatment providers and the department;
- (c) Advise the department on the continuation and expansion of treatment programs for impaired practitioners; and
- (d) Disseminate information concerning the impairment program.

*History.*—s. 24, ch. 86-290; s. 12, ch. 88-352; s. 1, ch. 89-70.



**455.28 Reporting of violations of grounds for disciplinary action; penalty.—**

(1) Any person licensed under chapter 458 (physicians), chapter 459 (osteopathic physicians), chapter 460 (chiropractic physicians), chapter 461 (podiatrists), chapter 464 (nurses), chapter 465 (pharmacists), or chapter 466 (dentists) shall report to the Division of Medical Quality Assurance any physician who the licensee knows has violated the grounds for disciplinary action set out in the law under which that physician is licensed and who provides health care services in a facility licensed under chapter 395 in which the licensee also provides such services. Any licensee who fails to report a physician as required by this subsection shall be subject to the appropriate penalty under that licensee's licensing provisions.

(2) Complaints alleging probable disciplinary violations shall be investigated by the division.

*History.—s. 14, ch. 88-1.*

**455.301 Definitions.—As used in ss. 455.301-455.309:**

(1) "Abatement" means the removal, encapsulation, or enclosure of asbestos, but does not include the removal of bituminous resinous roofing systems.

(2) "Asbestos" means the asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite, but does not include bituminous resinous roofing products.

(3) "Asbestos consultant" means a person who conducts surveys for asbestos-containing materials and performs related tasks.

(4) "Asbestos contractor" means a person who engages in the business of removing, encapsulating, and enclosing asbestos-containing materials and disposing of asbestos waste.

(5) "Asbestos surveyor" means a person who works under the direction of a licensed asbestos consultant and engages in the survey and assessment of asbestos-containing materials. This term means the same as inspector under AHERA.

(6) "Management planner" means a person who works under the direction of a licensed asbestos consultant and engages in the development of asbestos abatement schedules and operation and maintenance plans.

(7) "Project monitor" means a person who works under the direction of a licensed asbestos consultant and engages in monitoring and evaluating the abatement of asbestos-containing materials.

(8) "Encapsulation" means the application of a coating to friable asbestos to prevent fiber release.

(9) "Enclosure" means the construction of an airtight barrier around friable asbestos to prevent fiber release.

(10) "Operation and maintenance plan" means a set of procedures undertaken to clean up previously released asbestos fibers, prevent future release of fibers by minimizing disturbance or damage to asbestos-containing materials, and monitor the condition of the asbestos-containing materials.

(11) "Small-scale short duration" means the installation, removal, repair, encapsulation, or enclosure of 12 square feet or less of asbestos-containing material or 12 linear feet or less of asbestos-containing material.

(12) "AHERA" means the Asbestos Hazard Emergency Response Act of 1986 and any rules adopted thereunder.

(13) "Response action" means a method of removal, encapsulation, enclosure, repair, operations, and maintenance that protects human health and the environment from friable asbestos-containing material.

*History.—s. 1, ch. 87-394; s. 10, ch. 88-378; s. 2, ch. 89-329.*

*Note.—As enacted by s. 1, ch. 87-394, this section has also been compiled and published in its entirety at s. 255.551.*

**455.302 License required.—**

(1) No person shall conduct an asbestos survey, develop an operation and maintenance plan, or monitor and evaluate asbestos abatement unless licensed under ss. 455.301-455.309 as an asbestos consultant or unless such person is working under the direction of an asbestos consultant and has been trained as provided in ss. 455.301-455.309.

(2) No person shall prepare abatement specifications unless licensed under ss. 455.301-455.309 as an asbestos consultant. However, plans and specifications of alterations to the building's structural, electrical, mechanical, or other system or components resulting from asbestos abatement must be signed and sealed by an architect or engineer licensed pursuant to part I of chapter 481 or chapter 471, respectively.

(3) No person shall conduct abatement work unless:

(a) He is licensed as an asbestos contractor;

(b) He is an employee of a licensed asbestos contractor; or

(c) He is:

1. An employee of any state or local governmental agency, public or private school, or private entity who has been trained as provided in s. 455.308(2);

2. Supervised by an employee who has met the training requirements of s. 455.308(1); and

3. Conducting such abatement work solely for the purposes of maintenance within the confines of his employment, and such maintenance is considered to be of a small-scale short duration; provided, however, that the provisions of this paragraph relating to public and private schools are conditioned upon the accreditation of the state plan as required by AHERA; or

(d) He is a certified roofing contractor who is undertaking the removal of asbestos-containing bituminous resinous roofing materials or systems under the direction of an on-site supervisor. The on-site supervisor shall have attended an asbestos roofing course of not less than 1 day in length. Such course shall be approved by the asbestos oversight program team. Removal of asbestos-containing bituminous resinous roofing materials shall comply with all regulations of the United States Environmental Protection Agency and the United States Occupational Safety and Health Administration.

(4)(a) The requirements prescribed in subsections (1)-(3) shall not apply to asbestos-related activities within manufacturing, utility, or military facilities that do not require a permit and which are undertaken by regular, full-time employees of the owner or operator in areas where access is restricted to authorized personnel who are carrying out specific assignments. Nothing herein shall be construed to alter or affect otherwise applicable Environmental Protection Agency and Occupational

Safety and Health Administration regulations regarding asbestos activities.

(b) Any person engaged in the business of asbestos surveys in the state on or before October 1, 1987, may apply to the Department of Labor and Employment Security for an exemption to the requirements of this section. The Asbestos Oversight Program Team as provided for in s. 255.565 shall review the applications and make recommendations to the Department of Labor and Employment Security concerning certification. Notification of intention to apply for an exemption and subsequent certification shall be made prior to August 1, 1988.

1. Such application shall include, but is not limited to:

- a. A copy of the applicant's asbestos survey procedures;
- b. Proof of successful completion of training as required in section 455.305(1)(b) and (d); and
- c. A summary of all surveys conducted during the most recent 12-month period.

2. The Department of Labor and Employment Security is authorized to adopt rules to provide for the application procedure and criteria to be utilized in granting these exemptions. The application procedure shall include a personal interview before the Asbestos Oversight Program Team.

3. The Department of Labor and Employment Security shall collect fees consistent with those provided in s. 455.304. The moneys collected shall be deposited in the Department of Labor and Employment Security Administrative Trust Fund and shall be expended, subject to an annual appropriation by the Legislature, for the building surveys required by s. 255.553.

4. Applicants approved for exemption by the Department of Labor and Employment Security shall be given a certificate that authorizes them to provide asbestos survey services as provided in s. 255.553(1), (2), and (3) within the state. These certificates may be renewed consistent with rules adopted by the Department of Labor and Employment Security. Certificates shall be renewed every 2 years. Prior to renewing a certificate, the department shall require proof that any person who is certified under this section has completed a 1-day course of continuing education during each of the preceding 2 years.

5. The Department of Labor and Employment Security in the case of certified surveyors may, after notice and hearing, revoke, suspend, or deny the issuance or renewal of a surveyor's certificate and may impose an administrative fine not to exceed \$5,000, place a certified surveyor on probation, or reprimand or censure a certified surveyor, if the certified surveyor, or if the business entity or general partner, officer, director, trustee, or member of a business entity for which the certified surveyor is a qualified agent, is found guilty of any of the following acts:

- a. Upon proof that a certification has been obtained by fraud or misrepresentation.
- b. Being convicted in any jurisdiction of a crime which directly relates to asbestos surveys.
- c. Violation of this chapter.
- d. Willful or deliberate disregard and violation of the applicable health and safety standards of the Occupa-

tional Safety and Health Act of 1970, the <sup>2</sup>Construction Safety Act, the National Emission Standards for Asbestos, the Environmental Protection Agency Asbestos Abatement Projects Worker Protection Rule, or Chapter 38F-43 of the Florida Administrative Code.

e. Aiding or abetting any certified person to evade any provision of <sup>3</sup>this act.

f. Knowingly combining or conspiring with an uncertified person by allowing one's certification to be used by any uncertified person with intent to evade the provisions of this section.

g. Failure in any material respect to comply with the provisions of this section.

6. The Department of Labor and Employment Security, in the case of certified surveyors, shall specify, by rule, the acts or omissions which constitute violations of this section.

(c) The requirements prescribed in subsection (1) shall not apply to the initial survey, management plans, or reinspections required by AHERA for public and private schools until October 12, 1989, provided that such entities comply with the requirements of AHERA.

History.—ss. 14, 22, ch. 87-394; s. 11, ch. 88-378; s. 3, ch. 89-329.

\*Note.—Expires October 1, 1996, pursuant to s. 22, ch. 87-394, and is scheduled for review pursuant to s. 11.61.

\*Note.—The Construction Safety Act is not listed in the popular names section of U.S.C.S.

\*Note.—The term "this act" appears as enacted in s. 11, ch. 88-378.

