



# Florida Laws and Rules Recent Changes for Contractors

**3**

**Professional Development Hours (PDH) or  
Continuing Education Hours (CE)  
Online PDH or CE course**

Laws and Rules course for Florida Contractors:

### **Florida Laws and Rules recent changes for Contractors**

**3 CE** credit hours

#### **Course Summary:**

**Florida Rules and Laws recent changes for contractors** has been designed based on the Florida Rule 61G4-18.001 continuing education requirements as follow:

All registered contractors and certified contractors are required to complete fourteen (14) hours of continuing education each renewal cycle. Of the fourteen (14) hours, one (1) hour shall be required in each of the following topics:

(a) Specialized or advanced module course approved by the Florida Building Commission, or the Board;

(b) Workplace safety;

(c) Business practices;

(d) Workers' compensation; and

**(e) Laws and rules regulating the construction industry;**

(f) Wind mitigation methodologies, if license is held in the following category: General, Building, Residential, Roofing, Speciality Structure, or Glass and Glazing.

(g) Pool electrical requirements, if license is held in the following category: Commercial pool/spa, Residential pool/spa, Swimming pool/spa servicing, or Residential pool/spa servicing specialty.

The remaining hours may include any of the aforementioned subject matter or general topics as defined hereinafter.

#### **Learning objective:**

In this Laws and Rules for Florida Contractor's continuing education course the student will learn about:

- **All the changes that were made to Statues 455 during the 2017-2018 biennium.**
- **All the changes that were made to Statues 489 during the 2017-2018 biennium.**
- **All the changes that were made to Florida Administrative Code 61G4**

The total number of CE hours for this continuing education course is 3 hours.

Grading: The passing grade for this course is **70%**. The quiz can be retaken until passed.

**Contact information**

[www.DiscountPDH.com](http://www.DiscountPDH.com)

[fdapdh@gmail.com](mailto:fdapdh@gmail.com)

Telephone: 713-787-6810

Corporate Mailing address:

2500 Tanglewilde, Suite 220

Houston, Texas 77063

For all your questions and instructor support please contact us via email or phone.

All emails and phone calls are addressed within 24 hours.

Operating hours: 9 MA – 4 PM central time

Tel: 713-787-6810

Fax: 713-787-6825

Email: [fdapdh@gmail.com](mailto:fdapdh@gmail.com)

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## **All changes that were made to FL Statue 455 during the 2017 – 2018 biennium.**

### **455.02 Licensure of members of the Armed Forces in good standing and their spouses or surviving spouses with administrative boards or programs.**

(1) Any member of the United States Armed Forces now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any of the boards or programs listed in s. 20.165 and was entitled to practice or engage in his or her profession or occupation in the state shall be kept in good standing by the applicable board or program, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the United States Armed Forces on active duty and for a period of 2 years after discharge from active duty. A member, during active duty and for a period of 2 years after discharge from active duty, engaged in his or her licensed profession or occupation in the private sector for profit in this state must complete all license renewal provisions except remitting the license renewal fee, which shall be waived by the department.

(2) A spouse of a member of the United States Armed Forces who is married to a member during a period of active duty, or a surviving spouse of a member who at the time of death was serving on active duty, who is in good standing with any of the boards or programs listed in s. 20.165 shall be kept in good standing by the applicable board or program as described in subsection (1) and shall be exempt from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the United States Armed Forces. The department or the appropriate board or program shall waive any license renewal fee for such spouse when he or she is present in this state because of such member's active duty and for a surviving spouse of a member who at the time of death was serving on active duty and died within the 2 years preceding the date of renewal.

(3)(a) The department shall issue a professional license to an applicant who is or was an active duty member of the Armed Forces of the United States, or who is a spouse or surviving spouse of such member, upon application to the department in a format prescribed by the department. An application must include proof that:

1. The applicant is or was an active duty member of the Armed Forces of the United States or is married to a member of the Armed Forces of the United States and was married to the member during any period of active duty or was married to such a member who at the time of the member's death was serving on active duty. An applicant who was an active duty member of the Armed Forces of the United States must have received an honorable discharge upon separation or discharge from the Armed Forces of the United States.

2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.

3. The applicant, where required by the specific practice act, has complied with insurance or bonding requirements.

4.a. A complete set of the applicant's fingerprints is submitted to the Department of Law Enforcement for a statewide criminal history check.

b. The Department of Law Enforcement shall forward the fingerprints submitted pursuant to sub-subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

(b) The department shall waive the applicant's initial licensure application fee.

(c) An applicant who is issued a license under this section may renew such license upon completion of the conditions for renewal required of license holders under the applicable practice act, including, without limitation, continuing education requirements. This paragraph does not limit waiver of initial licensure requirements under this subsection.

**History.**—s. 2, ch. 21885, 1943; s. 5, ch. 79-36; s. 95, ch. 83-329; s. 1, ch. 84-15; s. 71, ch. 85-81; s. 6, ch. 93-220; s. 186, ch. 97-103; s. 5, ch. 2010-106; s. 4, ch. 2010-182; s. 2, ch. 2017-135; s. 7, ch. 2018-7.

**Note.**—Former s. 485.02.

#### **455.219 Fees; receipts; disposition; periodic management reports.**

(1) Each board within the department shall determine by rule the amount of license fees for its profession, based upon department-prepared long-range estimates of the revenue required to implement all provisions of law relating to the regulation of professions by the department and any board; however, when the department has determined, based on the long-range estimates of such revenue, that a profession's trust fund moneys are in excess of the amount required to cover the necessary functions of the board, or the department when there is no board, the department may adopt rules to implement a waiver of license renewal fees for that profession for a period not to exceed 2 years, as determined by the department. Each board, or the department when there is no board, shall ensure license fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance, as determined by rule of the department, with advice of the applicable board. If sufficient action is not taken by a board within 1 year of notification by the department that license fees are projected to be inadequate, the department shall set license fees on behalf of the applicable board to cover anticipated costs and to maintain the required cash balance. The department

shall include recommended fee cap increases in its annual report to the Legislature. Further, it is legislative intent that no regulated profession operates with a negative cash balance. The department may provide by rule for the advancement of sufficient funds to any profession or the Florida State Boxing Commission operating with a negative cash balance. Such advancement may be for a period not to exceed 2 consecutive years and shall require interest to be paid by the regulated profession. Interest shall be calculated at the current rate earned on Professional Regulation Trust Fund investments. Interest earned shall be allocated to the various funds in accordance with the allocation of investment earnings during the period of the advance.

(2) Each board, or the department if there is no board, may, by rule, assess and collect a one-time fee from each active and each voluntary inactive licensee in an amount necessary to eliminate a cash deficit or, if there is not a cash deficit, in an amount sufficient to maintain the financial integrity of such professions as required in this section. No more than one such assessment may be made in any 4-year period without specific legislative authorization.

(3) All moneys collected by the department from fees or fines or from costs awarded to the department by a court shall be paid into the Professional Regulation Trust Fund, which fund is created in the department. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The Legislature shall appropriate funds from this trust fund sufficient to carry out the provisions of this chapter and the provisions of law with respect to professions regulated by the department and any board within the department. The department shall maintain separate accounts in the Professional Regulation Trust Fund for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses shall include, but not be limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. The department shall not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession. The department shall maintain adequate records to support its allocation of department expenses. The department shall provide any board with reasonable access to these records upon request. Each board shall be provided an annual report of revenue and direct and allocated expenses related to the operation of that profession. These reports and the department's adopted long-range plan shall be used by the board to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared pursuant to s. 455.2285.

(4) A condensed management report of budgets, finances, performance statistics, and recommendations shall be provided to each board at least once a quarter. The department shall

identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.

(5) If a duplicate license is required or requested by the licensee, the board or, if there is no board, the department may charge a fee as determined by rule not to exceed \$25 before issuance of the duplicate license.

(6) The department or the appropriate board shall charge a fee not to exceed \$25 for the certification of a public record. The fee shall be determined by rule of the department. The department or the appropriate board shall assess a fee for duplication of a public record as provided in s. 119.07(4).

(7)(a) The department, or a board thereunder, shall waive the initial licensing fee for a member of the Armed Services of the United States who has served on active duty, the spouse of a member of the Armed Services of the United States who was married to the member during a period of active duty, the surviving spouse of a member of the Armed Services of the United States who at the time of death was serving on active duty, or a low-income individual upon application by the individual in a format prescribed by the department. The application format must include the applicant's signature, under penalty of perjury, and supporting documentation as required by the department. For purposes of this subsection, the term "low-income individual" means a person whose household income, before taxes, is at or below 130 percent of the federal poverty guidelines prescribed for the family's household size by the United States Department of Health and Human Services, proof of which may be shown through enrollment in a state or federal public assistance program that requires participants to be at or below 130 percent of the federal poverty guidelines to qualify.

(b) The department, or a board thereunder, shall process an application for a fee waiver within 30 days of receiving it from the applicant.

(c) The department shall adopt rules necessary to implement the provisions of this subsection.

**History.**—s. 5, ch. 79-36; s. 287, ch. 81-259; s. 2, ch. 84-271; s. 82, ch. 90-132; s. 4, ch. 90-228; s. 4, ch. 91-137; s. 17, ch. 92-149; s. 73, ch. 94-218; s. 8, ch. 2000-356; s. 44, ch. 2004-335; s. 3, ch. 2017-135; s. 59, ch. 2018-110.

#### **455.227 Grounds for discipline; penalties; enforcement.**

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.

(b) Intentionally violating any rule adopted by the board or the department, as appropriate.



(c) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

(d) Using a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules adopted pursuant to s. 501.122(2) governing the registration of such devices.

(e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.

(f) Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(h) Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(i) Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.

(j) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

(k) Failing to perform any statutory or legal obligation placed upon a licensee.

(l) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

(o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(s) Failing to comply with the educational course requirements for domestic violence.

(t) Failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of guilt, plea, or adjudication entered before the effective date of this paragraph within 30 days after the effective date of this paragraph.

(u) Termination from an impaired practitioner program as described in s. 456.076 for failure to comply, without good cause, with the terms of the monitoring or participant contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(3)(a) In addition to any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs

related to the investigation and prosecution of the case excluding costs associated with an attorney's time.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil action to recover, the fine or assessment.

(c) The department shall not issue or renew a license to any person against whom or business against which the board has assessed a fine, interest, or costs associated with investigation and prosecution until the person or business has paid in full such fine, interest, or costs associated with investigation and prosecution or until the person or business complies with or satisfies all terms and conditions of the final order.

(4) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect to professions regulated by the department, or any board therein, or the rules adopted pursuant thereto.

(5) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

**History.**—s. 5, ch. 79-36; s. 13, ch. 83-329; s. 5, ch. 88-380; s. 8, ch. 91-137; s. 55, ch. 92-33; s. 22, ch. 92-149; s. 23, ch. 93-129; s. 9, ch. 94-119; s. 80, ch. 94-218; s. 5, ch. 95-187; s. 22, ch. 97-261; s. 144, ch. 99-251; s. 32, ch. 2000-160; s. 2, ch. 2009-195; s. 12, ch. 2010-106; s. 5, ch. 2017-41.

#### **455.271 Inactive and delinquent status.**

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 455.227, and the board, or the department when there is no board, may impose discipline on the licensee.

(2) Each board, or the department when there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status.

(3) Each board, or the department when there is no board, shall, by rule, impose a fee for an inactive status license which is no greater than the fee for an active status license.

(4) An inactive status licensee may change to active status at any time, provided the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the board, or the department when there is no board, and meets all continuing education requirements as specified in this section.

(5) A licensee shall apply with a complete application, as defined by rule of the board, or the department when there is no board, to renew an active or inactive status license before the license expires. Failure of a licensee to renew before the license expires shall cause the license to become delinquent in the license cycle following expiration.

(6)(a) A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department if there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license void without any further action by the board or the department.

