

EXECUTIVE SUMMARY

Construction Industry Licensing Board

General Information

Meeting type: General Board Meeting

Meeting dates: November 10-12, 2004, Hilton Longboat Key, Longboat Key, FL

Board members: Michelle B. Kane, Chair, Joan M. Brown, Vice-Chair, Barry Kalmanson, Thomas Thornton, Robert Stewart, Jacqueline Watts, Michael Blankenship, Raymond Holloway, Mark Pietanza, Carl E. Engelmeier, John J. Cox, Doris O. "Peggy" Bailey.

Board members absent: Lee-En Chung (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 expressed concern that certain applicants for qualifying additional businesses are not aware of the existence of the additional business application. Some applicants complete the initial licensure or change of status applications by mistake. The Executive Director indicated that he would draft a notice for inclusion in those applications that informs applicants of the existence of and requirement to complete the additional business application.
- A question arose during Final Action as to whether Division I and II board members could only take disciplinary action against financially responsible officers (FRO) who were associated with primary qualifying agents that held licenses from the corresponding division. Board Counsel determined that Chapter 489, Florida Statutes, requires the entire board to vote on such disciplinary action, regardless of whether the FRO was associated with a Division I or II qualifying agent.
- The deadline for filing Grandfathering applications was November 1, 2004. The Application Review Committee indicated that the Central Intake Unit should allow applicants until May 1, 2005 to satisfy any deficiencies. After May 1, deficient applications are to be referred to the committee for disposition.
- The board issued four scope-of-work opinions. The board considered whether or not air-conditioning contractors may install and service heat pumps used for swimming pools. The board tabled the issue of service to January, but instructed board counsel to draft a letter indicating that air-conditioning contractors cannot install heat pumps as pool heaters. The board issued an opinion indicating that underground utility and excavation contractors may build pump houses as part of a water main system. The board issued an opinion that boatlift repairs and maintenance do not require licensure; however, the installation of boatlifts requires either a local specialty license or a Division I license, because the work is structural in nature. The board issued an opinion that installation of diesel exhaust venting systems requires either a mechanical, class A or B air-conditioning, or sheet metal contractor's license. The board tabled a request for opinion as to whether a water well contractor licensed under Chapter 373, Florida Statutes, would require a CILB license to serve as a prime contractor for construction of a Class I injection well. The board will revisit the issue in January.
- The Chair requested that board counsel make a presentation on the Sunshine Law at the January meeting for new members and as a refresher for existing members.

Legislation/Rule Promulgation

- The Rules Committee considered a proposal to draft a rule defining the term “supervision” applicable to qualifying agents under Chapter 489, Florida Statutes. The committee determined that the issue of supervision should be decided on a case-by-case basis.
- The Rules Committee requested that board counsel and the Executive Director arrange a workshop for November 12 to address methods for verifying an applicant’s financial ability. The basis for such action is that the Division of Administrative Hearings determined that the board’s current net worth rule, 61G4-15.005, F.A.C., is invalid. The validity of the rule is pending appeal. The workshop will give members of the public an opportunity to comment on the issue.
- The board voted during General Session to consider future repeal of rules authorizing distance learning for continuing education.

Action Required

- Tim Vaccaro, Executive Director, will draft appropriate language for inclusion in board licensure applications regarding the additional business application. Mr. Vaccaro will work with board counsel to coordinate the January workshop addressing financial ability.
- Diane Guillemette, board counsel, will draft letters addressing the board’s scope-of-work opinions and coordinate the financial ability workshop.