**455.303 License; asbestos consultant; asbestos contractor.—**

(1)(a) The Department of Professional Regulation shall license as an asbestos consultant any architect licensed under chapter 481 or engineer licensed under chapter 471 who is certified by the licensing board created in his respective chapter as having:

1. Paid the initial licensing fee;
2. Successfully completed the course of instruction prescribed in s. 455.305;
3. Provided evidence of satisfactory work on ten asbestos projects within the last 5 years;
4. Provided evidence of financial stability; and
5. Passed a department-administered examination of qualifications and knowledge relating to asbestos.

(b) The Department of Professional Regulation shall also license as an asbestos consultant any industrial hygienist who is certified by the Department of Professional Regulation as having:

1. Paid the initial licensing fee;
2. Successfully completed the course of instruction prescribed in s. 455.305;
3. Provided evidence that he is a diplomate of the American Board of Industrial Hygiene;
4. Provided evidence of satisfactory work on ten asbestos projects within the last 5 years;
5. Provided evidence of financial stability; and
6. Passed a department-administered examination of qualifications and knowledge relating to asbestos.

(c) The Department of Professional Regulation may also license as an asbestos consultant any person who has an earned doctoral degree in environmental, biological, or physical science and who is certified by the department as having:

1. Paid the initial licensing fee;
2. Provided evidence of satisfactory work on 10 asbestos projects within the preceding 7 years;
3. Provided evidence of financial stability; and
4. Successfully completed the course of instruction prescribed in s. 455.305.

(2) The Department of Professional Regulation shall license as an asbestos contractor any person who has paid the initial license fee and who is certified by the Construction Industry Licensing Board as having:

- (a) Successfully completed the course of instruction prescribed in s. 455.305;
- (b) Provided evidence of satisfactory work on ten asbestos abatement projects within the last 5 years;
- (c) Provided evidence of financial stability; and
- (d) Passed a department-administered examination of qualifications and knowledge relating to asbestos.

(3)(a) Licenses shall be renewed every 2 years. Prior to renewing a license, the department shall require proof that any person who is licensed as a contractor under this section has completed a 1-day course of continuing education during each of the preceding 2 years and that any person who is licensed as a consultant under this section has completed a 2-day course of continuing education during each of the preceding 2 years.

(b) Also, as a prerequisite for license renewal, the asbestos consultant or contractor shall submit a sworn affidavit, on a form acceptable to the department, attesting that his asbestos surveyors, management planners, project monitors, asbestos workers, and onsite supervisors have completed the education required in ss. 455.308 and 455.309 in accordance with the guidelines and provisions of this section and listing the date, location, sponsor, subject matter, and hours of completed education courses for each asbestos surveyor, management planner, project monitor, asbestos worker, and onsite supervisor. The applicant shall retain in his records such receipts, vouchers, or certificates as may be necessary to document completion of asbestos surveyors', management planners', project monitors', asbestos workers', and onsite supervisors' education courses listed in accordance with this subsection. With cause, the board may request such documentation by the applicant, and the board may request such documentation from applicants selected at random without cause.

History.—ss. 15, 22, ch. 87-394; s. 12, ch. 86-378.

\*Note.—Expires October 1, 1996, pursuant to s. 22, ch. 87-394, and is scheduled for review pursuant to s. 11.61.

**455.304 Fees.**—The appropriate licensing board or, in the case of industrial hygienists, the Department of Professional Regulation, by rule, shall establish reasonable fees to be paid for applications, examination, licensing and renewal, and recordmaking and record-keeping. Such fees shall not exceed \$250 each. The appropriate licensing board or, in the case of industrial hygienists, the Department of Professional Regulation, by rule, may also establish penalty fees not to exceed \$20 for late renewal. The appropriate licensing board or, in the case of industrial hygienists, the Department of Professional Regulation, shall establish fees which are adequate to ensure its continued operation. Fees shall be based on Department of Professional Regulation estimates of the revenue required to implement ss.

#### 455.301-455.308.

History.—ss. 16, 22, ch. 87-394.

\*Note.—Expires October 1, 1996, pursuant to s. 22, ch. 87-394, and is scheduled for review pursuant to s. 11.61.

#### 455.305 License requirements.—

(1) Each person desiring to be licensed as an asbestos consultant or as an asbestos contractor under ss. 455.301-455.309 shall successfully complete:

(a) An asbestos abatement project management and supervision course. Such course shall consist of not less than 4 days of instruction and shall cover the nature of the health risks, the medical effects of exposure, federal and state asbestos laws and regulations, legal and insurance considerations, contract specifications, sampling and analytical methodology, worker protection, and work area protection.

(b) A course in building asbestos surveys and mechanical systems. Such course shall consist of not less than 3 days of instruction.

(c) A course in asbestos management planning. Such course shall consist of not less than 2 days of instruction.

(d) A course in respiratory protection. Such course shall consist of not less than 3 days of instruction.

(2) The Asbestos Oversight Program Team created by s. 255.565 shall approve courses outlined in ss. 455.301-455.309.

History.—ss. 17, 22, ch. 87-394; s. 13, ch. 86-378.

\*Note.—Expires October 1, 1996, pursuant to s. 22, ch. 87-394, and is scheduled for review pursuant to s. 11.61.

#### 455.306 License revocation, suspension, and denial of issuance or renewal.—

(1) The appropriate licensing board or, in the case of industrial hygienists, the Department of Professional Regulation, may, after notice and hearing, revoke, suspend, or deny the issuance or renewal of an asbestos consultant's or an asbestos contractor's license and may impose an administrative fine not to exceed \$5,000, place a consultant or contractor on probation, or reprimand or censure a consultant or contractor if the consultant or contractor, or if the business entity or general partner, officer, director, trustee, or member of a business entity for which the consultant or contractor is a qualifying agent, is found guilty of any of the following acts:

(a) Upon proof that a license has been obtained by fraud or misrepresentation.

(b) Being convicted of a crime in any jurisdiction which directly relates to asbestos abatement or the ability to practice asbestos abatement.

(c) Violation of chapter 455, chapter 471, chapter 481, or chapter 489.

(d) Willful or deliberate disregard and violation of the health and safety standards of the Occupational Safety and Health Act of 1970, the Construction Safety Act, the National Emission Standards for Asbestos, the Environmental Protection Agency Asbestos Abatement Projects Worker Protection Rule, or Chapter 38F-43 of the Florida Administrative Code.

(e) Aiding or abetting any unlicensed person to evade any provision of this act.

(f) Knowingly combining or conspiring with an unlicensed person by allowing one's license to be used by

any unlicensed person with intent to evade the provisions of <sup>3</sup>this act.

(g) Failure in any material respect to comply with the provisions of <sup>3</sup>this act.

(h) Abandonment of an abatement project in which the asbestos contractor is engaged or under contract. A project is considered abandoned after 10 days if the asbestos contractor stops work on the project without notification to the owner and without just cause.

(2) The appropriate licensing board, or in the case of industrial hygienists, the Department of Professional Regulation, shall specify, by rule, the acts or omissions which constitute violations of <sup>3</sup>this act.

<sup>1</sup>History.—ss. 18, 22, ch. 87-394, s. 14, ch. 88-378.

<sup>1</sup>Note.—Expires October 1, 1996, pursuant to s. 22, ch. 87-394, and is scheduled for review pursuant to s. 11.61.

<sup>1</sup>Note.—The Construction Safety Act is not listed in the popular names section of U.S.C.S.

<sup>1</sup>Note.—The term "this act" appears as enacted in s. 18, ch. 87-394.

**1455.307 Department of Professional Regulation's board or department rules.**—The appropriate licensing board or, in the case of industrial hygienists, the Department of Professional Regulation, shall adopt all rules relating to asbestos consultants and asbestos contractors reasonably necessary to implement the provisions of ss. 455.301-455.309. In developing the rules, the appropriate licensing board or, in the case of industrial hygienists, the Department of Professional Regulation, shall consider the criteria established in the Asbestos Identification and Remediation Plan dated January 1, 1987, and issued pursuant to chapter 66-135, Laws of Florida, Environmental Protection Agency Guidelines, AHERA, National Emission Standards for Hazardous Air Pollutants, Occupational Safety and Health Administration regulations, and any subsequent recommendations made by the Asbestos Oversight Program Team established under s. 255.565.

<sup>1</sup>History.—ss. 19, 22, ch. 87-394; s. 15, ch. 88-378.

<sup>1</sup>Note.—Expires October 1, 1996, pursuant to s. 22, ch. 87-394, and is scheduled for review pursuant to s. 11.61.

**1455.308 Course requirements; abatement contractor employees.**—

(1) Each abatement contractor's onsite supervisor shall complete an asbestos project management and supervision course of not less than 4 days prior to engaging in onsite supervision. Such training shall cover

the nature of the health risks, the medical effects of exposure, federal and state asbestos laws and regulations, worker protection, and work area protection. Each onsite supervisor shall complete a 1-day course of continuing education each year.

(2) Each abatement worker shall complete a course of not less than 3 days in abatement prior to removing, encapsulating, enclosing, or disposing of asbestos-containing materials. Each abatement worker shall complete a 1-day course of continuing education each year. Such course shall be approved by the Asbestos Oversight Program Team.