(b) Notwithstanding the provisions of the professional practice acts administered by the department, the department may, at its discretion, reinstate the license of an individual whose license has become void if the department determines that the individual failed to comply because of illness or economic hardship. The individual must apply to the department for reinstatement and pay an applicable fee in an amount determined by rule. The department shall require that such individual meet all continuing education requirements prescribed by law, pay appropriate licensing fees, and otherwise be eligible for renewal of licensure under this chapter.

This subsection does not apply to individuals subject to regulation under chapter 473.

(7) Notwithstanding the provisions of the professional practice acts administered by the department, each board, or the department when there is no board, shall, by rule, impose an additional delinquency fee of \$25 on a delinquent status licensee when such licensee applies for active or inactive status.

(8) Each board, or the department when there is no board, shall, by rule, impose an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department when there is no board, may, by rule, impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the

public. Reactivation requirements may differ depending on the length of time licensees are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) The board, or the department if there is no board, may not require an inactive or delinquent licensee, except for a licensee under chapter 473 or chapter 475, to complete more than one renewal cycle of continuing education to reactivate a license.

(11) The status or a change in status of a licensee shall not alter in any way the board's, or the department's when there is no board, right to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business or to a person licensed, permitted, registered, or certified pursuant to chapter 310 or chapter 475.

**History.**—s. 14, ch. 94-119; s. 1, ch. 2005-249; s. 2, ch. 2009-54; s. 3, ch. 2012-61; s. 5, ch. 2012-72; s. 8, ch. 2012-208; s. 1, ch. 2017-29.

## **All changes that were made to FL Statue 489 during the 2017-2018 biennium.**

**489.103 Exemptions.** This part does not apply to:

(1) Contractors in work on bridges, roads, streets, highways, or railroads, and services incidental thereto. The board, in agreement with the Department of Transportation, shall, by rule, define “services incidental thereto” for the purposes of this subsection only.

(2) Any employee of a certificate holder or registrant who is acting within the scope of the license held by that certificate holder or registrant and with the knowledge and permission of the license holder. However:

(a) If the employer is not a certificate holder or registrant in that type of contracting, and the employee performs any of the following, the employee is not exempt:

1. Holds himself or herself or his or her employer out to be licensed or qualified by a licensee;
2. Leads the consumer to believe that the employee has an ownership or management interest in the company; or
3. Performs any of the acts which constitute contracting.

(b) The legislative intent of this subsection is to place equal responsibility on the unlicensed business and its employees for the protection of the consumers in contracting transactions.

For the purpose of this part, “employee” is defined as a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers’ compensation, all as prescribed by law.

(3) An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or any other municipal or political subdivision, except school boards, state university boards of trustees, and community college boards of trustees, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000 to existing installations, if the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment. If the construction, remodeling, or improvement exceeds \$200,000, school boards, state university boards of trustees, and community college boards of trustees shall not divide the project into separate components for the purpose of evading this section.

(4) An officer appointed by a court when he or she is acting within the scope of his or her office as defined by law or court order. When construction projects which were not underway at the time of appointment of the officer are undertaken, the officer shall employ or contract with a licensee.

(5) Public utilities, including municipal gas utilities and special gas districts as defined in chapter 189, telecommunications companies as defined in s. 364.02(13), and natural gas transmission

companies as defined in s. 368.103(4), on construction, maintenance, and development work performed by their employees.

(6) The sale or installation of any finished products, materials, or articles of merchandise that are not fabricated into and do not become a permanent fixed part of the structure, such as awnings. However, this subsection does not exempt in-ground spas and swimming pools that involve excavation, plumbing, chemicals, or wiring of any appliance without a factory-installed electrical cord and plug. This subsection does not limit the exemptions provided in subsection (7).

(7)(a) Owners of property when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors:

1. When building or improving farm outbuildings or one-family or two-family residences on such property for the occupancy or use of such owners and not offered for sale or lease, or building or improving commercial buildings, at a cost not to exceed \$75,000, on such property for the occupancy or use of such owners and not offered for sale or lease. In an action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such structure by the owner-builder within 1 year after completion of same creates a presumption that the construction was undertaken for purposes of sale or lease.

2. When repairing or replacing wood shakes or asphalt or fiberglass shingles on one-family, two-family, or three-family residences for the occupancy or use of such owner or tenant of the owner and not offered for sale within 1 year after completion of the work and when the property has been damaged by natural causes from an event recognized as an emergency situation designated by executive order issued by the Governor declaring the existence of a state of emergency as a result and consequence of a serious threat posed to the public health, safety, and property in this state.

3. When installing, uninstalling, or replacing solar panels on one-family, two-family, or three-family residences, and the local permitting agency's county or municipal government is participating in a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant. However, an owner must utilize a licensed electrical contractor to effectuate the wiring of the solar panels, including any interconnection to the customer's residential electrical wiring. The limitations of this exemption shall be expressly stated in the building permit approved and issued by the permitting agency for such project.

(b) This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor. The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified under this part and the work being performed is within the scope of that person's license. For the purposes of this subsection, the term "owners of property" includes the owner of a mobile home situated on a leased lot.

(c) To qualify for exemption under this subsection, an owner must personally appear and sign the building permit application and must satisfy local permitting agency requirements, if any, proving that the owner has a complete understanding of the owner's obligations under the law as specified in the disclosure statement in this section. However, for purposes of implementing a "United States Department of Energy SunShot Initiative: Rooftop Solar Challenge" grant and the participation of county and municipal governments, including local permitting agencies under the jurisdiction of such county and municipal governments, an owner's notarized signature or personal appearance to sign the permit application is not required for a solar project, as described in subparagraph (a)3., if the building permit application is submitted electronically to the permitting agency and the owner certifies the application and disclosure statement using the permitting agency's electronic confirmation system. If any person violates the requirements of this subsection, the local permitting agency shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued. The local permitting agency shall provide the person with a disclosure statement in substantially the following form:

#### DISCLOSURE STATEMENT

1. I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.
2. I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.
3. I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on permits and contracts.
4. I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that I have built or substantially



improved myself is sold or leased within 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates the exemption.

5. I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.

6. I understand that I may not hire an unlicensed person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county or municipal ordinance.

7. I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

8. I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee. I understand that my failure to follow these laws may subject me to serious financial risk.

9. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.

10. I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at (telephone number) or (Internet website address) for more information about licensed contractors.

11. I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the following address: (address of property).

12. I agree to notify (issuer of disclosure statements) immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure.

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

Signature: (signature of property owner).

Date: (date).

(d) A building permit application and disclosure statement electronically submitted by an owner to the authority for a solar project, as described in subparagraph (a)3., must also contain the following additional statement:

**OWNER'S ELECTRONIC SUBMISSION STATEMENT:** Under penalty of perjury, I declare that all the information contained in this building permit application and the representations made in the required disclosure statement are true and correct.

(e) A permitting authority that accepts a building permit application and disclosure statement in an electronic format from an owner who is exempt pursuant to this subsection and who applies for a permit relating to a solar project, as described in subparagraph (a)3., is not liable in any civil action for inaccurate information submitted by the owner using the authority's electronic confirmation system.

(8) Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal law supersedes this part.

(9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$1,000 for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is a contractor or otherwise represents that he or she is qualified to engage in contracting.

(10)(a) Any construction or operation incidental to the construction or repair of irrigation and drainage ditches;

(b) Regularly constituted irrigation districts or reclamation districts; or

(c) Clearing or other work on the land in rural districts for fire prevention purposes or otherwise except when performed by a licensee.

(11) A registered architect or engineer acting within the scope of his or her practice or any person exempted by the law regulating architects and engineers, including persons doing design work as specified in s. 481.229(1)(b); provided, however, that an architect or engineer shall not act as a contractor unless properly licensed under this chapter.

(12) Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of the contractor.

(13) Any person who is licensed pursuant to chapter 527 when such person is performing the work authorized by such license.

(14) Any person who sells, services, or installs heating or air-conditioning units which have a capacity no greater than 3 tons or 36,000 Btu, which have no ducts, and which have a factory-installed electrical cord and plug.

(15) The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services. No municipality or county may adopt an ordinance, rule, or regulation which requires such an operator to become licensed, certified, or registered as a plumber or which otherwise prevents the installation and maintenance of such water conditioning units by an operator.

(16) An architect or landscape architect licensed pursuant to chapter 481 or an engineer licensed pursuant to chapter 471 who offers or renders design-build services which may require the services of a contractor certified or registered pursuant to the provisions of this chapter, as long as the contractor

services to be performed under the terms of the design-build contract are offered and rendered by a certified or registered general contractor in accordance with this chapter.

(17) Contracting for repair, maintenance, remodeling, or improvement by any person licensed under part I of chapter 475 while acting as the owner's agent pursuant to that license, where all work requiring a contractor is performed by a contractor who has a current, valid certificate or registration issued under this part to perform such work, and where the aggregate contract for labor, materials, and all other items is less than \$5,000; however, this exemption does not apply:

(a) If the maintenance, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than \$5,000 for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is qualified to engage in contracting.

(18) Any one-family, two-family, or three-family residence constructed or rehabilitated by Habitat for Humanity International, Inc., or its local affiliates. Habitat for Humanity International, Inc., or its local affiliates, must:

(a) Obtain all necessary building permits.

(b) Obtain all required building code inspections.

(c) Provide for supervision of all work by an individual with construction experience.

(19) A disaster recovery mitigation organization or a not-for-profit organization repairing or replacing a one-family, two-family, or three-family residence that has been impacted by a disaster when such organization:

(a) Is using volunteer labor to assist the owner of such residence in mitigating unsafe living conditions at the residence;

(b) Is not holding itself out to be a contractor;

(c) Obtains all required building permits;

(d) Obtains all required building code inspections; and

(e) Provides for the supervision of all work by an individual with construction experience.

(20) The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with the Florida Building Code or any applicable local technical amendment to the Florida Building Code, local licensure requirements, or other local ordinance provisions.

(21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the department showing compliance with the Florida Building Code.

(22) A person licensed pursuant to s. 633.304(1)(d) or (3)(b) performing work authorized by such license.

(23) An employee of an apartment community or apartment community management company who makes minor repairs to existing electric water heaters or to existing electric heating, ventilating, and air-conditioning systems if:

(a) The employee:

1. Does not hold himself or herself or his or her employer out to be licensed or qualified by a licensee.

2. Does not perform any acts, other than acts authorized by this subsection, that constitute contracting.

3. Receives compensation from and is under the supervision and control of an employer who deducts the FICA and withholding tax and who provides workers' compensation, as prescribed by law.

4. Holds a current certificate for apartment maintenance technicians issued by the National Apartment Association and accredited by the American National Standards Institute. Requirements for obtaining such certificate must include at least:

a. One year of apartment or rental housing maintenance experience.

b. Successful completion of at least 90 hours of courses or online content that covers electrical maintenance and repair; plumbing maintenance and repair; heating, ventilating, or air-conditioning system maintenance and repair; appliance maintenance and repair; and interior and exterior maintenance and repair.

c. Completion of all examination requirements.

(b) The equipment:

1. Is already installed on the property owned by the apartment community or managed by the apartment community management company.

2. Is not being modified except to replace components necessary to return the equipment to its original condition and the partial disassembly associated with the replacement.

3. Is a type of equipment commonly installed in similar locations.

4. Is repaired with new parts that are functionally identical to the parts being replaced.

(c) An individual repair does not involve replacement parts that cost more than \$1,000. An individual repair may not be so extensive as to be a functional replacement of the electric water heater or the existing electric heating, ventilating, or air-conditioning system being repaired. For purposes of this paragraph, an individual repair may not be part of a larger or major project that is divided into parts to avoid this restriction.

(d) The property owned by the apartment community or managed by the apartment community management company includes at least 100 apartments.

This subsection does not limit the authority of a municipality or county to adopt or enforce an ordinance, rule, or regulation requiring licensure, certification, or registration of a person employed as an apartment maintenance technician or apartment repair worker or in any position that includes any part of the scope of work described in this subsection.

