

## **EXECUTIVE SUMMARY**

### **Construction Industry Licensing Board**

#### **General Information**

Meeting type: General Board Meeting

Meeting dates: January 14-16, 2004, Casa Monica Hotel, St. Augustine, FL

Board members: Edward M. Weller, Chair, Michelle B. Kane, Vice-Chair, Robert A. Lang, 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: Lee-En Chung (Excused)

Board Counsel: Erica Glover, Diane Guillemette

Department Staff: Tim Vaccaro, Stacey Merchant, Ruthanne Christie, Patrick Creehan, G.W. Harrell, Adrienne Rodgers, Valeria Singleton, Mark Reddinger

#### **Major Issues/Actions**

- The board expressed concern during Final Action that, in many cases, charges were not brought against licensees for lack of qualified business licenses. The board requested that department prosecutors pursue that charge in future disciplinary cases.
- During Final Action, the board expressed concern regarding the adequacy of evidence provided for restitution recommendations. For purposes of the Construction Industry Recovery Fund, the board wishes to have accurate evidentiary support for claims. Special Counsel stressed the necessity of supplemental investigations with the CILB prosecutor.
- The Application Review Committee indicated that it no longer wishes to review applications where the applicant indicates that he/she has discharged personal bankruptcies. Legally, the board cannot deny applications for that reason. Those applications will be approved in house by department processors if there are no outstanding consumer-protection issues.
- The Exams/Continuing Education/Public Awareness Committee suggested that the board consider rulemaking regarding the meaning of "interactive distance learning" to set forth an adequate time for instructors to respond to student e-mail inquiries. One provider sought approval of a course where the "interaction" consisted of an e-mail response indicating that an instructor would contact the student within 24 hours of an inquiry. The course was approved; however, there was discussion as to whether a 24-hour turnaround time was adequate.
- The Executive Committee issued opinions relating to licensure requirements for work on backflow prevention devices, pool construction, telecommunication towers, lakes restoration, and site preparation for residential development. The board determined that backflow prevention devices fall within the scope of plumbing licenses. The board determined that s. 489.113, F.S., requires that general contractors subcontract all work, other than shell construction, to pool contractors. The board determined that towers below 250 feet could be constructed by either a building or general contractor, and that towers above 250 feet require a general contractor license. The board determined that lakes restoration and site work, as discussed at the meeting, do not require licensure. The board also determined that lightweight insulating concrete, when used for insulation, is non-structural and, as such, does not require a license for installation.
- During General Session, Mr. Reddinger of the Division of Professions and Regulation provided a follow-up presentation to address board requests pertaining to unlicensed activity from the November meeting. Mr. Reddinger's presentation was well received.

**Legislation/Rule Promulgation**

- The board voted against a committee proposal to amend Rule 61G4-18.001, F.A.C., which would have specified additional subject-matter course requirements. The amendment would have provided for only one elective hour within the 14-hour CE requirement.
- 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 voted against a proposed repeal of the Medical Gas Certification Rule 61G4-15.031, F.A.C. The board determined that the rule was consistent with licensure requirements in ch. 489, F.S.
- The board held a public hearing regarding a challenge of proposed amendments to Rule 61G4-15.015, F.A.C. The proposed amendments would allow specialty structure contractors to replace doors and windows. The Southeast Glass Association (SEGA) filed the challenge, alleging that the amendments would allow specialty structure contractors to perform work on commercial buildings. The board voted to return the rule to the Rules Committee for further consideration.

**Action Required**

- Board counsel will draft letters setting forth the board opinions rendered during Executive Committee.