(3) Each asbestos contractor or agency shall maintain a record of all training given to each onsite supervisor and abatement worker in his employ. Such records shall be made available for review by the Construction Industry Licensing Board.

<sup>1</sup>History.—ss. 20, 22, ch. 87-394; s. 16, ch. 88-378.

<sup>1</sup>Note.—Expires October 1, 1996, pursuant to s. 22, ch. 87-394, and is scheduled for review pursuant to s. 11.61.

**1455.309 Course requirements; asbestos surveyors, management planners, and project monitors.**—

(1) Each asbestos surveyor shall:

(a) Successfully complete the training required in s. 455.305(1)(b).

(b) Complete a one-half day course of continuing education each year.

(2) Each management planner shall:

(a) Successfully complete the training provided in s. 455.305(1)(c).

(b) Complete a 1-day course of continuing education each year.

(3) Each project monitor shall:

(a) Successfully complete the training provided in s. 455.305(1)(a) and an asbestos sampling course of not less than 4 days of instruction.

(b) Complete a 1-day course of continuing education each year.

(4) Each asbestos consultant shall maintain a record of all training successfully completed by each person working under his direction. Such records shall be made available for review upon request by the Department of Professional Regulation or the Board of Engineers and the Board of Architecture.

<sup>1</sup>History.—ss. 17, 19, ch. 88-378.

<sup>1</sup>Note.—Expires October 1, 1996, pursuant to s. 19, ch. 88-378, and is scheduled for review pursuant to s. 11.61.

**CHAPTER 455**

**REGULATION OF PROFESSIONS AND  
OCCUPATIONS: GENERAL PROVISIONS**

**PART II**

**REGULATION BY DEPARTMENT OF  
PROFESSIONAL REGULATION**

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**455.203 Department of Professional Regulation; powers and duties.**—The Department of Professional Regulation shall:

(1) Adopt rules establishing a procedure for the biennial renewal of licenses; provided, however, the department may issue up to a 3-year license to selected licensees notwithstanding any other provisions of law to the contrary. Fees for such renewal shall not exceed the fee caps for individual professions on an annualized basis as authorized by law.

(2) Appoint the executive director of each board within the department, subject to the approval of the board.

(3) With the advice of the boards, submit a biennial budget to the Legislature at a time and in the manner provided by law.

(4) Develop a training program for persons newly appointed to membership on any board. The program shall familiarize such persons with the substantive and procedural laws and rules which relate to the regulation of the appropriate profession and with the structure of the department.

(5) Adopt all rules necessary to administer this chapter.

(6) Establish by rules procedures by which the department shall use the expert or technical advice of the board for the purposes of investigation, inspection, evaluation of applications, and other duties of the department.

(7) Require all proceedings of any board or panel thereof within the department and all formal or informal proceedings conducted by the department or a hearing officer with respect to licensing or discipline to be electronically recorded in a manner sufficient to assure the accurate transcription of all matters so recorded.

(8) Select only those investigators, or consultants who undertake investigations, who meet criteria established by the rules of the respective boards.

(9) Cause peer review of certain health care providers to be performed, as provided for in s. 460.4104.

*History.*—s. 5, ch. 79-36, s. 27, ch. 81-302; s. 7, ch. 83-329; s. 15, ch. 86-285; s. 15, ch. 89-162; s. 1, ch. 90-228.

**455.209 Accountability and liability of board members.**—

(1) Each board member shall be accountable to the Governor for the proper performance of his duties as a member of the board. The Governor shall investigate any legally sufficient complaint or unfavorable written report received by him or by the secretary concerning the actions of the board or its individual members. The

Governor may suspend from office any board member for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

(2) Each board member and each past board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in his official capacity, and the department or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In providing such defense, the department or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

*History.*—s. 5, ch. 79-36; ss. 13, 15, 25, 30, 34, 57, 62, ch. 80-406; s. 6, ch. 88-392; s. 2, ch. 90-228.

**455.2175 Penalty for reproducing examination.**—In addition to, or in lieu of, any other discipline imposed pursuant to s. 455.227, the act of reproducing or copying any examination administered by the department, whether said examination is reproduced or copied in part or in whole and by any means, shall constitute a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*History.*—s. 3, ch. 90-228.

**455.219 Fees; receipts; disposition.**—

(1) Each board within the Department of Professional Regulation shall determine by rule the amount of licensing fees for its profession, based upon estimates by the department of the revenue required to implement this part and the provisions of law with respect to the regulation of professions by the department and any board within the department.

(2) Each board authorized to approve continuing education providers, or the department if there is no board, may establish, by rule, a fee not to exceed \$250 for anyone seeking approval to provide continuing education courses and may establish, by rule, a biennial renewal fee not to exceed \$250 for the renewal of providership of such courses. This subsection shall not apply to the provision of continuing education courses or providers approved by the board under chapter 465. In addition, the Florida Real Estate Commission, authorized under the provisions of chapter 475 to approve prelicensure, precertification, and postlicensure education providers, may establish, by rule, an application fee not to exceed \$250 for anyone seeking approval to offer prelicensure, precertification, or postlicensure education courses and may establish, by rule, a biennial fee not to exceed \$250 for the renewal of such courses.

(3) All moneys collected by the Department of Professional Regulation from fees or fines or from costs awarded to the department by a court shall be paid into the Professional Regulation Trust Fund, which fund is created in the department. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this part and the provisions of law with respect to professions regulated by the department and any board within the department. The department shall maintain separate revenue accounts in the Professional Regulation Trust Fund for every profession within the department. The department shall provide for the pro-

portionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. Each board shall be provided an annual report of revenue and allocated expenses related to the operation of that profession, and these reports may be used by the board to determine the amount of licensing fees. This subsection shall operate pursuant to the provisions of s. 215.20.

History.—s. 5, ch. 79-36, s. 267, ch. 81-259, s. 2, ch. 84-271; s. 82, ch. 90-132; s. 4, ch. 90-228.

#### 455.225 Disciplinary proceedings.—

(1) The department shall cause to be investigated any complaint which is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts which show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule promulgated by the department or a regulatory board in the department has occurred. Prior to finding legal sufficiency, the department may require supporting information or documentation as necessary to determine legal sufficiency. The department may investigate or continue to investigate, and the department and the appropriate regulatory board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates his desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. Unless a complaint has been filed with the department or the department has been specifically authorized by statute, the department may not initiate an investigation unless it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any person is undertaken, the department shall promptly furnish to the person or his attorney a copy of the complaint or document which resulted in the initiation of the investigation. The person may submit a written response to the information contained in such complaint or document within 20 days after service to the person of the complaint or document. The person's written response shall be considered by the probable cause panel. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any person if the act under investigation is a criminal offense. The department may delegate, by rule,

its investigative function regarding a given practice act to the regulatory board having regulatory power over the practice.

(2) The department shall expeditiously investigate complaints. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department if there is no board, shall establish by rule those minor violations under this provision that do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide, by rule, that the determination of probable cause shall be made by a panel of its members or by the department. The panel, if any, shall be composed of board members, but not more than one of the panel members may be a lay member. All proceedings of the panel are exempt from the provisions of s. 286.011 until probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. In aid of its duty to determine the existence of probable cause, the probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. If the probable cause panel finds that probable cause exists, it shall direct the department to send the licensee a letter of guidance or to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the regulated professional or subject of the investigation and prosecute that com-

plaint pursuant to the provisions of chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year of the filing of a complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Professional Regulation Trust Fund. All proceedings of the probable cause panel shall be exempt from the provisions of s. 120.53(1)(d).

(5) A formal hearing before a hearing officer from the Division of Administrative Hearings of the Department of Administration shall be held pursuant to chapter 120 unless all parties, including the Department of Professional Regulation, agree in writing that there is no disputed issue of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department.

(7) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a health care practitioner pursuant to s. 120.60(8) shall be conducted by the secretary or his designee, who shall issue the final summary order.

(9) The department shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department shall be exempt from s. 119.07 until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Nothing in this subsection shall be construed to prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this act, unless the complainant

or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the Division of Medical Quality Assurance with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part II of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the division about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

History.—s. 1, ch. 74-57; s. 5, ch. 79-36; s. 289, ch. 81-259; s. 33, ch. 81-302; s. 12, ch. 83-329; s. 8, ch. 84-203; s. 3, ch. 85-311; s. 5, ch. 86-90; s. 6, ch. 86-1; s. 5, ch. 86-277; s. 1, ch. 88-279; s. 3, ch. 89-162; s. 1, ch. 90-44; s. 5, ch. 90-226.  
Note.—Former s. 455.013.

#### **455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement.—**

(1) When the department has probable cause to believe that any person not licensed by the department or the appropriate regulatory board within the department has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed \$5,000 per incident, pursuant to the provisions of chapter 120. If the department is required to seek enforcement of the agency order for a penalty pursuant to s. 120.58, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to



cease and desist under subsection (1). The civil penalty shall be no less than \$500 and no more than \$5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3) The provisions of this section only apply to the professional practice acts administered by the Department of Professional Regulation.