**History.**—ss. 11, 17, ch. 79-200; ss. 2, 3, ch. 81-318; s. 1, ch. 84-160; s. 1, ch. 87-235; ss. 2, 20, 21, ch. 88-156; s. 3, ch. 89-115; s. 69, ch. 89-162; s. 1, ch. 89-343; s. 29, ch. 89-374; s. 38, ch. 90-228; ss. 34, 68, ch. 91-137; s. 4, ch. 91-429; s. 7, ch. 92-55; s. 1, ch. 93-154; s. 1, ch. 93-166; s. 255, ch. 94-119; s. 4, ch. 96-298; s. 73, ch. 96-388; s. 1125, ch. 97-103; s. 39, ch. 98-250; s. 19, ch. 98-287; s. 22, ch. 98-419; s. 39, ch. 2000-141; s. 34, ch. 2000-154; s. 30, ch. 2000-372; s. 34, ch. 2001-186; s. 3, ch. 2001-372; s. 26, ch. 2003-32; s. 5, ch. 2005-30; s. 26, ch. 2005-132; s. 43, ch. 2005-147; s. 1, ch. 2006-283; s. 56, ch. 2007-217; s. 25, ch. 2009-195; s. 26, ch. 2010-176; s. 61, ch. 2011-36; s. 37, ch. 2011-64; s. 404, ch. 2011-142; s. 13, ch. 2011-222; s. 8, ch. 2012-13; s. 143, ch. 2013-183; s. 2, ch. 2016-129; s. 2, ch. 2017-149.

#### **489.516 Qualifications to practice; restrictions; prerequisites.**

(1) Any person who desires to engage in electrical or alarm system contracting on a statewide basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified pursuant to this part. To establish competency, a person shall pass the appropriate examination administered by the department. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

(2) No person who is not certified or registered shall engage in the business of contracting in this state. To enforce this subsection:

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(b) A county or municipality may issue a cease and desist order to prohibit any person from engaging in the business of contracting who does not hold the required certification or registration for the work being performed under this part.

(3) When a certificateholder desires to engage in contracting in any area of the state, as a prerequisite therefor, he or she shall only be required to exhibit to the local building official, tax collector, or other authorized person in charge of the issuance of licenses and building or electrical permits in the area evidence of holding a current certificate and a current business tax receipt issued

by the jurisdiction in which the certificateholder's principal place of business is located and having paid the fee for the permit required of other persons. However, a local construction regulation board may deny the issuance of an electrical permit to a certified contractor, or issue a permit with specific conditions, if the local construction regulation board has found such contractor, through the public hearing process, to be guilty of fraud or a willful building code violation within the county or municipality that the local construction regulation board represents, or if the local construction regulation board has proof that such contractor, through the public hearing process, has been found guilty, in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice to the contractor, that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the Department of Business and Professional Regulation within 15 days after the local construction regulation board decides to deny the permit.

(4) A county or municipality may suspend or deny a locally issued permit when the local building official, tax collector, or other authorized person determines that the contractor has failed to obtain both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance in the amounts determined by rule of the board.

(5) This part does not prevent any certified electrical or alarm system contractor from acting as a prime contractor when the majority of the work to be performed under the contract is within the scope of his or her license or from subcontracting to other licensed contractors any remaining work that is part of the project contracted.

(6) Notwithstanding any other provision to the contrary, a certified electrical contractor, registered alarm system contractor I, registered alarm system contractor II, or alarm system contractor I or alarm system contractor II that is a certified alarm system contractor is exempt from any local law, local ordinance, or local code that requires a contractor to be listed or placarded by a nationally recognized testing laboratory or to be certified by any regionally or nationally recognized certification organization. However, a county, municipality, or special district may require any such electrical contractor or alarm system contractor to provide, at the final inspection of a fire alarm system, the documentation required by NFPA No. 72, "National Fire Alarm Code," for installation and monitoring. This subsection does not prohibit a county, municipality, or special district from requiring compliance with the Florida Fire Prevention Code or with NFPA No. 72.

**History.**—ss. 8, 23, ch. 88-149; s. 7, ch. 91-119; s. 4, ch. 91-429; s. 276, ch. 94-119; s. 189, ch. 94-218; s. 494, ch. 97-103; s. 1, ch. 2006-154; s. 40, ch. 2009-195; s. 19, ch. 2017-149.

**489.105 Definitions.**—As used in this part:

- (1) “Board” means the Construction Industry Licensing Board.
- (2) “Department” means the Department of Business and Professional Regulation.
- (3) “Contractor” means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term “demolish” applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):
  - (a) “General contractor” means a contractor whose services are unlimited as to the type of work which he or she may do, who may contract for any activity requiring licensure under this part, and who may perform any work requiring licensure under this part, except as otherwise expressly provided in s. 489.113.
  - (b) “Building contractor” means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.
  - (c) “Residential contractor” means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.
  - (d) “Sheet metal contractor” means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, if not prohibited by law, of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same, the balancing of air-handling systems, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system.



(e) “Roofing contractor” means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes skylights and any related work, required roof-deck attachments, and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement and any related work.

(f) “Class A air-conditioning contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class A air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(g) “Class B air-conditioning contractor” means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as necessary to complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the

system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class B air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(h) “Class C air-conditioning contractor” means a contractor whose business is limited to the servicing of air-conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. Only a person who was registered or certified as a Class C air-conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air-conditioning contractors who held Class C licenses before October 1, 1988.

(i) “Mechanical contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The

scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring. A mechanical contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(j) “Commercial pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.

(k) “Residential pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of a residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not

required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.

(l) “Swimming pool/spa servicing contractor” means a contractor whose scope of work involves, but is not limited to, the repair and servicing of a swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.

(m) “Plumbing contractor” means a contractor whose services are unlimited in the plumbing trade and includes contracting business consisting of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, if not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, if not prohibited by law, design the following without obtaining an additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities, water and sewer plants and substations, venting systems, public or private water supply systems, septic tanks, drainage and supply wells, swimming pool piping, irrigation systems, and solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary sewer lines. The scope of work of the plumbing contractor also includes the design, if not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers if authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in a manner that complies with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor applies to private

property and public property, including any excavation work incidental thereto, and includes the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work incidental to the work but which is specified as being the work of a trade other than that of a plumbing contractor. This definition does not limit the scope of work of any specialty contractor certified pursuant to s. 489.113(6) and does not require certification or registration under this part as a category I liquefied petroleum gas dealer, or category V LP gas installer, as defined in s. 527.01, who is licensed under chapter 527 or an authorized employee of a public natural gas utility or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. A plumbing contractor may perform drain cleaning and clearing and install or repair rainwater catchment systems; however, a mandatory licensing requirement is not established for the performance of these specific services.

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter if each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and the installation of such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor may not install piping that is an integral part of a fire protection system as defined in s. 633.102 beginning at the point where the piping is used exclusively for such system.

(o) "Solar contractor" means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to this chapter, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to

provide services enumerated in this paragraph that are within the scope of the services such contractors may render under this part.

(p) “Pollutant storage systems contractor” means a contractor whose services are limited to, and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of, pollutant storage tanks. Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303.

(q) “Specialty contractor” means a contractor whose scope of work and responsibility is limited to a particular phase of construction established in a category adopted by board rule and whose scope is limited to a subset of the activities described in one of the paragraphs of this subsection.

(4) “Primary qualifying agent” means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility, to supervise, direct, manage, and control the contracting activities of the business organization with which he or she is connected; who has the responsibility to supervise, direct, manage, and control construction activities on a job for which he or she has obtained the building permit; and whose technical and personal qualifications have been determined by investigation and examination as provided in this part, as attested by the department.

(5) “Secondary qualifying agent” means a person who possesses the requisite skill, knowledge, and experience, and has the responsibility to supervise, direct, manage, and control construction activities on a job for which he or she has obtained a permit, and whose technical and personal qualifications have been determined by investigation and examination as provided in this part, as attested by the department.

(6) “Contracting” means, except as exempted in this part, engaging in business as a contractor and includes, but is not limited to, performance of any of the acts as set forth in subsection (3) which define types of contractors. The attempted sale of contracting services and the negotiation or bid for a contract on these services also constitutes contracting. If the services offered require licensure or agent qualification, the offering, negotiation for a bid, or attempted sale of these services requires the corresponding licensure. However, the term “contracting” shall not extend to an individual, partnership, corporation, trust, or other legal entity that offers to sell or sells completed residences on property on which the individual or business entity has any legal or equitable interest, or to the individual or business entity that offers to sell or sells manufactured or factory-built buildings that will be completed on site on property on which either party to a contract has any legal or equitable interest, if the services of a qualified contractor certified or registered pursuant to the requirements of this chapter have been or will be retained for the purpose of constructing or completing such residences.

(7) “Certificate” means a certificate of competency issued by the department as provided in this part.

(8) “Certified contractor” means any contractor who possesses a certificate of competency issued by the department and who shall be allowed to contract in any jurisdiction in the state without being required to fulfill the competency requirements of that jurisdiction.

(9) “Registration” means registration with the department as provided in this part.

(10) “Registered contractor” means any contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. Registered contractors may contract only in such jurisdictions.

(11) “Certification” means the act of obtaining or holding a certificate of competency from the department as provided in this part.

(12) “Local construction regulation board” means a board, composed of not fewer than three residents of a county or municipality, which the governing body of that county or municipality may create and appoint to maintain the proper standard of construction of that county or municipality.

(13) “Business organization” means any partnership, corporation, business trust, joint venture, or other legal entity which engages or offers to engage in the business of contracting or acts as a contractor as defined in this section.

(14) “Financially responsible officer” means a person other than the primary qualifying agent who with the approval of the board assumes personal responsibility for all financial aspects of the business organization.

(15) “Structural component” means any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

(16) “Arbitration” means a process whereby a neutral third person or panel, called an arbitrator or arbitration panel, considers the facts and arguments presented by the parties and renders a decision which is binding on the parties.

(17) “Pollutant storage tank” means a tank, together with associated piping or dispensing facilities, which is or could be used for the storage or supply of pollutants as defined in s. 376.301 and which is required to be registered under chapter 17-761, Florida Administrative Code.

(18) “Tank” means any container other than one which is aboveground and either elevated or situated upon an impermeable surface, or which is located in an accessible underground area and either elevated or situated upon an impermeable surface therein, in such manner that any leak in such container may be readily detected.

(19) “Initial issuance” means the first time a certificate or registration is granted to an individual or business organization, including the first time an individual becomes a qualifying agent for that business organization and the first time a business organization is qualified by that individual.

**History.**—ss. 2, 17, ch. 79-200; ss. 1, 3, ch. 80-85; s. 367, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 28, 49, ch. 82-179; s. 1, ch. 83-140; s. 5, ch. 83-160; s. 1, ch. 85-290; ss. 27, 31, ch. 86-159; s. 6, ch. 87-374; ss. 3, 20, 21, ch. 88-156; s. 2, ch. 89-343; s. 30, ch. 89-374; ss. 33, 34, ch. 90-228; ss. 35, 66, ch. 91-137; s. 4, ch. 91-429; s. 1, ch. 92-55; s. 10, ch. 92-115; s. 57, ch. 92-149; s. 4, ch. 93-154; s. 2, ch. 93-166; s. 256, ch. 94-119; s. 184, ch. 94-218; s. 1, ch. 96-365; s. 1126, ch. 97-103; s. 8, ch. 98-170; ss. 23, 59, ch. 98-419; s. 33, ch. 2000-372; s. 6, ch. 2005-30; s. 4, ch. 2008-191; s. 30, ch. 2008-240; s. 26, ch. 2009-195; s. 14, ch. 2011-222; s. 9, ch. 2012-13; s. 15, ch. 2012-72; s. 144, ch. 2013-183; s. 3, ch. 2016-129; s. 57, ch. 2018-84.

**489.525 Report to local building officials.**—The department may report to all building officials the contents of this part and the contents of the rules of the board. Any information that is available through the Internet or other electronic means may be excluded from the report.

