

EXECUTIVE SUMMARY

Construction Industry Licensing Board

General Information

Meeting type: General Board Meeting

Meeting dates: March 10-12, 2004, 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, Michael Blankenship, Mark Pietanza, Carl E.

Engelmeier, John J. Cox.

Board members absent: Raymond Holloway (Excused absence)

Board Counsel: Diane Guillemette

Department Staff: Tim Vaccaro, Stacey Merchant, Ruthanne Christie, Patrick Creehan, Adrienne Rodgers, Valeria Singleton

Major Issues/Actions

- The board instructed its counsel to include language in final orders of restitution to state that in any subsequent claim brought before the Construction Industry Recovery Fund Committee, the claimant has the burden of proving compensatory damages. The final order of restitution alone will not automatically constitute grounds for recovery.
- The Exams/Continuing Education/Public Awareness Committee requested that a representative of the Bureau of Education and Testing (BET) appear before the committee in April to provide a presentation on the continuing-education applications process. The Chair recently reassigned committees, and most of the CE committee members have not previously served on that committee. The committee requested that the BET representative pay special attention to the issue of CE Provider verification of attendance and attendee time spent per class hour for distance learning courses. The committee requested that board counsel and legal staff discuss what action might be taken against providers who do not remit the attendance information to the department.
- The Executive Committee issued two opinions relating to licensure requirements for outdoor playground/picnic equipment and liability insurance requirements for licensees. The board determined that a Division I license would be required for installing any type of anchored gazebo or picnic shelter similar to the projects presented at the meeting. The board determined that Florida Statutes require a contractor to maintain liability insurance when he/she is performing work upon warehouses that he/she owns but leases to third parties.
- The Executive Director addressed several topics during General Session. Most notable were the department's upcoming initiative to release public service announcements regarding unlicensed activity, and a summary of the CILB financial accounts. The information met with approval.
- During General Session, Professional Testing, Inc. (PTI) inquired as to whether the RFP for the contractor-licensing examination would be released in time to award a new vendor contract prior to the expiration of PTI's contract in June, to assure uninterrupted testing. The Executive Director indicated that he would consult with BET and report back to the board in April.

Legislation/Rule Promulgation

- The board discussed an offer of settlement of a DOAH petition to challenge Rule 61G4-15.005, F.A.C., and proposed amendments to the rule. The proposed amendments would increase the net-worth requirements for general and building contractors, and for all Division II contractors except glass and glazing. The petitioners, Gold Coast School of Construction, Inc. and Douglas Gamester, argue

that both the proposed amendments and existing rule are an invalid delegation of Legislative authority upon the board. The petitioners offered to withdraw the challenge to the existing rule if the board would agree to withdraw its proposed amendments pending future consideration of alternative net-worth requirements. The board declined the offer of settlement and voted to go forward with the hearing.

Action Required

- Tim Vaccaro, Executive Director, will coordinate with department staff regarding the BET presentation to the CE Committee and will keep the board updated on developments in the BET RFP.
- Diane Guillemette, Board Counsel, will draft letters setting forth the board opinions rendered during Executive Committee. Ms. Guillemette will also research board concerns regarding CE issues raised at the meeting.

Tim Vaccaro
Executive Director