History.—s. 3, ch. 84-271; s. 6, ch. 90-226.

**455.2205 Annual report concerning administrative complaints and disciplinary actions.**—The Department of Professional Regulation is directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by January 1 of each year, beginning in 1985. In addition to any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

- (1) The number of complaints received and investigated.
- (2) The number of findings of probable cause made.
- (3) The number of findings of no probable cause made.
- (4) The number of administrative complaints filed.
- (5) The disposition of all administrative complaints.
- (6) A description of disciplinary actions taken.
- (7) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.2273, including recommendations for statutory changes necessary for such development or implementation.

History.—s. 4, ch. 84-271; s. 3, ch. 86-90; s. 7, ch. 90-228.

**455.229 Public inspection of information required from applicants; exceptions.**—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, examination questions, answers, papers, grades, and grading keys, which shall not be discussed with or made accessible to anyone except members of the board, the department, and its staff who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department.

(2) Examination questions and answers are not subject to discovery or introduction into evidence in any administrative proceeding under chapter 120. However, an unsuccessful examination candidate and his attorney may review such candidate's examination questions and answers for the purpose of an administrative proceeding under the direct supervision of and subject to such reasonable security measures as may be required by the department. The department shall provide such examination questions and answers to the hearing officer at the administrative hearing; however, the examination questions and answers provided at the hearing must be sealed and are not subject to public inspection.

History.—s. 5, ch. 79-36; s. 1, ch. 83-392; s. 8, ch. 90-228.

**455.241 Patient records; report or copies of records to be furnished.**—

(1) Any health care practitioner licensed pursuant to chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, part I or part II of chapter 484, chapter 486, or chapter 491 who makes a physical or mental examination of, or administers treatment to, any person shall, upon request of such person or his legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information; except that when a patient's psychiatric or chapter 491 psychotherapeutic records are requested by him or his legal representative, the practitioner may provide a report of examination and treatment in lieu of copies of records. However, upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a disputed fee for services rendered. However, if a fee is required, the person requesting such records shall pay a fee, except for X rays, not to exceed the fee charged per page for copying records by the clerk of the county court of the county in which the health care practitioner's office is located.

(2) Except as otherwise provided in s. 440.13(2)(c), such records shall not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or his legal representative or other health care providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization to any person, firm, or corporation which has procured or furnished such examination or treatment with the patient's consent or when compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff. Such records may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or his legal representative by the party seeking such records. Except in a medical negligence action when a health care provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given. The Department of Professional Regulation may obtain patient records pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of s. 458.331(1)(q), s. 459.015(1)(u), s.

461.013(1)(p), s. 462.14(1)(q), s. 466.028(1)(q), or s. 474.214(1)(x) or (y) or that a practitioner has practiced his profession below that level of care, skill, and treatment required as defined by s. 458.331(1)(l), s. 459.015(1)(y), s. 460.413(1)(s), s. 461.013(1)(l), s. 462.14(1)(l), s. 463.016(1)(n), s. 464.018(1)(h), s. 466.028(1)(y), or s. 474.214(1)(o); provided, however, the patient record obtained by the department pursuant to this subsection shall be used solely for the purpose of the department and board in disciplinary proceedings. The record shall otherwise be sealed and shall not be available to the public pursuant to the provisions of s. 119.07 or any other statute providing access to public records. Nothing in this section shall be construed to limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the practitioner shall release records of treatment for medical conditions even if the practitioner has also treated the patient for mental or nervous disorders. If the department has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

(3) All patient records obtained by the Department of Professional Regulation and any other documents identifying the patient by name shall be used solely for the purpose of the Department of Professional Regulation and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall be sealed and shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the Department of Professional Regulation or the appropriate regulatory board.

(4) A health care practitioner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the appropriate regulatory board.

*History.*—s. 1, ch. 79-302; s. 1, ch. 82-22; s. 1, ch. 83-108; s. 81, ch. 83-218; ss. 14, 119, ch. 83-329; s. 2, ch. 84-15; s. 41, ch. 85-175; s. 4, ch. 87-333; s. 9, ch. 88-1; s. 2, ch. 88-208; s. 14, ch. 88-219; s. 6, ch. 88-277; s. 10, ch. 88-392; s. 2, ch. 89-85; s. 14, ch. 89-124; s. 28, ch. 89-289; s. 1, ch. 90-263.

#### 455.26 Impaired Practitioners Committee; duties.

(1) There is created the Impaired Practitioners Committee to be composed of one representative from each practice licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 464, chapter 465, chapter 466, chapter 474, chapter 490, or chapter 491, to be appointed by the board under which the practitioner is licensed, and of one addictionologist, one lay member having an appropriate background in the area of impairment, and a representative of the department, each to be appointed by the Secretary of Professional Regulation. Section 455.207 applies to the activities of the committee.

(2) The committee shall:

(a) Establish policies and guidelines to be used in approving treatment providers for preventive and rehabilitative programs directed to impaired practitioners;

(b) Act as liaison between approved treatment providers and the department;

(c) Advise the department on the continuation and expansion of treatment programs for impaired practitioners; and

(d) Disseminate information concerning the impairment program.

*History.*—s. 24, ch. 86-290; s. 12, ch. 88-392; s. 1, ch. 89-70; s. 4, ch. 90-25; s. 2, ch. 90-263.

APPENDIX D

Construction Industry Licensing Board

Office Review and Profession Review

March, 1990

# **CONSTRUCTION INDUSTRY LICENSING BOARD**

## **BOARD OFFICE REVIEW AND PROFESSION REVIEW**

March 1990

**FLORIDA DEPARTMENT OF PROFESSIONAL REGULATION**  
Bob Martinez  
Governor

Larry Gonzalez  
Secretary



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*EXECUTIVE SUMMARY*

Name of Board: Construction Industry Licensing Board  
Date of Review: January 17-18, 1990  
Florida Statute: Chapter 489, Part I  
First enacted: 1968/1979/1988  
Board Office Address: Post Office Box 2  
Jacksonville, Florida 32201  
(904) 359-6310

The CILB is composed of a total of 18 members with 14 members coming from the profession itself. (4 general, 3 residential or building, 1 roofing, 1 sheet metal, 1 air conditioning, 1 mechanical, 1 plumbing, 1 pool, 1 underground utility), 2 public members, 2 building officials. The board meets 11 times a year, once each month excluding December. All committee meetings are held as required.

Licensure for Certification of state-wide practice requires the candidate to be 18 years of age, pass the certification examination, prove financial responsibility, and have four (4) years experience in the trade with at least one year at the level of foreman, supervisor or higher. Formal college credits may be substituted on a year-to-year basis for up to three (3) years of the required experience. (Chapter 489.111 (2), Florida Statutes) For registration to practice which is restricted to a local area, the candidate must show evidence of holding a current local occupational license for the type of work and provide evidence of successful compliance with local examination and licensing requirements. (Chapter 489,117, Florida Statutes)

The examination given by the CILB is a written exam in which candidates are allowed to use specified reference materials. Questions relate to plans, specifications, drawings and reference material. The two (2) day examination is given three (3) times a year and a score of 69.01% or better is considered passing.

The Construction Industry Licensing Board Office Review and Profession Review include recommendations related to computerization, microfilming, standardization of forms and form letters, utilization of office space and equipment, evaluation and implementation of Board Office Procedures, evaluation and correction of problems with the phone system and redesign of the scheduling exam process.

PROFESSION REVIEW AND BOARD OFFICE REVIEW  
FOR  
CONSTRUCTION INDUSTRY LICENSING BOARD

**Introduction**

The rules and regulations for the construction industry are set in Chapter 489, Part I, Florida Statutes, and section 21E, Florida Administrative Code.

Administrative policies and procedures of the board office and the Department are outlined in a Policies and Procedures Manual currently pending final review and approval by Department staff. A desk reference manual is to be developed by the board office setting up guidelines for day to day operations.

**Current Staff Functions \***

The Construction Industry Licensing Board's (CILB) administrative office is responsible for providing staff support services to the CILB and for all portions of licensure with the exception of writing and administering the certification exam. The office contains three separate sections which include, Administration, Discipline, and Applications/Licensure which employ twenty (20) FTE and three (3) OPS positions.

The Administration section of the CILB office has seven (7) FTE positions and is responsible for personnel records, general business and fiscal maintenance, mail data entry, and microfilming.

The Discipline section has three (3) FTE positions and works with the Department's Legal section to coordinate all disciplinary action. Discipline also coordinates all CILB meetings, travel for CILB members, transcription of board minutes, and all disciplinary tracking which includes all fine, probation, and suspension of licensee information provided to building officials and outside agencies.

The Applications/Licensure section has ten (10) FTE and three (3) OPS positions. This section receives, reviews and schedules nearly 3,000 candidates for the certified exams three times a year.

\* Refer to Attachment A for a detailed description of CILB staffing.