**History.**—ss. 11, 17, ch. 79-272; ss. 2, 3, ch. 81-318; ss. 14, 21, 23, ch. 88-149; s. 4, ch. 91-429; s. 44, ch. 98-419.

**489.529 Alarm confirmation required.**—All residential or commercial intrusion/burglary alarms that have central monitoring are required to have the alarm monitoring company attempt to confirm the alarm signal by call, text message, or other electronic means made to the owner, occupant, or an authorized designee associated with the premises generating the alarm signal before alarm monitoring personnel contact a law enforcement agency for alarm dispatch. The alarm monitoring company must attempt to confirm the alarm signal a second time via communication with the owner, occupant, or an authorized designee associated with the premises if the first attempt to confirm is unsuccessful. However, alarm signal confirmation is not required if:

- (1) The intrusion/burglary alarm has a properly operating visual or auditory sensor that enables the alarm monitoring personnel to verify the alarm signal; or
- (2) The intrusion/burglary alarm is installed on a premises that is used for the storage of firearms or ammunition by a person who holds a valid federal firearms license as a manufacturer, importer, or dealer of firearms or ammunition, provided the customer notifies the alarm monitoring company that he or she holds such license and would like to bypass the two-attempt confirmation protocol. Upon initiation of a new alarm monitoring service contract, the alarm monitoring company shall make reasonable efforts to inform a customer who holds a valid federal firearms license as a manufacturer, importer, or dealer of firearms or ammunition of his or her right to opt out of the two-attempt confirmation protocol.

**History.**—s. 17, ch. 96-298; s. 3, ch. 97-122; s. 6, ch. 2006-154; s. 2, ch. 2017-52; s. 1, ch. 2018-51; s. 69, ch. 2018-110.












## All the changes that were made to Florida Administrative Code 61G4 since 2014

Advanced Search Results








Total number found: 34





Below is the number of times that the Administrative Code has been changed, modified, adopted or adjusted.













We will list the final version of the repeated Code changes.












Notice / Adopted	Section	Description	ID	Publish Date
	Final <a href="#">61G4-15.004</a>	Certification by Endorsement: Examination Equivalency	<a href="#">21546821</a>	Effective: 03/10/2019
	Final <a href="#">61G4-15.039</a>	Certification of Industrial Facility Specialty Contractors	<a href="#">21530719</a>	Effective: 03/05/2019
	Final <a href="#">61G4-15.0021</a>	Business Organizations	<a href="#">21508506</a>	Effective: 02/28/2019
	Final <a href="#">61G4-12.0021</a>	Board Agenda Materials	<a href="#">21013321</a>	Effective: 11/04/2018
	Final <a href="#">61G4-15.032</a>	Certification of Swimming Pool Specialty Contractors	<a href="#">20512801</a>	Effective: 06/26/2018
	Final <a href="#">61G4-18.001</a>	Continuing Education Requirements for Certificateholders and Registrants	<a href="#">20409787</a>	Effective: 05/28/2018
	Final <a href="#">61G4-12.008</a>	Time for Compliance with Final Order	<a href="#">20226554</a>	Effective: 04/08/2018
	Final <a href="#">61G14-11.008</a>	Cross Licensing	<a href="#">20038762</a>	Effective: 02/20/2018
	Final <a href="#">61G4-12.011</a>	Definitions	<a href="#">19885308</a>	Effective: 01/10/2018




	Final <u>61G4-12.009</u>	Fees	<u>19533392</u>	Effective: 10/30/2017
	Final <u>61G4-18.001</u>	Continuing Education Requirements for Certificateholders and Registrants	<u>19152085</u>	Effective: 07/19/2017
	Final <u>61G4-16.001</u>	Written Certification Examination Requirements	<u>19095534</u>	Effective: 07/04/2017
	Final <u>61G4-12.011</u>	Definitions	<u>18939558</u>	Effective: 05/24/2017
	Final <u>61G4-16.005</u>	Duration of Validity	<u>18721114</u>	Effective: 03/26/2017
	Final <u>61G4-15.001</u>	Qualification for Certification	<u>18385688</u>	Effective: 01/05/2017
	Final <u>61G4-21.002</u>	Definitions	<u>18337479</u>	Effective: 12/20/2016
	Final <u>61G4-21.003</u>	Filing Claims	<u>18337576</u>	Effective: 12/20/2016
	Final <u>61G4-21.004</u>	Claims Review	<u>18337673</u>	Effective: 12/20/2016
	Final <u>61G4-18.004</u>	Approval of Continuing Education Courses	<u>17675648</u>	Effective: 07/04/2016
	Final <u>61G4-15.032</u>	Certification of Swimming Pool Specialty Contractors	<u>17403854</u>	Effective: 04/26/2016
	Final <u>61G14-11.008</u>	Cross Licensing	<u>17160384</u>	Effective: 02/29/2016
	Final <u>61G4-15.0055</u>	Job Scopes for Registered Licensure Categories (Repealed)	<u>16933792</u>	Effective: 01/07/2016
	Final <u>61G4-15.010</u>	Requirements for Applicant Seeking Administration of Oral Examination (Repealed)	<u>16933889</u>	Effective: 01/07/2016




	Final <u>61G4-15.014</u>	Violation of Final Orders (Repealed)	<u>16933986</u>	Effective: 01/07/2016
	Final <u>61G4-17.008</u>	Stipulations (Repealed)	<u>16934083</u>	Effective: 01/07/2016
	Final <u>61G4-12.018</u>	Notification of Investigative and Prosecutorial Costs (Repealed)	<u>16894022</u>	Effective: 12/30/2015
	Final <u>61G4-12.006</u>	Approved Form; Incorporation (Repealed)	<u>16718646</u>	Effective: 11/18/2015
	Final <u>61G4-18.004</u>	Approval of Continuing Education Courses	<u>16448792</u>	Effective: 09/20/2015
	Final <u>61G4-17.001</u>	Normal Penalty Ranges	<u>15986005</u>	Effective: 05/24/2015
	Final <u>61G4-16.0021</u>	Written Examination for Swimming Pool Specialty Contractors	<u>15821008</u>	Effective: 04/08/2015

<b>Notice / Adopted</b>	<b>Section</b>	<b>Description</b>	<b>ID</b>	<b>Publish Date</b>
	Final <u>61G4-17.001</u>	Normal Penalty Ranges	<u>15567741</u>	Effective: 02/03/2015
	Final <u>61G4-16.001</u>	Written Certification Examination Requirements	<u>14955574</u>	Effective: 08/31/2014
	Final <u>61G4-15.039</u>	Certification of Industrial Facility Specialty Contractors	<u>14902030</u>	Effective: 08/17/2014
	Final <u>61G4-15.040</u>	Certification of Residential Pool/Spa Servicing Specialty Contractors	<u>14676602</u>	Effective: 06/22/2014

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	Final <u>61G4-15.040</u>	Certification of Residential Pool/Spa Servicing Specialty Contractors	<u>14676602</u>	Effective: 06/22/2014

## The final Code Changes Starting from the top are:

### **61G4-15.004 Certification by Endorsement: Examination Equivalency.**

An applicant for certification by endorsement as a certified general contractor, certified building contractor, or certified residential contractor is considered to meet the requirement of having taken an examination of substantial equivalency, pursuant to section 489.115(3)(a), Florida Statutes, by completing the items below:

(1) Provide evidence of successfully passing the 2009-2018 or like version of The Commercial General Building Contractors examination of the National Association of State Contractors Licensing Agencies; and

(2) Take and successfully pass or provide evidence of having passed The Business and Finance examination pursuant to subsection 61G4-16.001(22), F.A.C; and

(3) Provide verification of having taken and passed any proctored examination covering the Florida Building Code administered by or through the Department.

*Rulemaking Authority 489.108, 489.115(3) FS. Law Implemented 489.115(3) FS. History—New 1-10-80, Formerly 21E-15.04, 21E-15.004, Amended 7-18-94, 11-13-97, 3-10-19.*

### **61G4-15.039 Certification of Industrial Facility Specialty Contractors.**

(1) Scope of Rule. The purpose of this rule is to provide for certification of industrial facility specialty contractors as a limited subset of the general contractor.

(2) Definition. An industrial facility specialty contractor is a contractor who is qualified and certified by the board to perform any work involving the construction, repair, demolition, modification, and alteration of uninhabitable industrial structures housing manufactured industrial equipment being installed therein by the contractor of specialized equipment used to produce or move goods or materials including but not limited to energy production, gas production, chemical production, installation of fixed equipment, above ground storage tanks and related accessory piping; and construction of habitable or uninhabitable attached accessory use structures not exceeding 1,500 square feet used solely to house related operating and controlling equipment. An industrial facility specialty contractor shall be unlimited in his or her ability to enter contracts for the scopes of work described herein and who may perform such work permitted under this rule, except as otherwise expressly provided in section 489.113, F.S.

(3) An industrial facility specialty contractor shall be required to subcontract all work above that falls within the scopes of work set forth in sections 489.105(3)(b)-(p) or 489.505, F.S., or for fire protection systems under section 633.318, F.S., to a licensee who holds a state certification or registration in the respective category of work.

(4) Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

*Rulemaking Authority 489.108, 489.113(6) FS. Law Implemented 489.105(3)(q), 489.113(6) FS. History—New 8-17-14, Amended 3-5-19.*

**61G4-15.0021 Business Organizations.**

(1) For purposes of this rule practice as an individual is considered practice as a business organization. After the licensee qualifies one business organization, any request to qualify another business organization is subject to approval by the Board.

(2) If the business organization has a financially responsible officer, the financially responsible officer shall comply with the requirement of subsection 61G4-15.006(1), F.A.C., and shall provide to the Department a bond or irrevocable letter of credit, in the amount of \$100,000 payable to the Board for fines and costs.

(3)(a) The applicant seeking to qualify an additional business organization must appear before the Board unless the applicant owns 20% or greater of the proposed business organization and the applicant otherwise qualifies for approval.

(b) Any applicant applying to qualify an additional business organization that will result in the applicant qualifying three or more business organizations must appear before the Board.

(4) Qualification of a business organization is only effective as to that business organization; subsidiaries or parents of qualified business organizations must be separately qualified.

*Rulemaking Authority 489.108 FS. Law Implemented 455.213, 489.105, 489.115, 489.119, 489.1195, 489.143 FS. History—New 12-6-83, Formerly 21E-15.021, Amended 3-29-88, 8-8-88, 9-24-92, 12-28-92, Formerly 21E-15.0021, Amended 7-18-94, 7-5-95, 11-12-95, 2-6-96, 7-1-96, 9-3-96, 11-27-96, 11-13-97, 9-15-98, 7-7-05, 1-23-06, 10-22-06, 2-12-08, 12-13-09, 2-28-19.*

**61G4-12.0021 Board Agenda Materials.**

Applications will be forwarded to the Board office for placement on an electronic agenda for distribution to the Board members after the application is deemed complete in accordance with section 120.60, F.S. Materials amending a completed application or other proposed agenda materials submitted less than 21 days prior to a Board Meeting will not be included and will not be distributed to board members except as outlined below. The Board delegates authority to the Board Chair in consultation with Board Counsel to determine when an exception is warranted in order to comply with legal requirements, including fairness to all parties or to the public. The Chairperson presiding over each board meeting session will determine whether or not to accept materials offered during the respective session.

*Rulemaking Authority 455.213, 455.225 FS. Law Implemented 120.525, 120.57(2), 120.60 FS. History—New 11-4-18.*

**61G4-15.032 Certification of Swimming Pool Specialty Contractors.**

(1) Scope of Rule. The scope of this rule is to provide for the voluntary certification of swimming pool specialty contractors.

(a) Swimming pool specialty contractors may only perform the services within the scope of work defined for that particular category swimming pool specialty contractor. Nothing in this rule shall limit the scope of a contractor as defined in sections 489.105(3)(j)-(l), F.S., from performing swimming pool layout, structural work, excavation, trim work, decking, piping, and finishing.

