

## **EXECUTIVE SUMMARY**

### **Construction Industry Licensing Board**

#### **General Information**

Meeting type: General Board Meeting

Meeting dates: September 14-16, 2005, The Registry Resort & Club, Naples, FL

Board members: Joan M. Brown, Chair, Paul DelVecchio, Vice Chair, Edward M. Weller, Barry Kalmanson, Lee-En Chung, Thomas Thornton, Robert Stewart, Don Wilford, Michael Blankenship, Carl E. Engelmeier, Jacqueline Watts, Raymond Holloway, Mark Pietanza, Doris O. "Peggy" Bailey, Jim Flaherty

Board members absent: Michelle B. Kane (Excused)

Board Counsel: Diane Guillemette

Department Staff: Tim Vaccaro, Stacey Merchant, Andrew Janecek, Patrick Creehan, Adrienne Rodgers, Valeria Singleton, Kyle Mitchell

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

- The board considered a petition for declaratory statement filed by William Moseley regarding whether, pursuant to ss. 489.103(6) and 489.105(3)(k), F.S., a license is required to install above-ground swimming pools. The board determined that a license is not required for installation of non-permanent, non-fixed, above-ground swimming pools.
- The board conducted a legislative workshop regarding the issue of contractor-related mold remediation. The board considered the amended language of HB 315, which the Governor vetoed following the 2005 Legislative Session. The bill would have required that contractors licensed under ch. 489, F.S., obtain specific training regarding mold remediation prior to advertising and contracting work as a mold specialist. The board considered comments from the public. The board did not reach specific conclusions but, instead, determined it should revisit the matter in the future after additional deliberation.

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

- Pursuant to Senate Bill 1012, the Rules Committee continued its discussion regarding rulemaking for the development of an application and associated fee for those null and void licensees who request reinstatement of their licenses based upon illness or unusual hardship. The committee requested that Board Counsel and the Executive Director collaborate on development of the application and related fee. Board Counsel and the Executive Director will present a proposed application form and fee in October.
- The Rules Committee approved a draft rule regarding content and administration of the practical examination for swimming pool specialty contractors. The board previously voted to adopt rules creating voluntary certification of various categories of swimming pool specialty contractors. Board counsel will file a notice of rule development for the practical examination in the *Florida Administrative Weekly*.
- The Rules Committee continued its discussion regarding revisions to the disciplinary guidelines set forth in Rule 61G4-17.001, FAC, based upon the increased fine limits created by HB 113. The committee requested the Chief Prosecuting Attorney to provide suggested revisions in October.
- The Rules Committee voted to consider future amendments to Rule 61G4-12.008, F.A.C., to limit to six months the tolling period for a licensee who is on probation. The rule currently provides that the probation period for a licensee who leaves the practice of contracting for more than 30 days shall remain in effect until the licensee re-enters the profession.
- The Rules Committee voted to consider future amendments to Rule 61G4-15.001, F.A.C., to authorize Florida-registered contractors to verify the experience of applicants for initial certified licensure. The current rule provides for verification by Florida-certified contractors, and by architects, engineers, and building officials licensed in the U.S.

**Action Required**

- Tim Vaccaro, Executive Director, will coordinate with Board Counsel regarding development of an application form for reinstatement of null and void licenses. Diane Guillemette, Board Counsel, and Patrick Creehan, Chief Prosecuting Attorney, will address the board's requests regarding rulemaking. Ms. Guillemette will draft an order setting forth the board's opinion on Mr. Moseley's petition for declaratory statement.