## Application Process

There are two types of CILB candidates for licensure:

State Certified - allows one to engage in contracting on a statewide basis for the type of work covered by the certificate. Candidates must fill out a four page application and pay a fee. Candidates must have met specific trade experience in order to take the certification examination. All trade experience must be able to be verified by a contractor, architect or engineer licensed in Florida. Each application submitted is considered by the Board Office staff. Rejected candidates may appeal to a special board committee within the CILB.

Local Registered - requires candidates to file evidence that they hold a current local occupational license issued by a municipality, county, or development district for the type of work for which registration is desired. The CILB acts only as a registry for persons licensed on the local level. Licensees that only register with DPR are restricted to practice in the jurisdiction which issued their license. Registrants are required to pay a fee, file an application form, submit a Certificate of Competency (commonly called a competency card) from the local jurisdiction, and provide proof of a current occupational license. Standards of competency vary from jurisdiction to jurisdiction.

## Examination/Certification Process

A candidate is eligible to take the State Certified exam once the requirements set in Chapter 489.111, Florida Statutes, have been met. An admission card is generated by the CILB office and mailed to the candidate. One copy is sent to the examination site, and one copy is retained in the candidate's file.

The examination is provided by the National Assessment Institute, a private company under contract with the Department. The examination is given at several sites under the control of the Department.

Candidates passing the examination are eligible for certification once they have complied with all statutory requirements set by Chapter 489, Part I, Florida Statutes.



### Examination/Certification Process continued...

Candidates failing have the opportunity to review their examination after submitting a review fee to the testing service. The examination may also be retaken on the next scheduled exam date. All three parts of the examination must be passed within one examination cycle or the candidate must retake the examination. Candidates retaking the exam must pay an examination fee but are not required to pay the application fee again.

### Licensure Process

Upon receipt of acceptable documentation indicating financial responsibility, insurance and payment of all required fees, a letter granting temporary licensure is generated by Board Office staff. The letter granting temporary licensure is accepted by local building departments in lieu of a DPR license but is valid for only 60 days from the date mailed. The actual license is received by the licensee within a few weeks.

### Current Fee Schedule

			Current Rate	Statutory* Cap
Applications:	State Certified	-	\$120	\$350
	Local Registered	-	N/A	\$ 50
Examinations:	State Certified	-	\$130	\$350
	Local Registered	-	N/A	
** Initial				
Licensure:	State Certified	-	\$125	\$200
	Local Registered	-	\$100	\$200
Biennial				
Renewal:	State Certified	-	\$125	\$200
Biennial				
Renewal:	Local Registered	-	\$100	\$200

\* Reference: Chapter 489.109 (1)(a)(b), Florida Statutes.

\*\* Pro-rated if in second year of biennial renewal period.

**INCOME AND EXPENSES CHART\***

<b>ACTUAL</b>	<b>INCOME</b>	<b>EXPENSE</b>	<b>CASH BALANCE</b>
1986-87	\$ 5,030,030	\$ 4,355,079	\$ 127,069
1987-88	\$ 2,812,892	\$ 5,054,474	< \$ 1,946,484 >
1988-89	\$ 8,773,837	\$ 5,960,188	\$ 912,631
<b>PROJECTED</b>			
1989-90	\$ 4,680,780	\$ 6,424,116	< \$ 831,574 >
1990-91	\$ 6,523,380	\$ 6,949,818	< \$ 1,258,012 >

\* These projections were made at the beginning of FY 1989-90. Some cost saving measures have been implemented and the effects of these changes are not reflected in these figures.

**PROFESSION STATISTICS**

A1	A2	B	C	D	E	F
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**ACTUAL**

1985-86	48,919	9,671	NA	3,394	2,728	464	4
1986-87	54,820	9,382	NA	3,721	3,282	477	28
1987-88	51,703	13,003	NA	4,279	4,040	605	35
1988-89	54,269	12,437	NA	4,244	3,738	650	25

A1= ACTIVE LICENSEES	A2= INACTIVE LICENSEES	B= INSPECTIONS
C = COMPLAINTS	D = INVESTIGATIONS	
E = DISCIPLINARY ACTIONS TAKEN	F = LICENSEES ON PROBATION	

**Disciplinary Tracking Process**

The Final Order is issued by the CILB and a copy is forwarded to the licensee. A disciplinary file is created and an index card is placed in a "tickler" file. Periodic follow-up is performed manually by the Board Office staff to insure that the terms of the Final Order have been met in a timely manner.

## General Characteristics of the Board Office/Board

The Board Office serves the eighteen member Construction Industry Licensing Board, arranges its meetings, performs the assigned duties and handles the routine paperwork. The staff is responsive at all times to the board, reporting on any matters of interest and relaying messages and policies set forth by DPR. The staff does not involve itself in policy matters other than to carry forward the wishes of the board. The staff does not involve itself in the selection of CILB members other than to respond to requests regarding licensure and disciplinary status.

The staff maintains a similar relationship with the profession. There are a multitude of associations in the construction industry and the staff attempts to keep these associations informed when the subject demands. In addition, the staff produces 3 to 4 newsletters each year which are sent to all active and inactive licensees.

The CILB considers the Board Office to be under equipped to do the job. The Department has recently assigned additional computer equipment to the Board Office which will help resolve this concern.

The CILB considers the staff overworked and will recommend additional personnel. Other than the addition of three positions from the revenue section of Finance and Accounting, the Board Office staff has increased by one employee in the last five years. (The Revenue Section moved to Tallahassee on January 10, 1990)

## Findings: BOARD OFFICE REVIEW

### I. Office Automation \*

1. The Construction Industry Licensing Board Office's time and resources in processing data and retaining information needed for the normal operation of the office is antiquated. Many functions such as disciplinary tracking and the tracking of financial responsibility are being done manually.
2. The computer systems that are available are not being used properly due to inadequate wiring and a lack of training. Often information has to be "re-keyed" because the computer system is unable to easily transfer data. Some staff members needing information pertaining to disciplinary actions levied against licensees do not have access to CPIS (Consumer Protection Information System.)
3. The general filing system is too large for easy retrieval of records and obsolete information is taking up filing space.
4. The disciplinary tracking system currently being used by the CILB office is antiquated and consists of type written cards. All the information concerning fines, suspensions, and probations, are typed onto the cards with various tickler systems concerning important dates.

### II. Standardization of Forms

1. The required copying of forms, applications and other printing materials exceed limitations of existing equipment. Specifically the copy work dealing with the 2500 page board agenda book have kept staff members manning the copy machine for 3-5 days at a time each month.
2. Some of the standard forms and form letters that are being used need to be revised. The application form appears to be confusing and as a result, staff time is spent handling incomplete applications.
3. The CILB Board Office staff has indicated that increasing the time between board meetings from one month to a month and a half would assist in the time available for preparation of board materials.

Findings continued...

III. Board Office Administration and Functions

1. The layout of the office appears to be restrictive and inadequate for the normal interaction of office functions. High noise levels, crowded work areas and distractions caused by co-workers cause a disruption in the productivity of the office.
2. The lines of authority, the duties and responsibilities of the staff and the functional areas of the office are not clearly defined.
3. Some responsibilities could be better handled by other sections or areas to alleviate work loads. Specifically, license searches which are currently being completed by the disciplinary tracking section. The information used for license searches is not easily available by the disciplinary tracking section. The records section has just added an additional employee that maybe able to handle the increased work load.
4. The CILB office receives 750 telephone calls a day on the average. Consequently the current telephone system is inadequate. In an effort to increase work productivity, the Board Office implemented a procedure to set-aside a work period where messages were taken for calls coming in and these calls were returned later in the day.
5. The CILB's exam scheduling process is not consistent with current DPR procedures. Some of the steps are not necessary and some can be completed more efficiently.
6. A majority of the admission cards for candidate examinations are not mailed until a week to ten days before the examination. Candidates therefor, are not getting appropriate or equal notice about the examination and the vendor is unable to accurately determine the number of test booklets to be printed. Overestimating the number of booklets needed increases the cost for printing as well as the destruction of unused booklets. Underestimating the number of booklets needed results in late printing charges in order to meet the examination deadline. Additional problems are caused in determining the number of proctors needed, the number of additional sites needed for overflow, and the set up of the exam site(s).

Findings continued...

IV. Work Loads

1. There appears to be more work requirements than current staffing is able to keep up with in an adequate manner.
2. Due to peak work loads, there is a disruption in productivity.

Recommendations:

I. Office Automation\*

1. Finalize the installation of the existing computer equipment so that an office network is established.
2. Identify the additional computer equipment needs so that all appropriate staff have adequate access to office automation.
3. Provide the necessary training for all staff utilizing the computer equipment and designate one (1) employee to be specially trained as the "on-sight" coordinator/trainer.
4. Reinstall DATS (Disciplinary Action Tracking System) in the existing computer equipment in the appropriate areas.
5. Identify specific staff members needing access to the CPIS and install the necessary equipment.

\* See the attached report on Office Automation in attachment A.

Recommendations continued...