(b) Swimming pool specialty contractors must work under contract, under the supervision, and within the scope of work of a contractor licensed pursuant to sections 489.105(3)(j)-(l), F.S.

(c) Each category of swimming pool specialty contractor contained in this rule constitutes a separate license and



obtaining licensure in all swimming pool specialty contractor categories shall not entitle a person to licensure as a contractor as defined in sections 489.105(3)(j)-(l), F.S.

(2) Definition.

(a) A “Swimming Pool Layout Specialty Contractor” means a swimming pool specialty contractor whose scope of work is limited to the layout, shaping, steel installation, and rough piping of pools, spas, and hot tub shells.

(b) A “Swimming Pool Structural Specialty Contractor” means a swimming pool specialty contractor whose scope of work is limited to the shaping and shooting of gunite, shotcrete, concrete, or similar product mix used in the construction of swimming pools and spas. This scope of work includes the installation of fiberglass shells and vinyl liners.

(c) A “Swimming Pool Excavation Specialty Contractor” means a swimming pool specialty contractor whose scope of work is limited to the excavation and earthmoving required for the installation of pools, spas, and hot tub shells.

(d) A “Swimming Pool Trim Specialty Contractor” means a swimming pool specialty contractor whose scope of work is limited to the installation of tile and coping for pools, spas, and hot tub shells. Decorative or interactive water displays or areas that use recirculated water, including waterfalls and spray nozzles, are also included in this rule within this scope of work.

(e) A “Swimming Pool Decking Specialty Contractor” means a swimming pool specialty contractor whose scope of work is limited to the construction and installation of concrete flatwork, pavers and bricks, retaining walls, and footings associated with the construction of pools, spas, and hot tub shells.

(f) A “Swimming Pool Piping Specialty Contractor” means a swimming pool specialty contractor whose scope of work is limited to the installation of piping or the installation of circulating, filtering, disinfecting, controlling, or monitoring equipment and devices used in the construction of pools, spas, hot tubs, and decorative or interactive water displays or areas.

(g) A “Swimming Pool Finishes Specialty Contractor” means a swimming pool specialty contractor whose scope of work is limited to the coating or plastering of the interior surfaces of pools, spas, or hot tub shells.

(3) Certification Procedures.

(a) Qualifications.

1. Any person who desires to become a swimming pool specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing on a form provided by the Department.

2. A person shall be certified as a swimming pool specialty contractor if said person:

a. Is at least eighteen (18) years of age;

b. Is of good moral character;

c. Submits documentation demonstrating four years of experience in the swimming pool specialty contractor category for which the person applied; and,

d.i. Takes and successfully completes a written examination for certification in the category of swimming pool specialty contractor applied for; or

II. An applicant who completes three (3) hours of board-approved continuing education, consisting of one hour of workplace safety, one hour of business practices, and one hour of workers’ compensation, may qualify, if the

applicant successfully passes a practical examination for certification in the category of swimming pool specialty contractor applied for in lieu of a written examination for licensure.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified swimming pool specialty contractors shall be the same as those provided for the certification of other contractors as set forth in sections 489.109, 489.111(3), 489.113, F.S., and rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements in paragraphs 61G4-15.003(2)(h) and 61G4-15.005(3)(a), F.A.C., for any of these specialties.

*Rulemaking Authority 455.217, 489.113(6), 489.108, 489.115(4) FS. Law Implemented 455.217, 489.113(6), 489.108, 489.115(4) FS. History—New 1-4-06, Amended 2-11-08, 4-26-12, 4-26-16, 6-26-18.*

#### **61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.**

(1) Each person who is certified or registered by the Board must, as a condition of each renewal of the certificate or registration, obtain at least 14 classroom or interactive distance learning hours of continuing education in one or more courses from a continuing education provider approved by the Board. Of the required 14 hours of continuing education, up to four (4) hours of credit may be earned by attending a meeting of the Board wherein disciplinary cases are considered. The first complete hour of attendance will satisfy the requirement for continuing education in laws and rules regulating the construction industry, pursuant to paragraph (2)(e), below. At least seven (7) days advance notice of the intent to attend the disciplinary case session must be given to the Board, and the licensee must check in with Board staff prior to the beginning of the disciplinary proceedings. The licensee must sign in and out at breaks and at lunchtime. After the conclusion of the meeting, Board staff will issue a certificate of attendance to the licensee. The licensee must submit documentation of such participation to the Department within five (5) days of the date of issuance of the certificate of attendance. A maximum of four (4) hours will be allowed during a renewal cycle. Credit hours shall be awarded on an hour for hour basis up to a maximum of four hours. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

(2) All registered contractors and certified contractors are required to complete fourteen (14) hours of continuing education each renewal cycle. Of the fourteen (14) hours, one (1) hour shall be required in each of the following topics:

(a) Specialized or advanced module course approved by the Florida Building Commission, or the Board;

(b) Workplace safety;

(c) Business practices;

(d) Workers' compensation; and

(e) Laws and rules regulating the construction industry;

(f) Wind mitigation methodologies, if license is held in the following category: General, Building, Residential, Roofing, Speciality Structure, or Glass and Glazing.

(g) Pool electrical requirements, if license is held in the following category: Commercial pool/spa, Residential pool/spa, Swimming pool/spa servicing, or Residential pool/spa servicing specialty.

The remaining hours may include any of the aforementioned subject matter or general topics as defined hereinafter.

(3) The content of Board approved courses must be business, trade, workers' compensation, laws and rules related to the construction industry, or safety topics relevant to the construction industry. For purposes of this rule:

(a) Business practice topics include bookkeeping and accounting practices; managing cash flow; estimating and bidding jobs; negotiating and interpreting contracts and agreements; processing change orders; controlling purchasing; scheduling; controlling expenses; insurance and bonding related to construction; complying with payroll and sales tax laws; interpreting financial statements and reports related to construction; complying with Florida laws and rules related to construction, and chapter 682, F.S., Arbitration Code, chapter 713, F.S., Florida Construction Lien Law, and chapter 553, F.S., Building Construction Standards.

(b) Trade related courses may be used to satisfy the “general” requirements. These courses may include topics considered as contract administration and project management activities, including management and operation of the day-to-day activities of a construction contracting firm and advanced knowledge of the trade in which the contractor is licensed. Examples include, but are not limited to: preconstruction activities, including design and structural loading; project contracts; permits; plan and specification approvals; construction procedures and operations; methods, materials, tools and equipment as codified in the CSI 16 Division Format or ASTM; maintenance and service; reading plans and specifications; code updates pursuant to chapter 553, F.S., and related statutes.

(c) Safety courses include courses related to job site safety in the following topics: OSHA safety; workplace safety programs; safety manuals; procedure of testing and use of tools and equipment.

(d) Workers’ compensation courses include: Compliance with chapter 440, F.S.; drug free workplace; calculating and assigning workers’ compensation costs; premium modification and adjustments.

(e) Laws and rules related to the construction industry found in chapters 489, part I, and 455, F.S., division 61G4, F.A.C.

(f) Wind mitigation methodology, as limited to those topics listed in section 553.844(2)(b)1.-5., F.S. (2007).

(g) Pursuant to section 489.115(4)(b)2., F.S., specialized continuing education courses approved for the purpose of allowing Division I certificateholders or registrants to certify plans and specifications on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and alternate methodologies approved by the Florida Building Commission are required to comply with Florida Building Code 2017 Section 1609.1.1 Exceptions: 1.-3., hereby incorporated by reference into the rule, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-09399>, and must require the demonstration of proficiency at the completion of such course.

(4) A person who holds more than one certificate or registration issued by the Board is required to complete the continuing education requirements only once during each biennial certification renewal period and only once during each biennial registration period, providing all applicable license numbers to the course provider at the time of registration to ensure proper reporting of CE hours. Workers’ compensation, work place safety and business practice courses approved for the continuing education requirements for persons certified or registered under chapter 489, part II, F.S., shall be accepted for continuing education for renewal under this rule.

(5) Any course approved for the continuing education requirements for persons certified under chapter 468, part XII, F.S., which meet the criteria for course content approved by this Board, shall be accepted for continuing education for renewal under this rule, for persons who are certified under part XII or who are certified or registered under this part.

(6) The Board shall grant a maximum of four (4) hours of continuing education credit, on an hour for hour basis, to any licensee who participates as a member of any technical advisory committee to the Florida Building Code Commission within the Department of Business and Professional Regulation. The licensee must submit documentation of such participation to the Department within five (5) days of the date of completion.

(7) Continuing education credit shall be granted to instructors, teachers, lecturers, panelists and discussion leaders of a specific continuing education course, on an hour for hour basis, for the first presentation each renewal

cycle.

(8) Continuing education credit for a specific course will be awarded only once for each renewal cycle.

(9) A person is not required to complete any continuing education requirements for the year in which a certificate or a registration is initially issued. Any person who obtains a certificate or a registration more than 12 months prior to the end of a biennial period is required to complete seven hours of approved continuing education as a condition of the first renewal of the certificate or registration.

(10) Credit may be earned for assisting in exam development. (See rule 61G4-18.013, F.A.C.)

(11) A person is not required to complete any of the above continuing education requirements while his or her license is in an inactive status. However, registrants and certificateholders who change licensure status from inactive to active must show proof of completion of fourteen (14) hours of continuing education as required for active renewal for the biennium previous to the requested license activation.

(12) Any course approved for the continuing education requirements for persons certified under chapter 489, parts I and II, F.S., shall be accepted for continuing education for renewal under this rule.

*Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00, 12-27-00, 3-25-01, 7-26-04, 9-1-05, 9-27-06, 9-1-07, 11-15-07, 11-17-08, 10-23-12, 3-31-13, 7-19-17, 5-28-18.*

#### **61G4-12.008 Time for Compliance with Final Order.**

(1) In cases where the Board imposes a civil penalty for violation of Chapter 455 or Part I of Chapter 489, F.S., or of the rules promulgated thereunder, the penalty shall be paid within 30 days of its imposition by order of the Board, unless a later time for payment is specified in the Board's Order. Moreover, unless otherwise addressed by the Board at hearings held pursuant to Section 120.57(2), F.S., whenever a civil penalty is levied at said hearing the respondent who is disciplined shall have all licensure to practice contracting suspended with the imposition of the suspension being stayed for thirty (30) days. If the ordered civil penalty is paid within said thirty (30) day period, the suspension imposed shall not take effect. Upon payment of the civil penalty after the thirty (30) days, the suspension imposed shall be lifted. If the licensee does not pay the civil penalty, within said period, then immediately upon expiration of the stay, the licensee shall surrender his/her licensure to an investigator of the Department of Business and Professional Regulation or shall mail said license to the Board offices.

(2) Failure to pay the civil penalty within the time specified in this rule or in the Board's Order shall constitute grounds for further disciplinary action against the licensee.

(3) Failure to pay a fine within the time specified in this rule or in the Board's Order shall result in the assessment of an interest payment at an annual percentage rate of eighteen percent (18%); said interest shall begin to accrue from the date immediately succeeding the due date of the fine.

(4) For purposes of this rule, the term civil penalty shall include the assessment of any fines, costs associated with investigation and prosecution of the complaint, and restitution.

(5) In cases where the Board imposes probation for violation of Chapter 455 or Part I of Chapter 489, F.S., or of the rules promulgated thereunder, the following conditions shall apply:

(a) The licensee shall be required to appear before the Board at such times as directed by the Executive Director, or as specified in the Final Order. In connection with each probation appearance, the licensee shall answer questions under oath and shall provide copies of all construction related monthly bank statements, permit applications, contracts, and operations questionnaires since the entry of the final order if it is the first probation appearance or

since the last probation appearance if it is other than the first probation appearance. In addition, the licensee shall provide such other information or documentation as is requested by either the Department or, the Board. The licensee shall forward said documentation to the Board in advance of the probation appearance.

(b) The burden shall be solely upon the licensee to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. The licensee shall not rely on getting notice of said appearance from the Board or the Department.

(c) Should the licensee violate any condition of the probation, it shall be considered a violation of Section 489.129(1)(j), F.S., and shall result in further disciplinary action by the Board.

