

## **EXECUTIVE SUMMARY**

### **Construction Industry Licensing Board**

#### **General Information**

Meeting type: General Board Meeting

Meeting dates: January 12-14, 2005, Bay Point Marriott Resort, Panama City Beach, FL

Board members: Joan M. Brown, Vice-Chair, Barry Kalmanson, Lee-En Chung, 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: Michelle B. Kane, Chair (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 issued three 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 determined that Class A or B air-conditioning contractors and mechanical contractors can repair/service pool heaters, and may replace existing heaters if the location of the heater remains the same. The board issued an opinion indicating that the \$1,000 handyman exemption listed in s. 489.103, F.S., includes minor and inconsequential roof work. The board issued an opinion that the installation of empty conduits for fiber optics does not require an underground utility and excavation contractor's license. The board also considered a request for opinion regarding whether or not a well contractor licensed under ch. 373, F.S., may bid a project that includes work governed under ch. 489, F.S. The board continued this matter to its February meeting in St. Augustine.
- The Vice-Chair requested clarification from board counsel as to whether board members not assigned to particular committees may still participate in committee meeting discussions without voting on issues covered in those meetings.

#### **Legislation/Rule Promulgation**

- The Rules Committee held a workshop on January 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. Members of the public were given an opportunity to comment on the issue. The committee discussed several alternatives, including bonding, credit-report-average ratings, and audited financial statements. The committee continued the issue to its February meeting and requested construction recovery fund data regarding claim and payout averages, in the event the board were to consider setting a bonding amount.
- The Rules Committee voted to amend Rule 61G4-18.001, F.A.C., to include one hour of building code advanced module coursework, as required by s. 489.115, F.S. As such, the Continuing Education Committee has agreed that any advanced module courses approved by the Department of Community Affairs may be administratively processed by the department without board approval. The Continuing Education Committee requested that the department provide a monthly list of those courses approved. The committee also considered changes to Rule 61G4-18.001, F.A.C., which would specify examples of subject matter areas for workplace safety, workers' compensation, and business practices courses. The proposed changes will be considered by the full board in February.
- The board voted to approve rules to implement statutory changes to ch. 489, F.S., which established the Florida Homeowners' Construction Recovery Fund. The proposed rules will be noticed on February 11, 2005.

**Action Required**

- Diane Guillemette, board counsel, will draft letters addressing the board's scope-of-work opinions.
- Recovery Fund staff will provide the Rules Committee with the data requested during the financial ability workshop.