6. Develop and implement a computer system program which allows:
  - a. the social security numbers as part of the computer master file record.
  - b. all profile information to be transferable from one file to another.
7. Establish a record retention schedule and develop a written microfilming procedure to include identification, training and implementation of the microfilming process.
8. Identify the materials that need to be microfilmed and determine the most cost effective microfilming system.
9. Develop and implement a training program utilizing the Division of Examination and Licensure for all staff members to be involved in the microfilming process.
10. Review location of equipment and materials to determine the most effective way to utilize these resources.
11. Review a complete inventory of surplus equipment available in the Tallahassee office to determine what items could be utilized by the CILB.
12. Identify equipment needed for the CILB to operate efficiently.

II. Standardization of Forms and Form Letters

1. Develop and implement a contract with a local vendor to copy the board agenda materials.
2. Identify other copying requirements which are determined to be cost effective to contract with a private vendor.
3. Develop and implement a form letter and standard forms review procedure. All existing forms and form letters will be included in the review process.



Recommendations continued...

4. Develop and utilize a revised application form consistent with the Department's standardized application tracking system form.
5. Review, analyze and prepare a written report which identifies the pros and cons of reducing the number of Board meetings held annually. Determine if some agenda items (probable cause, final orders, etc) can be handled by other means.

III. Board Office Administration/Functions

1. Develop and implement written materials which indicate the lines of authority, the duties and responsibilities of the staff, and functional areas of the office. These written materials should be formatted into formal procedures and should include:
  - a. A review of current staff functions with recommendations for updating current classifications where job responsibilities have changed.
  - b. A desk reference manual which describes each position's function by section and their respective procedures.
  - c. Regularly scheduled staff meetings
  - d. Work flow charts
  - e. Temporary "shift" schedules indicating movement of employees from one section to another.
2. Re-assign functions that logically go in other areas or sections. Specifically, transfer license searches to the Records section.
3. Determine the telephone system requirements and prepare a written request with justification for a new telephone system.
4. Develop and implement an office space allocation which utilizes if necessary the space previously occupied by the Revenue Unit.

Recommendations continued...

5. Design and implement an exam scheduling process which establishes the following procedure:
  - a. Input candidate profile data during exam scheduling.
  - b. Check the verifiers of candidate's experience after validation.
  - c. Review applications for determination of eligibility.
  - d. Mail appropriate correspondence to pending candidates using NCR paper. Eligible candidates are forwarded to be separated by site and category.
  - e. Assign candidate numbers and sites after site and category separation. Document the last candidate number assigned for each category and site.
  - f. Create candidate files. Attach the first page of the application to the front of the file folder.
  - g. Deliver applications to data entry personnel for scheduling in the exam system. Print admission slips with category and site separated.
  - h. Separate admission cards and mail or file appropriately.
6. Eliminate the updating of the KFD screen for exam scheduling.
7. Conduct an in-depth review of the examination scheduling process and determine if this function should be transferred to the Bureau of Examination Services.

IV. Work Requirements

1. Evaluate the day-to-day work requirements and determine the need for peak workload assistance as well as full time help.

## **Findings: PROFESSION REVIEW**

There was a fee increase during the last renewal period which ended June 30, 1989 that was met by considerable opposition. Since all licensees had a fee increase during the renewal period, another increase would not be supported by the Board until cost cutting measures are reviewed. At this time there is no area of regulation which can produce a significant increase in revenue.

The expenditures which can be controlled by the Board Office are minimal. The Board Office budget is \$172,000 for FY 89-90 and was approximately \$210,000 in FY 1988-89.

The estimated cost for regulating unlicensed activity in the construction industry during FY 1989-90 is approximately 1.2 million. The Construction Complaints Study Committee considered the entire matter of unlicensed activity and submitted a recommendation that the Department only involve itself in the unlicensed activities that produce measurable results.

## **Recommendations:**

1. Develop and implement a procedure for identifying "first violation" of minor infraction cases which can be handled by the Department of Professional Regulation.
2. Develop and implement a procedure whereby the Department is delegated authority by the CILB to determine probable cause for selected violations.
3. Establish a procedure for determining Probable Cause by telephone conference for selected cases. This procedure would be more advantageous if the CILB decided to meet every other month.
4. Develop and implement a procedure for regulating unlicensed activity which determines the level of DPR involvement by establishing guidelines to:
  - a. Refer most unlicensed activity cases directly to local authorities for legal action.
  - b. Identify those cases which are determined to be an immediate danger to the public.

**Recommendations continued...**

- c. Establish a procedure where stings, area blitz, etc., will be conducted only when the Construction Industry Licensing Board identifies an area where unlicensed activity is prevalent and recommend conducting these operations.
5. Develop and implement guidelines for determining the level of DPR involvement for each type of case within each area of regulation.
6. Analyze the actual savings incurred from the above approved recommendations and develop fee increases which will eliminate the projected deficit for 1991.

**Fiscal Impact:**

Establishing a procedure for identifying all "first violation" of minor infraction cases will save approximately \$500.00 per case. There were approximately 674 "first violations" in FY 1988-89.

Probable Cause by telephone will reduce the amount of clerical time spent preparing for scheduling and conducting the committee meetings. The actual number of hours can not be determined at this time until the program is fully implemented.

Implementation of a new procedure for handling unlicensed activity would reduce the current spending of approximately 1.2 million dollars by 50% to provide a savings of approximately \$600,000.

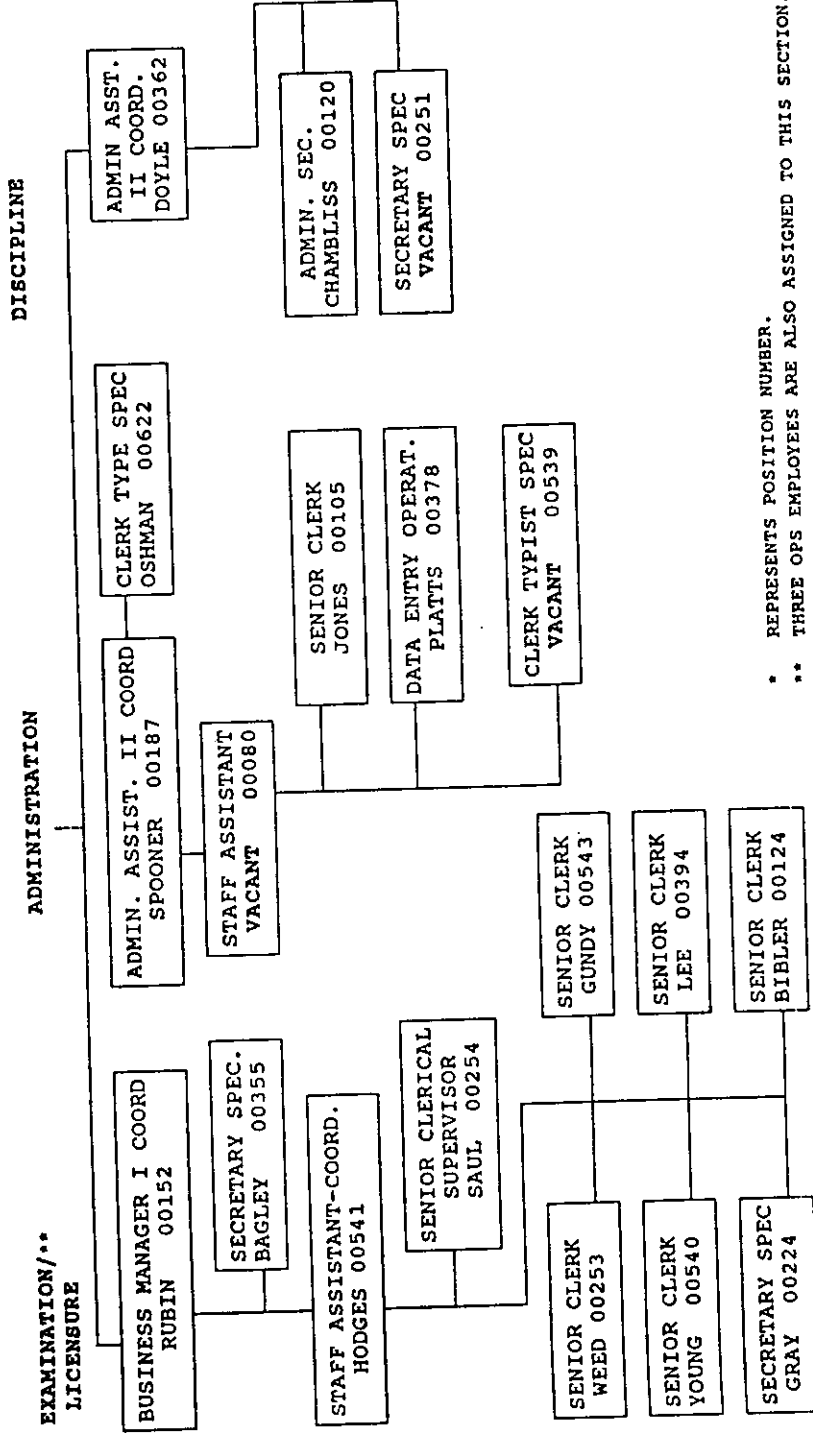
The number of cases which will require a full investigation will be reduced substantially (estimated to be 90% +) It is believed that most of the cases can be classified into a specified level of investigation which will not require a full field investigation. The amount of savings can not be determined at this time until the program is fully implemented. The major cost savings would be the decrease in field investigation hours.