(d) Should the licensee fail to make a satisfactory appearance as determined by the Board, the term of the probationary period shall automatically be extended by six (6) months. If there occurs a second such failure, then the term of the probationary period will be extended an additional six (6) months. Should the Board determine a third failure of the licensee to make a satisfactory appearance, then the term of the probationary period will be extended an additional six (6) months, the stay of suspension of the licensee's licensure to practice contracting shall be lifted and the license shall remain in suspended status unless and until a further stay is granted by the Board, or the time period for probation, with the addition of six (6) months, expires.

(e) Should the Board determine an appearance is unsatisfactory, the board may authorize the licensee to complete a 7-hour Business Practices course approved by the Board, in lieu of one unsatisfactory appearance. Should the licensee request this action, the licensee shall have 90 days from the date of appearance before the Board within which to complete the course. If the licensee fails to complete the course within the 90-day time period, the appearance will be deemed unsatisfactory and the provisions of paragraph (5)(d), shall apply.

(f) Should the licensee's licensure to practice contracting be placed on inactive status, the probation period shall be tolled and shall resume running at the time the licensee reactivates the license or returns to the active practice of contracting, and the licensee shall then serve the time remaining in the term of probation.

(g) The licensee's licensure to practice contracting shall be suspended for the period of probation, with the suspension stayed for the period of probation. The time of the suspension and the stay shall run concurrently with the period of probation, except as provided otherwise in the Final Order. If the licensee successfully completes probation, the suspension shall terminate. If the licensee fails to comply with the requirements set forth in this rule or in the Final Order imposed in this case, or fails to make satisfactory appearances as determined by the Board, the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status unless and until a further stay is granted by the Board, or the time period for probation expires.

*Rulemaking Authority 455.227(2), 489.108 FS. Law Implemented 455.227(2), 489.129(2), (6) FS. History—New 1-6-80, Amended 12-19-82, Formerly 21E-12.08, Amended 5-29-90, 7-21-92, Formerly 21E-12.008, Amended 8-21-95, 11-25-97, 7-17-01, 2-28-06, 4-8-18.*

#### **61G14-11.008 Cross Licensing.**

Whereas the Board of Pilot Commissioners recognizes the unique circumstances which exist from time to time in the smaller ports of Florida, as well as the new innovative approaches to ship design which may open new areas of the State to sea-going vessels and thus require pilot service, and whereas the Board is compelled to act to protect the health, safety and welfare of the people of the State of Florida and to insure the safe and efficient operation of such ports, the Board of Pilot Commissioners shall, when necessary to accomplish the foregoing, authorize limited cross licensing between or among ports as follows:

(1) Licensed state pilots shall be certified as deputy pilots in port other than the one for which they are licensed provided that:

(a) The pilot volunteers to become so certified;

(b) Economic conditions existing in one or both of the two ports are considered insufficient to support additional full time deputies or pilots;

(c) The licensed state pilot possesses the appropriate federal license for all of the waters of the port for which cross licensing is volunteered if such federal license is available. In non-designated ports or port areas where no federal license exists, or where pilots are unable to obtain federal endorsement, a state pilot shall be considered as satisfying the requirements for a federal first class pilotage endorsement if the conditions of Rule 61G14-11.009, F.A.C., are met; and,

(d) The licensed state pilot volunteering for cross licensing receives a score of at least 75% on the examinations consisting of the subject areas specified in paragraphs 61G14-11.003(1)(e) and (f), F.A.C.

(2) If a pilot, who has been designated, trained and cross licensed as a deputy in a second port, should elect to retire from the port in which he is a fully licensed pilot, he may retain the certificate as a deputy issued under this section and continue to provide supporting pilot service subject to all the provisions of subsection 61G14-11.008(5), Rule 61G14-12.0015, F.A.C., dealing with cross licensing, renewal and active service appropriate for the port.

(3) Licensed state pilots who comply with the provisions of subsection (1), above, and are cross licensed as certified deputies in a second port, are authorized to serve in that port:

(a) If requested to do so by a licensed state pilot in the second port;

(b) If the maritime interests of the port determine that they are receiving inadequate pilot service and petition the Board for relief, and the Board, after determining that relief is necessary, authorizes certificated deputies to serve to the extent necessary to provide relief, or

(c) If a vessel or vessels has been or will be delayed due to inadequate pilot service.

(4) Service provided under the provisions of subsections (1) and (2), above, is considered to be emergency service and, therefore, the draft restrictions of Rule 61G4-13.001, F.A.C., do not apply.

(5) After considering economic conditions, geographic location, and other pertinent factors, if the Board determines that the public interest requires it, the Board shall combine two or more of the port areas listed in Section 310.002(4), F.S. When such areas are combined the following provisions apply:

(a) All future advertisements for certificated deputies or licensed state pilots shall specify such openings are for the combined port areas; and,

(b) Applicants shall be examined for, and those appointed will be trained in, the combined port areas.

(6) When such port areas are combined, the licensed state pilots in one port who have previously been cross licensed as certificated deputy pilots may apply for a license as state pilot for the entire combined port area provided:

(a) They have been actively engaged, to the extent reasonably possible, in piloting or making observer trips in the second port area;

(b) They are recommended by the pilot(s) in the second port; and,

(c) Pilots in all the ports involved request such a combined license.

(7) When such port areas are combined, the certificated deputy pilots in one port may apply for and become

certificated cross licensed deputy pilots for the other port areas, provided:

(a) The deputy pilot receives a score of at least 75% on the examination for the other port. The examination for the other port shall consist of the subject areas specified in paragraphs 61G14-11.003(1)(e) and (f), F.A.C.;

(b) The deputy pilot possesses the appropriate federal license for all of the waters of the other port in which the deputy pilot certificate is requested if such license is available. In non-designated ports or port areas where no federal endorsement exists, or where pilots are unable to obtain federal endorsement, the deputy pilot shall be considered to have satisfied the requirements for a federal first class pilotage endorsement if the conditions of Rule 61G14-11.009, F.A.C., are met; and,

(c) The deputy pilot is recommended by the pilot(s) in the other port and the deputy pilot agrees to enter the Board approved deputy pilot training program for the other port.

(8) Upon the recommendation of the pilot(s) in the cross licensed port or upon action by the Board if there is no licensed pilot in the cross licensed port, certificated cross licensed deputy pilots shall be issued a state pilot license for the cross licensed port area, provided the deputy pilot receives a score of at least 75% on the examination for the cross licensed port area consisting of the subject areas specified in paragraph 61G14-11.003(1)(e), F.A.C.

(9) For the purposes of piloting, the following ports are combined:

(a) Boca Grande, Fort Myers Beach and Key West; and,

(b) Jacksonville and Fernandina.

*Rulemaking Authority 310.061, 310.185 FS. Law Implemented 310.061, 310.081, 455.217 FS. History—New 8-4-80, Amended 2-13-84, 9-13-84, Formerly 21SS-5.17, Amended 5-31-87, 6-20-89, 3-15-92, Formerly 21SS-5.017, 21SS-11.008, Amended 3-15-94, 2-22-95, 6-5-95, 3-15-99, 2-29-16, 2-20-18.*

#### **61G4-12.011 Definitions.**

(1) For purposes of Section 489.105(3)(b), F.S., the term “story” is defined to mean that portion of a building included between the upper surface of a floor or average grade, finished or unfinished, open or enclosed, and the upper surface of the floor or roof next above and having a minimum clear height of seven (7) feet or more.

(2) For purposes of the exemption provided by Section 489.103(9), F.S., activities which are not casual, minor, or inconsequential, include, but are not limited to, any work affecting structural components, any work involving use of toxic or hazardous chemicals or substances, any work affecting access or egress to a structure, any work affecting accommodations for the physically disabled, any work for which a building permit is required and any work affecting life-safety matters as defined in the applicable building code.

(3) The terms “advertise” and “advertises” shall apply to business cards, business proposals, contracts, construction site signs, all newspapers, airwave transmission (other than internal company communications), any electronic media including Internet sites, phone directory, and other media including handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade associations publications), classified advertisements, manufacturer’s “authorized dealer” listings, and signs on vehicles. They shall not apply to balloons, pencils, pens, hats, articles of clothing, shirts, or other promotional novelties. Neither shall the terms apply to any single line phone directory listing; nor to free phone directory listings (regardless of page color) of one, two or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole and in part in an unbolded or unhighlighted print or without further textual or pictorial elaboration or touting in its overall display.



(4) Main Sanitary Sewer Collection System: That part of a sewer system starting at the end of the building sewer and extending through and including the treatment plant whether the system is public or private, including any conveyance of sewage under pressure, and pumping facilities. The only exception to this definition are one, two, three or four family structures; in these structures the Main Sanitary Sewer Collection System begins at the lot line and extends through and includes the sewer treatment facilities.

(5) Building Drain: That part of the lowest piping of a drainage system which receives the discharge from soil pipe, waste pipe and other drainage pipes inside the perimeter walls of the building and conveys it to the building sewer 5 feet outside the building's exterior wall.

(6) Building Sewer: That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage-disposal system or to any other point of disposal.

(7) Main Water Distribution System: The water service line, water distribution systems and all appurtenances on public or private property which shall terminate no closer than 5 feet from a building or at the secondary meter whichever is further from the building. For the purpose of this definition master site meters and backflow preventers shall not constitute the secondary meter nor shall they be the contractor's point of work termination. One, two, three and four family structures shall have their Main Water Distribution System terminate at the meter.

(8) Storm Sewer System: The collection, conveyance and disposal of rain water from public or private property to the storm sewer system at a structure or other point of connection.

(9) "Services incidental thereto" shall for the purpose of Section 489.103(1), F.S., only, mean all work on bridges, roads, streets, highways, and railroads except building construction and those subcontractor categories, defined in Sections 489.105(3)(d)-(q), F.S. However, notwithstanding the previous provision, services incidental thereto specifically includes storm drainage and excavation work necessary for the construction of bridges, roads, streets, highways, and railroads; and includes directly contracting with a governmental entity for work on bridges, roads, street, highways, and railroads when any building construction included in the contract is subcontracted to a contractor appropriately licensed under Chapter 489, Part I, F.S., to perform building construction or those subcontractor categories defined in Sections 489.105(3)(d)-(q), F.S., and such building construction does not constitute more than fifty (50) percent of the total contract amount.

(10) A "credit report from a nationally recognized credit agency that reflects the financial responsibility of the applicant, certificateholder or registrant" shall, for the purposes of Section 489.115(7), F.S., mean a current consumer credit report that provides a current consumer credit score derived from the Fair Isaac Corporation's (FICO) scoring method and:

- (a) Payment history;
- (b) Credit rating;
- (c) Public filings in county, state and federal courts;
- (d) Bankruptcies, business history, suits, liens, and judgments, all on a nationwide basis;

(11) A "nationally recognized credit agency" shall mean a credit agency that:

- (a) Obtains credit information both within and outside the State of Florida;
- (b) Validates, updates, and maintains the accuracy of credit information obtained; and,
- (c) Obtains credit reports from at least two (2) credit bureaus.

(12) "Current mailing address" and "current address of record" shall mean the address at which the United



States Postal Service delivers mail to the licensee.

(13) System: As it pertains to central air conditioning, refrigerating, heating and ventilating systems, pursuant to Sections 489.105(3)(f), (g), (h), F.S., the term “system” is defined as starting at the distribution and return air grills and ending at the HVAC (heating, ventilating, or air conditioning) unit, including all duct work in connection therewith. The replacement of filters shall not constitute the partial disassembly of the system.

(14) “Services” for purposes of sanitary sewer collection systems, main water distribution systems, storm sewer collection systems and utility lines as defined in Section 489.105(3)(n), F.S., shall include, the construction, installation, and repair of vertical improvements above grade, such as headwalls, end-walls, and retaining walls. Vertical improvements shall not exceed twenty feet in elevation above grade and vertical improvements below grade shall not be restricted. In addition, vertical improvements above grade shall also include structures designed to house pumps, lift stations, or other related equipment. In no case should said structures exceed 500 square feet.

