

EXECUTIVE SUMMARY

Construction Industry Licensing Board

General Information

Meeting type: General Board Meeting

Meeting dates: November 12-14, 2003, Embassy Suites Hotel, Fort Lauderdale, FL

Board members: Edward M. Weller, Chair, Michelle B. Kane, Vice-Chair, Robert A. Lang, Lee-En Chung, Paul Del Vecchio, Elizabeth Karcher, Barry Kalmanson, John B. Smith, Jaqueline Watts, Joan M. Brown, Raymond Holloway, Michael Blankenship, Mark Pietanza, John J. Cox.

Board members absent: Carl E. Engelmeier, Paul Del Vecchio and Barry Kalmanson (Mr. Del Vecchio and Mr. Kalmanson were absent for General Session only.)

Major Issues/Actions

- The Construction Industry Recovery Fund (CIRF) Committee expressed concern regarding the need for clarification of the CIRF statutes. The committee indicated that the statutes do not set forth what collection procedures a consumer must follow prior to seeking a claim for a restitution order. The committee also expressed concern that the statutes do not address those circumstances where collection attempts may not be economically feasible (e.g., collection of depreciated goods). The committee expressed its desire to include administrative closure procedures in the CIRF statutes.
- Mr. Ayrish of the Bureau of Education Testing (BET) appeared before the Exams/Continuing Education/Public Awareness Committee. He explained that BET is in the initial planning stages for its RFP for licensure testing vendors. He explained that BET has no intention of switching to computer-based testing. He indicated that BET would keep the committee informed of all RFP developments. Mr. Ayrish also sought the committee's guidance in streamlining the CE application process. The committee granted BET authority to administratively approve course renewals when there would be no significant changes from the previously approved courses. The committee also provided that BET is not required to scrutinize course outlines in detail greater than hourly increments. The committee requested minimum quarterly attendance of its meetings by BET staff. Mr. Harrell of the Office of General Counsel also appeared before the committee and summarized the CE 100%-monitoring system.
- The Executive Committee issued opinions relating to licensure requirements for cleaning laundry dryer exhaust vents, installation of paint spray booths, and installation of stage curtains. The committee determined that, pursuant to s. 489.117, F.S., the term "townhouse" is included within the definition of single-family dwellings. The committee also determined that s. 489.113, F.S., requires that general contractors subcontract all non-structural swimming pool work to licensed pool contractors. Ms. Gaffney of the Office of General Counsel and Mr. Reddinger of the Division of Professions and Regulation summarized the departments unlicensed activity program. Board members requested formal tracking of criminal prosecutions of cases referred by the department to the States Attorneys offices. The board would like to know which jurisdictions are not actively involved in criminal prosecutions in order to encourage such activity.
- During General Session, Service Operations, Finance and Accounting, and legal staff made presentations regarding the Central Intake Unit, the Customer Contact Center, budgetary issues, and prosecution of qualified business licensees. Board members expressed concern regarding difficulty in conducting partial-term searches on the department portal. Mr. Walling of the Customer Contact Center indicated he would work with Communications staff to attempt to resolve the matter. Board members also requested prosecution of QB licensees. Mr. Harrell suggested prosecution of

multiple offenders and prosecution in specific board-requested instances involving egregious cases. The board agreed to that proposal.

Legislation/Rule Promulgation

- The board approved moving forward with proposed amendments to Rule 61G4-15.0021, F.A.C., to specify that an applicant seeking to qualify a second entity must demonstrate 25%-ownership in the second entity, and must demonstrate compliance with the financial requirements set forth in Rule 61G4-15.005, F.A.C.
- The board approved moving forward with amendments to Rule 61G4-15.005, F.A.C., to increase the net-worth requirements for general and building contractors, and for all Division II contractors except glass and glazing.
- The board tabled consideration of Board Member John Smith's proposal to repeal the Medical Gas Certification Rule 61G4-15.031, F.A.C., pending additional information from board counsel, Erica Glover, and former CILB chair Susan Stokes.

Action Required

- Tim Vaccaro, Executive Director, will coordinate with department staff to keep the board updated on developments in the BET RFP, unlicensed activity, improvements in the department portal, and prosecution of QB licenses.
- Erica Glover, board counsel, will draft letters setting forth the board opinions rendered during Executive Committee. Ms. Glover will also provide legal research addressing Board Member Smith's proposal to repeal the Medical Gas Certification Rule.

Tim Vaccaro
Executive Director