**ATTACHMENT: A**

- (1) Board Office Organization Structure
- (2) CILB Office Staffing
- (3) Office Automation Update
- (4) Governing Statutes

CONSTRUCTION INDUSTRY LICENSING BOARD OFFICE

BOARD EXECUTIVE DIRECTOR  
FRED SEELY 00114\*



\* REPRESENTS POSITION NUMBER.  
\*\* THREE OPS EMPLOYEES ARE ALSO ASSIGNED TO THIS SECTION.

## CILB STAFFING

### General Responsibilities of the CILB

The CILB office is responsible for all portions of licensure with the exception of writing and administration of the examination. It judges candidates for eligibility and assures that successful candidates meet all requirements. The CILB office makes necessary changes in the status of licenses, handles much of the paperwork in the disciplinary process, and serves an 18-member board which meets 11 times a year.

### Positions allocated:

FTE: 20  
OPS: 3 (one full-time, two part-time).

### Office Sections:

#### Administration -- Seven (7) FTE:

Executive Director, 00114  
Administrative Asst. II Ruth Anne Spooner, 00187  
Clerk Typist Specialist Anne Oshman, 00622  
Staff Assistant, Marlene Gundy, 00080  
Senior Clerk Karen Jones, 00105  
Data Entry Operator Esther Platts, 00378  
Clerk Typist Specialist, Ella Viverette, 00539

The Administration area is responsible for the general business, fiscal, personnel and records (mail data entry, microfilm, receptionist).

#### Discipline -- Three (3) FTE:

Administrative Asst. II Pat Doyle, 00362  
Administrative Secretary Eva Chambliss, 00120  
Secretary Specialist, Marilyn Moore, 00251

The Discipline area is responsible for coordinating all disciplinary actions with DPR Legal, and with coordinating searches for outside agencies.

**Applications/Licensure -- Ten (10) FTE and three (3) OPS:**

Business Manager I Milton Rubin, 00152  
Secretary Specialist Tammy Bagley, 00355  
Staff Assistant Candace Hodges, 00541  
Senior Clerical Supervisor Debra Saul, 00254  
Senior Clerk Marlene Gundy, 00543  
Senior Clerk Carrie Lee, 00394  
Senior Clerk Alicebelle Bibler, 00124  
Senior Clerk Kathy Weed, 00253  
Senior Clerk Lee Young, 00540  
Secretary Specialist Susanne Gray, 00224  
OPS Michael Hargrove (Full-time)  
OPS Norval Gray (Part-time)  
OPS Theo Gray (Part-time)

The Applications/Licensure area is responsible for all areas of licensure, including entry into the system and changes as required in the status of individual licensees.

**Individual duties:**

Executive Director: Overall responsibility for office management, relations with Department and relations with Board.

Ruth Ann Spooner, Administrative Assistant II: Coordinates all areas of office, fills in for Executive Director when needed.

Anne Oshman, Clerk Typist Specialist: Handles all personnel and purchasing functions, assists Executive Director and Administrative Assistant as needed.

Marlene Gundy, Staff Assistant: Supervises Records Room.

Karen Jones, Senior Clerk: Mail functions, microfilming.

Esther Platts, Data Entry Operator: Data entry functions, records research.

Ella Viverette, Clerk Typist Specialist: Telephone receptionist, filing as needed.

Pat Doyle, Administrative Assistant II: Supervises Disciplinary area, serves as Board secretary.



**Individual duties continued...**

Eva Chambliss, Administrative Secretary: Handles all file searches, assists in Discipline as needed.

Marilyn Moore, Secretary Specialist: Coordinates all disciplinary actions with DPR Legal and Office of Attorney General.

Milt Rubin, Business Manager I: Supervises Application/Licensure section, deals with building officials.

Tammy Bagley, Secretary Specialist: Assists Business Manager, handles insurance audits.

Candace Hodges, Staff Assistant: Assists in supervision of Examination and Licensure area, handles Second Entity requests.

Debra Saul, Senior Clerical Supervisor: Supervises application process.

Mike Hargrove, OPS: Assists in application process.

Susanne Gray, Secretary Specialist: Assists in application process.

Norval Gray, OPS: Assists in application process.

Theo Gray, OPS: Assists in application process.

Kathy Weed, Senior Clerk: Handles Certified licensees for changes of status and other needs.

Lee Young, Senior Clerk: Handles Certified licensees for changes of status and other needs.

Alicebelle Bibler, Senior Clerk: Handles all Certified licensees for changes of status and other needs.

UPDATE ON CILB OFFICE AUTOMATION  
REVISED 3-27-90

The following report was submitted by Christie Grant, Division of Professions. Grant visited the CILB office in Jacksonville on March 21-22 to address the office automation problems identified by the CILB Board Office review team.

**RECOMMENDATION 1**

**Finalize the installation of the existing computer equipment so that an office network is established.**

The current equipment is BTOS. All BTOS equipment is installed and operational.

Installation of the new office automation equipment (MSDOS/IBM) is beginning. Within the next 2-4 weeks three IBM PS2/50Z's will be installed in the Construction Board Office. A priority listing has been completed for the 19 machines planned for this office and user groups have been designated. Once the CILB office expands into the old revenue unit, wiring requirements will be assessed in order to network the system within the CILB office as well as with DPR headquarters in Tallahassee. (See attached priority listing)

**RECOMMENDATION 2.**

**Identify the additional computer equipment needs so that all appropriate staff have adequate access to office automation.**

Once the IBM equipment has been installed and networked, the hardware should be adequate to allow all staff access to the office automation equipment. However, the software needs will still need to be assessed. A specifically designed database could tremendously benefit the efficiency of the office. (e.g. Names, addresses, license numbers, social security numbers, received information, etc. could be recorded once on to a database (masterfile), then this information could be manipulated several ways on to forms and other materials that are sent out to the candidates, examinees, etc. in order to prevent a duplication of information to be written or typed. At present this information is hand-typed on labels and/or hand written on forms, therefore causing repeated work and loss of productivity.) A systems specialist in database needs to be contacted and put in touch with the Board Office coordinator in order to design an adequate program.

**RECOMMENDATION 3.**

**Provide the necessary training for all staff utilizing the computer equipment and designate one person (current employee or other employee) to be specially trained as the "on-sight" coordinator/trainer.**

Training on the BTOS equipment has been approved by the MAC. Compusult will be holding 3 1/2 days of training for the CILB office. In this time approximately 95%+ of the staff can be trained to a basic/intermediate level on the BTOS equipment. A meeting with Ruth Anne Spooner and Christie Grant lead to specific needs of the office on WriteOne. (Creating labels, merging, short cuts for word processing, formatting documents, pitch changes, and being given a chance to practice without interruption in order to gain confidence in the computers capabilities are areas that have been pin-pointed which training would benefit the employees).

IBM/WordPerfect 5.0 training will be scheduled as soon as the first phase of the equipment has been installed in the CILB office. The staff installing the equipment will conduct training classes on the wordprocessing capabilities of the IBM equipment.

Ruth Anne Spooner is currently the user support administrator for the CILB office. A person from each section of the CILB office are area user support representatives. This is similar to the organization we have in the Tallahassee office throughout divisions and the Board Offices. The user support team will be trained in detail and they in turn will help support the staff with office automation systems. Also, this team will be key in giving input for designing and selecting software packages for the CILB office. The user support team includes: Ruth Anne Spooner, Eva Chambliss and Candace Hodges.

**RECOMMENDATION 4.**

**Reinstall DATS (Disciplinary Action Tracking System) in the existing computer equipment in the appropriate areas.**

The current BTOS system is not compatible with the DATS program. Cathi Blevins of DPR Systems was contacted and suggested that Terry Bolaro, (Jacksonville 724-1696 or Charles Barner) the consultant who developed the DATS systems, be contacted. He may need to upgrade the CILB BTOS equipment in order for the DATS to work.

**RECOMMENDATION 5.**

**Identify specific staff members needing access to the CPIS and install the necessary equipment.**

Staff of the Disciplinary and Licensing Sections of the CILB office could benefit from access to the CPIS. These individuals include: Pat Doyle, Eva Chambliss, Milt Rubin, Tammy Bagley, Candace Hodges, Marilyn Moore and Debra Saul (check with Ruth Anne Spooner to ensure that this is a complete listing before finalization).

The CPIS requires no additional equipment to be installed. Access to HRS's mainframe is already established and security access is the only obstacle. Ken Easley, Director of Regulation, has denied access to all other boards and divisions in the past due to the possibility of sensitive and confidential information being released to the public. Approval must come from Mr. Easley before any access could be established.

**RECOMMENDATION 6.**

**Develop and implement a computer system program which allows:**

- a. the social security numbers as part of the computer master file record.
- b. all profile information to be transferable from one file to another.