(15) Installation or repair: Pursuant to Sections 489.105(3)(j), (k), (l), F.S., the term “installation or repair” of pool/spa equipment, as it pertains to swimming pool and spa electrical work, is defined as inclusive of installation, replacement, disconnection or reconnection of power wiring on the load side of the dedicated existing electrical disconnecting means. If installation, removal, replacement, or upgrading of this circuit is necessary, the work shall be performed by a licensed electrical contractor only. Nothing in this paragraph shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications, or other professions.

*Rulemaking Authority 489.103(1), 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(1), 489.103(5), 489.105(3), 489.113(3), (5), 489.115(7), 489.119(5) FS. History—New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97, Amended 10-4-99, 2-12-08, 11-9-08, 4-4-13, 5-24-17, 1-10-18.*

#### **61G4-12.009 Fees.**

The following fees are prescribed by the Board:

(1) Application for Certification by Examination; Refund.

(a) The application and examination fee for an applicant for certification shall be three hundred thirty-five dollars (\$335.00) and shall be nonrefundable. Said fee shall cover both the processing of the application for certification and the administration of the examination. The applicant will pay one hundred thirty-five dollars (\$135.00) directly to the Department, or the Department’s examination development vendor upon scheduling of the tests that comprise the examination. The applicant will pay the Department, or the Department’s assigned vendor, eighty dollars (\$80.00) to cover examination administration costs for each test administered. The applicant will pay the Department forty dollars (\$40.00) for processing of the application after they have successfully passed the examination. The contract administration and project management tests are considered one test for fee assessment pursuant to this rule.

(b) For an unsuccessful examinee or approved applicant who failed to appear at the examination, the fee for the next subsequent test, or both tests if necessary, shall be one hundred thirty-five dollars (\$135.00) and paid directly to the Department, or the Department’s examination development vendor upon scheduling of the test(s). Eighty dollars (80.00) shall be paid to the Department, or the Department’s assigned vendor, for examination administration upon scheduling of each test to be administered. The fees shall be nonrefundable.

(2) The application fee for registration shall be \$100.00.

(3) Biennial Renewal; Fees.

(a) The biennial renewal fee for certification and registration shall be two hundred dollars (\$200.00).

(b) The biennial renewal for certification and registration on inactive status shall be fifty dollars (\$50.00).

(c) The biennial renewal for certification and registration where said licensees are building code administrators, plans examiners or inspectors certified pursuant to Part XII of Chapter 468, F.S., who are employed by a local government, and who are not allowed by the terms of such employment to maintain a certificate on active status, shall be fifty dollars (\$50.00).

(4) Initial License; Fees.

(a) The initial certification or registration fee for registrants shall be two hundred dollars (\$200.00). However, any initial certification or registration fee for registrants remitted within the second year of a biennium shall be one hundred dollars (\$100.00). Said fee shall apply to the partial period only; all subsequent biennial renewal fees shall be in accordance with subsection (3), above.

(b) The initial designation fee for financially responsible officers shall be two hundred dollars (\$200.00).

(5) The fee to transfer a license from one business entity to another shall be fifty (\$50.00) dollars.

(6) The application fee for reactivation of an inactive certification or registration shall be one hundred dollars (\$100.00).

(7) The fee for the review of an examination pursuant to the provisions of Chapters 455 and 489, F.S., shall be seventy-five dollars (\$75.00).

(8) The fee for a duplicate copy of a previously issued license shall be twenty-five dollars (\$25.00).

(9) The fee to transfer a registration or certification from active to inactive status shall be fifty (\$50.00) dollars.

(10) Certification and Registration of Business Organizations.

(a) The application and initial issue of certification or registration for a business organization shall be fifty dollars (\$50.00).

(b) The biennial renewal fee for a certification or registration issued to a business organization shall be fifty dollars (\$50.00).

(11)(a) Pursuant to Section 455.271(7), F.S., the delinquency fee for certification or registration shall be twenty-five dollars (\$25.00).

(b) Pursuant to Section 455.271(7), F.S., the delinquency fee for qualified business organizations shall be twenty-five dollars (\$25.00).

(12)(a) Pursuant to Section 455.271(8), F.S., the fee for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle shall be fifty (\$50.00) dollars.

(b) Pursuant to Section 455.271(8), F.S., the fee for processing a request for a change of status for a qualified business organization at any time other than at the beginning of a licensure cycle shall be fifty (\$50.00) dollars.

(13) The application fee for certification of a registered contractor pursuant to Section 489.118, F.S., shall be \$100.00.

(14) The fee for application to reinstate a null and void license is one hundred dollars (\$100.00).

*Rulemaking Authority 455.213(2), 455.217(2), 455.219(1), 455.271(6), (8), 489.108, 489.109, 489.118 FS. Law Implemented 119.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(6), (7), (8), 489.109 FS. History—New 10-1-79, Formerly 21E-12.01,*

*Amended 1-6-80, 12-16-80, 3-15-81, 5-31-81, 11-14-82, 4-3-84, Formerly 21E-12.09, Amended 2-4-87, 1-26-88, 6-21-88, 9-19-88, 4-18-89, 5-23-89, 8-23-89, 5-29-90, 3-20-91, 12-21-92, 1-28-93, 7-14-93, Formerly 21E-12.009, Amended 7-18-94, 6-27-95, 8-29-95, 9-18-96, 2-4-98, 2-10-00, 2-6-03, 2-27-05, 11-8-06, 12-8-08, 10-30-17.*

**61G4-16.001 Written Certification Examination Requirements.**

(1) Certification Examination for General Contractors, Tower Specialty Contractors, and Industrial Facility Specialty Contractors. The certification examination shall consist of three tests. The content areas to be covered and the relative weight shall be as follows:

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the relative weights to be assigned to said area are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 27% Preconstruction Activities,
2. 40% Project Contracts,
3. 20% Obtaining Licenses, Permits and Approvals; and,
4. 13% Construction Procedures and Operations.

(c) Test three shall consist of questions relating to project management including managing, controlling and conducting a specific project. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 67% Construction Methods, Materials, Tools, and Equipment,
2. 13% Safety; and,
3. 20% Reading Plans and Specifications.

(2) Certification Examination for Building Contractors. The certification examination shall consist of three tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 28% Preconstruction Activities,
2. 38% Project Contracts,
3. 20% Obtaining licenses, permits and approvals; and,
4. 14% Construction Procedures and Operations.

(c) Test three shall consist of questions relating to project management including managing, controlling, and conducting a specific project. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 68% Construction Methods, Materials, Tools, and Equipment,
2. 12% Safety; and,
3. 20% Reading Plans and Specifications.

(3) Certification Examination for Residential Contractors. The certification examination shall consist of three tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 27% Preconstruction Activities,
2. 40% Project Contracts,
3. 20% Obtaining Licenses, Permits and Approvals; and,
4. 13% Construction Procedures and Operations.

(c) Test three shall consist of questions relating to project management including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 67% Construction Methods, Materials, Tools, and Equipment,
2. 13% Safety; and,
3. 20% Reading Plans and Specifications.

(4) Certification Examination for Mechanical Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the mechanical contracting trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 9% Pre-installation and Design Engineering,
2. 9% Ductwork and HVAC Materials,
3. 12% Installation of Refrigeration and HVAC Systems,
4. 14% Installation of Mechanical Systems,
5. 9% Installation of Refrigeration and HVAC Equipment and Components,

6. 14% Installation of Mechanical Equipment and Components,
7. 9% Maintenance Analysis of Refrigeration and HVAC Systems,
8. 5% Maintenance Service of Refrigeration and HVAC Systems,
9. 9% Safety and Equipment,
10. 2% Excavating,
11. 5% Energy Management; and,
12. 3% Indoor Air Quality.

(5) Certification Examination for Class A Air Conditioning Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the Class A air conditioning trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 14% Pre-installation,
2. 9% Sheet Metal Ducts,
3. 23% Installation of Refrigeration and HVAC Systems,
4. 14% Installation of Refrigeration and HVAC Equipment and Components,
5. 9% Maintenance Analysis of Refrigeration and HVAC Systems,
6. 14% Maintenance Service of Refrigeration and HVAC Systems,
7. 9% Safety and Equipment,
8. 5% Energy Management; and,
9. 3% Indoor Air Quality.

(6) Certification Examination for Class B Air Conditioning Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the Class B air conditioning trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 12% Pre-installation,
2. 9% Sheet Metal Ducts,
3. 22% Installation of Refrigeration and HVAC Systems,
4. 14% Installation of Refrigeration and HVAC Equipment and Components,

5. 10% Maintenance Analysis of Refrigeration and HVAC Systems,
6. 14% Maintenance Service of Refrigeration and HVAC Systems,
7. 10% Safety and Equipment,
8. 5% Energy Management; and,
9. 4% Indoor Air Quality.

(7) Certification Examination for Roofing Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the roofing trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 15% Built-Up Roofs,
2. 15% Shingles and Shakes,
3. 10% Architectural Metal Roofs,
4. 15% Single-ply Systems,
5. 15% Modified Roofing Systems,
6. 10% Concrete and Tile Roofs,
7. 5% Membrane Waterproofing,
8. 5% Drains and Gutters; and,
9. 10% Equipment and Safety.

(8) Certification Examination for Sheet Metal Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the sheet metal trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 15% Pre-installation and Site Work,
2. 25% Industrial Duct Fabrication,
3. 10% Architectural Sheet Metal,
4. 10% Fabrication of Other Sheet Metal Structures,
5. 25% Installation of Sheet Metal Systems; and,
6. 15% Safety and Equipment.

(9) Certification Examination for Commercial Pool/Spa Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the commercial pool/spa trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 5% Pre-installation and Site Preparation,
2. 15% Pool and Spa Excavation,
3. 12 1/2% Plumbing Work,
4. 5% Electrical Work,
5. 10% Shell Placement,
6. 5% Deck Work,
7. 10% Tile, Coping and Trim Work,
8. 10% Accessory Work,
9. 5% Interior Surface Preparation and Finishing,
10. 5% Start Up,
11. 10% Service and Maintenance; and,
12. 7 1/2% Equipment.

(10) Certification Examination for Residential Pool/Spa Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the residential pool/spa trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 7 1/2% Pre-installation and Site Preparation,
2. 15% Pool and Spa Excavation,
3. 12 1/2% Plumbing Work,
4. 5% Electrical Work,
5. 10% Shell Placement,
6. 5% Deck Work,
7. 10% Tile, Coping and Trim Work,
8. 5% Accessory Work,

9. 5% Interior Surface Preparation and Finishing,
10. 5% Start Up,
11. 10% Service and Maintenance; and,
12. 10% Equipment.

(11) Certification Examination for Swimming Pool/Spa Servicing Contractors and Residential Swimming Pool/Spa Servicing Specialty Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the swimming pool/spa servicing trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 10% Plumbing Work,
2. 10% Deck Work,
3. 10% Tile, Copping and Trim Work,
4. 10% Accessory Work,
5. 10% Interior Surface Preparation and Finishing,
6. 10% Start Up,
7. 35% Service and Maintenance; and,
8. 5% Safety Procedures.