SEE NUMBER 2. Systems Support and Development will need to work with the CILB staff in order for this program to be effectively designed.

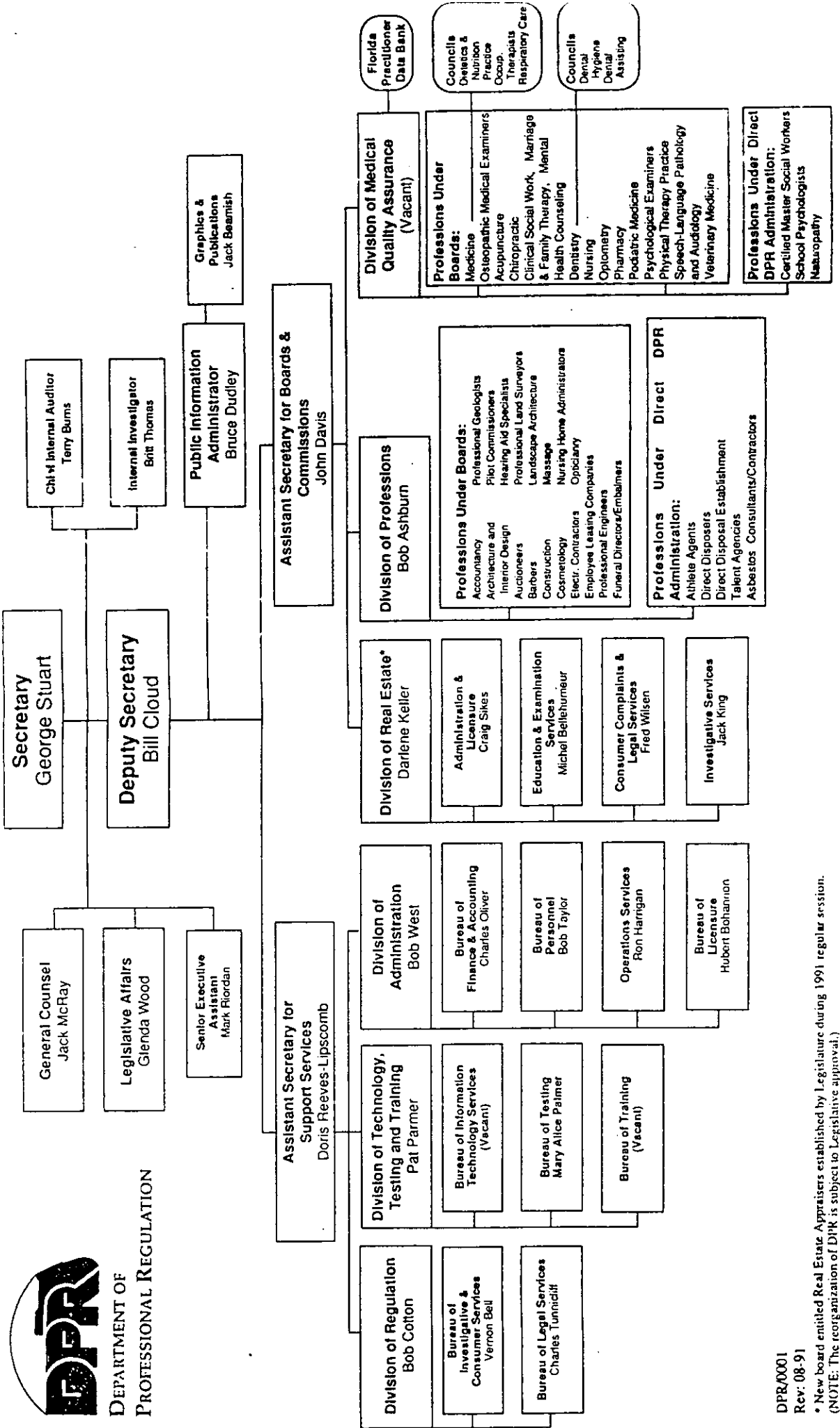
APPENDIX E

Department of Professional Regulation

Organizational Chart



**DEPARTMENT OF  
PROFESSIONAL REGULATION**



APPENDIX F  
Example Survey from  
Construction Industry Licensing Board



UNIVERSITY OF FLORIDA

The University of Florida's M.E. Rinker School of Building Construction is conducting a comprehensive review and evaluation of construction contractor licensing in Florida, under a grant from the BCIAC. The objective of the study is to provide answers to key questions about the state licensing system and to develop recommendations for accomplishing the mission of the Construction Industry Licensing Board (CILB)

We have formed the following questions that will assist in identifying the strengths and weaknesses of the current state contractor licensing system. Responses from CILB board members will help identify problems and guide the study in determining possible solutions and study recommendations.

This survey consists of the following items:

1. Cover letter
2. Questions/comments sheets
3. Return mail envelope

Please use the business envelope provided to return your question/comment sheets. Your time and comments are much valued and greatly appreciated.





3. The licensing system administered by the Construction Industry Licensing Board does not penetrate all segments of the industry equally. What modifications in the system do you recommend to accomplish more uniform and complete penetration?

4. In your opinion, how can the licensing system be modified to reduce the cost and effort associated with its administration?

5. Through the years, the licensing system has experienced many statutory changes. In your opinion, have these changes altered the original intent of the system? Please explain.

6. In what respect do you feel that the licensing system will have to change, either in its administration or in its operation, to accommodate the growing Florida construction industry?

7. Please comment on any issues related to the existing licensing system and how these issues can be resolved.

Please list any additional comments that will help us focus on important aspects of the current licensing system.

APPENDIX G  
Example Survey from  
Building Official Association of Florida

M.E. RINKER, SR. SCHOOL OF BUILDING CONSTRUCTION



UNIVERSITY OF FLORIDA

April 16, 1991

Building Official:

The University of Florida's M.E. Rinker School of Building Construction, under a grant from the Building Construction Industry Advisory Committee, is conducting a comprehensive review and evaluation of the construction contractor licensing system in Florida. The objective of this study is to provide answers to key questions about the state licensing system and to develop recommendations for accomplishing the mission of the Construction Industry Licensing Board (CILB).

The following questions have been developed to assist in identifying strengths and weaknesses of the current state and local licensing systems. Your response, as a building official, will help us to identify problems that exist between the state and local jurisdictions. Your answers will assist in guiding the study and determining possible solutions and study recommendations.

This survey consists of the following items:

1. Cover Letter
2. Questionnaire
3. Comments sheet
4. Return mail envelope

Please use the business reply envelope provided to return the following items:

1. Questionnaire
2. Comments sheet
3. Business Card (Optional)

Deadline for returning the survey questionnaires is May 1, 1991. Your time and comments are valued and greatly appreciated.

Sincerely,

Weilin P. Chang, Ph.D.  
Principal Investigator  
Professor & Director

**SURVEY**

**"Comprehensive review and evaluation of the construction contractor licensing system in Florida"  
Building Officials**

Name: \_\_\_\_\_  
(optional)

County: \_\_\_\_\_  
City: \_\_\_\_\_

1. (a) The purpose of the construction contractor licensing system is to protect the consumer. In your opinion how well does the current licensing system meet this purpose?

(1) Extremely well

(2) Moderately Well

(3) Adequate

(4) Little

(5) Extremely Little

(b) If you feel the present system is inadequate, what areas of the state and local licensing systems can be modified to improve its consumer protection role?

2. Are any segments of the construction industry not adequately covered by the licensing system? If so, what areas, and what improvements can you suggest?

3. What are your feelings toward current state regulation of the construction industry ?

(1) Underregulated

(2) Satisfied Presently

(3) Overregulated

Do you feel the future of the state construction industry will involve greater or fewer government regulations? Please explain.

(1) Greater

(2) Fewer

4. What problems, if any, does the existence of both state licensed and locally registered contractors present for building officials in terms of administration and enforcement of the licensing system?

5. In your opinion, how can the local or state licensing systems be modified to reduce the time, cost, and effort associated with processing complaints and executing disciplinary actions against state licensed and locally registered contractors?

6. Given that there is both state and county licensing of construction contractors, how can the system be modified to improve communication among local, county, and state authorities?

7. Do you feel the implementation of a state wide computer contractor database would be of any benefit to local and state authorities of the licensing system?  
(1) Yes (2) No

If so, what licensing system data would be the most valuable information required by local and state authorities?



8. Do past state and local licensing board actions in the form of revocations, suspensions, and fines, adequately serve to deter future offenders? If not, please expand on possible solutions.
  
  
  
  
  
  
  
  
  
  
9. Certification of building officials has been a subject of discussion for many years. What are your feelings towards a building official certification program, and would such a program serve to improve or harm the current licensing system?
  
  
  
  
  
  
  
  
  
  
10. Describe what you think about a Building Official certification program for the state. Would a certification program serve to improve or harm the current licensing system operation?
  
  
  
  
  
  
  
  
  
  
11. In what respect do you feel the contractor licensing system in Florida will have to change, either in its administration or in its operation, to accommodate Florida's increasing growth?