(12) Certification Examination for Plumbing Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the plumbing trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 20% Drainage,
2. 20% Water Distribution,
3. 15% Natural Gas Piping,
4. 20% Medical Gas Piping,
5. 10% Industrial Piping,
6. 5% Swimming Pools, Wells and Irrigation,
7. 5% Solar,
8. 5% Fire Protection; and,



9. Test two shall include, but shall not be limited to, five plumbing isometric drawings. The content of the drawings shall conform to the content areas listed in 1. through 8. above. Each of the isometric drawings is worth up to a maximum of 10 points. Based on the criteria listed below, each drawing will be independently evaluated by three graders. At least two of the graders must agree that a criterion is correct in order for that criterion to be graded as correct and points to be awarded. If one or more criterion is determined to be incorrect by at least two of the graders, points will not be awarded for that criterion. The awarded points for all criteria will be summed and converted to a 10 point scale to determine the score for each drawing. The following are the criteria and points used by the graders to evaluate each of the five isometric drawings.

a. Legibility. Drawing is clear and readable. Drawing is sufficient in size. Lines and labels are distinguishable. (8 points)

b. Orientation. All fixtures are shown in the correct location relative to each other. (20 points)

c. Flow. Direction of flow is shown when going from vertical to horizontal. The direction of flow must be indicated even if the direction is implied for all waste lines and all fixture connections. Direction of flow is not required for vent lines. (12 points)

d. Angles. Isometric drawing uses 30-60-90 degree angles. All angles used on the drawing are displayed at the appropriate orientation. (8 points)

e. Piping. All pipes, fittings, traps, clean-outs, and similar portions of the piping structure are included on the drawing. All piping is shown exactly as on the drawing (regardless of specific code requirements). The piping must display the correct elevation in reference to the floor plan. (20 points)

f. Labeling. All fixtures are labeled according to the legend provided in the examination instructions. (4 points)

g. Vents. All vents are properly indicated. (16 points)

h. Fixtures. All fixtures shown on the floor plan are appropriately indicated on the isometric drawing. (12 points)

(13) Certification Examination for Underground Utility and Excavation Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the underground utility and excavation trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 20% Pre-installation,
2. 5% Traffic Control,
3. 20% Excavating, Backfill and Compaction,
4. 15% Pipe Installation and Repairs,
5. 15% Piping, Valves and Fittings,
6. 10% Testing, Disinfecting, and Job Close Out,
7. 5% Drainage Systems; and,
8. 10% Equipment.

(14) Certification Examination for Pollutant Storage System Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the pollutant storage system specialty trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 7% Pre-installation and Site Preparation,
2. 5% Material Handling,
3. 10% Excavating,
4. 7% Supports and Anchorage,
5. 10% Backfill,
6. 12% Tank Installation,
7. 14% Piping, Valves and Fittings,
8. 5% Above Tank Covering,
9. 10% Leak Detection,
10. 5% Cathodic Protection Systems,
11. 10% Tank Removal and Abandonment; and,
12. 5% Equipment.

(15) Certification for Gypsum Drywall Specialty Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the gypsum drywall specialty trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 35% Gypsum/Gypsum Wallboard Installation,
2. 15% Taping and Texturing,
3. 35% Metal Stud Walls and Ceiling Grid Systems; and,
4. 15% Special Applications.

(16) Certification Examination for Specialty Structure Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the specialty structure trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 7 1/2% Foundations,
2. 15% Wall Sections,
3. 15% Roof Sections,
4. 7 1/2% Insulation,
5. 15% Windows,
6. 15% Post and Beam Structures,
7. 15% Roofovers; and,
8. 10% Siding, Soffit, Fascias, Gutters, and Downspouts.

(17) Certification Examination for Solar Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the solar trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 25% Swimming Pools,
2. 25% Domestic Hot Water; and,
3. 50% Photovoltaics.

(18) Certification Examination for Gas Line Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the gas line trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 10% General Knowledge,
2. 5% Testing and Code Compliance,
3. 5% Taps and Connections,
4. 5% Pigging and Purging,
5. 5% Maintenance,
6. 20% Welding and Fusions,
7. 20% Safety,
8. 10% Excavation,

9. 10% Equipment,

10. 5% Materials; and,

11. 5% Location and Investigation.

(19) Certification Examination for Glass and Glazing Specialty Contractor.

(a) Areas of Competency. The Certification Examination shall consist of two tests.

1. Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

2. Test two shall consist of questions relating to general knowledge of the glass and glazing trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

a. 35% Preconstruction Activities,

b. 20% Fabricating Product,

c. 5% Transporting Product,

d. 35% Installing Product; and,

e. 5% Servicing Product.

(b) For purpose of this rule, Product is defined as curtain walls, decorative glass and glazing, glass and aluminum doors, glass, glass floors, glass railings, interior glass and glazing, mirrors, overhead glazing, panels and miscellaneous metals, shower doors, store fronts, structural glass (frameless) and windows.

(20) Certification of Marine Specialty Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the marine specialty trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 7% Determining Existing Soil Conditions,

2. 10% Determining Project Parameters,

3. 16% Administering Project,

4. 9% Constructing Foundation Systems,

5. 13% Constructing Shoreline Stabilization,

6. 10% Constructing Anchoring Systems,

7. 6% Performing Dredge and Fill Operations,

8. 9% Building Floating Marine Structures,

9. 14% Building Fixed Marine Structures; and,

10. 6% Executing Close-Out Procedures.

(21) Certification of Irrigation Specialty Contractors. The certification examination shall consist of two tests.

(a) Test one shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas are set forth in subsection 61G4-16.001(22), F.A.C.

(b) Test two shall consist of questions relating to general knowledge of the irrigation specialty trade. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

1. 25% Pre-Construction,
2. 37.50% Construction,
3. 12.50% Maintenance & Repair,
4. 12.50% Scheduling & Water Conservation; and,
5. 12.50% Rules, Laws & Codes.

(22) Business and Finance Examination. Test one for all construction certification categories shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- (a) 11% Establishing the Contracting business;
- (b) 26% Managing Administration Duties;
- (c) 10% Managing Trade Operations;
- (d) 32% Conducting Accounting Functions;
- (e) 6% Managing Human Resources (Staffing); and,
- (f) 15% Complying with Government Regulations.

(23) The weight approximations for all examinations listed above may vary by plus or minus three percent (3%).

(24) Passing Score. The score necessary to achieve a passing grade on all of the construction certification examinations shall be no less than a percentage of seventy (70%) out of one hundred percent (100%) on each of the required tests.

*Rulemaking Authority 455.217, 489.108 FS. Law Implemented 455.217, 489.113 FS. History—New 1-6-80, Amended 9-24-84, Formerly 21E-16.01, Amended 5-3-87, 10-4-87, 6-2-88, 12-19-88, 5-23-89, 8-23-89, 2-5-91, 1-29-92, 10-11-92, 5-2-93, Formerly 21E-16.001, Amended 10-17-93, 5-9-95, 11-28-95, 3-11-96, 11-13-97, 4-13-99, 9-12-00, 6-25-03, 6-23-08, 4-21-09, 8-31-14, 7-4-17.*

#### **61G4-16.005 Duration of Validity.**

For the purpose of certification, a passing grade shall be valid only for a period of four (4) years from the date of the most recently passed portion of the exam.

*Rulemaking Authority 455.217(2) FS. Law Implemented 455.217(2), 489.113(1) FS. History—New 1-6-80, Formerly 21E-16.05, Amended 12-17-85, 8-11-92, Formerly 21E-16.005, Amended 8-9-10, 3-26-17.*

**61G4-15.001 Qualification for Certification.**

(1)(a) An applicant for certification must, as a precondition thereto, submit proof that the applicant meets the eligibility requirements set forth in Section 489.111(2)(c), F.S., for the particular category in which the applicant seeks to qualify. The Board will accept lawfully acquired experience gained under the supervision of a contractor, who, at the time was properly licensed in the category or category which encompasses the scope of practice in which the applicant is seeking licensure.

(b) Such experience from outside jurisdictions will be accepted toward the category for which the applicant has applied so long as the experience complies with Section 489.105, F.S. However, experience acquired by providing services that would fall under an exemption pursuant to Chapter 489, Part 1, F.S., will not be accepted.

(2)(a) In the case of applicants for certification in the general or building contractor categories, the phrases “active experience” and “proven experience” as used in Section 489.111(2)(c)1., 2., or 3., F.S., shall be defined to mean commercial construction experience involving construction, erection, alteration, or modification of buildings and structures with any use and occupancy classification except storage, utility, and miscellaneous structures of an accessory character including but not limited to agricultural buildings, aircraft hangers, barns, carports, garages, sheds, silos, tanks, towers, and any work exempted pursuant to Section 489.103, F.S. Commercial experience must be in four or more of the following areas:

1. Foundations or Slabs in excess of twenty thousand (20,000) square feet.
2. Masonry walls.
3. Steel erection.
4. Elevated slabs.
5. Precast concrete structures.
6. Column erection.
7. Formwork for structural reinforced concrete.

(b) An applicant (other than those contractors designated in Sections 489.111(2)(c)4.b. and c., F.S.) for certification in the general contractor classification must submit proof that he possesses at least one year of “active experience” or “proven experience” as defined above in the construction of structures not less than four stories in height.

(3) In the case of applicants for certification in the residential contractor category, the phrases “active experience” and “proven experience” as used in Section 489.111(2)(c)1., 2., or 3., F.S., shall be defined to mean construction experience involving construction, alteration, enlargement, or repair of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress. Experience must be in four or more of the following areas:

- (a) Foundation/Slabs.
- (b) Masonry walls.
- (c) Trusses.
- (d) Structural wood framing.
- (e) Column erection.

(f) Formwork for structural reinforced concrete.

(4) In the case of applicants for certification under the standard set forth in Section 489.111(2)(c)1., F.S., the baccalaureate degrees in building construction, architecture, or engineering which are considered to be appropriate to the particular classification for which certification is sought shall be as follows:

(a) General, Building, and Residential Classifications: Civil Engineering; Building Construction; or Architecture.

(b) Sheet Metal; Class A and B Air Conditioning; Residential Solar Water Heating; Mechanical Classifications: Mechanical Engineering.

(c) Plumbing Classification: Mechanical Engineering or Sanitary Engineering.

(d) Commercial, Residential, and Servicing Pool Classifications: Building Construction or Civil Engineering.

(e) Underground Utility Classification: Building Construction; Civil or Mechanical Engineering.

(5) As an alternative to the experience required under Sections 489.111(2)(c)1.-3., F.S., an applicant for certification as a swimming pool/spa servicing contractor must submit proof that the applicant meets the requirements of Section 489.111(2)(c)6.d., F.S., by demonstrating one year of proven experience related to the scope of work of a swimming pool/spa servicing contractor as defined in Section 489.105(3)(l), F.S., performed under the supervision of a certified or registered commercial pool/spa, residential pool/spa, or pool/spa servicing contractor, and demonstrating satisfactory completion of a sixty-hour course of instruction, approved by the Board pursuant to Rule 61G4-18.004, F.A.C., and conducted by a course provider registered pursuant to Rule 61G4-18.003, F.A.C., that consists of the following:

(a) One (1) hour each of instruction covering workers' compensation insurance, workplace safety, contracting business practices, and the pool safety equipment provisions of Chapter 515, F.S., and the Florida Building Code;

(b) Sixteen (16) hours of instruction consisting of the Certified Pool Operator Course of the National Swimming Pool Foundation or a substantially equivalent course. Training courses approved by the Department of Health pursuant to Rule 64E-9.018, F.A.C., shall be deemed substantially equivalent courses; and

(c) Forty (40) hours of instruction utilizing an up to date publication from any National recognized swimming pool association, or substantially equivalent materials, and including instruction on the following topics: Structures – Pool Structures & Finishes; Spa & Hot Tub Structures, Finishes & Equipment Packs; Circulation System – Circulation & Piping; Hydraulics – Pumps, Pump Motors & Air Blowers, Filters, Heaters, Chemical Feeders & Generators; Chemistry – Chemical Safety, Water Testing & Water Treatment; Water Treatment – Chlorine; Water Treatment – Other; Water Balance; Electrical System – Basic Electricity, Safety Requirements & Pool/Spa Electrical Equipment, Lighting, Controls, Controllers & Control Systems; Maintenance – Routine Maintenance, Season & Special Care, Covers; and Dewatering.

*Rulemaking Authority 489.108 FS. Law Implemented 489.111 FS. History—New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94, 12-16-01, 2-6-03, 6-23-04, 1-15-07, 6-19-07, 11-26-08, 4-22-12, 1-5-17.*

#### **61G4-21.002 Definitions.**

(1) "All reasonable searches and inquiries," as provided in Section 489.141(1), F.S., shall mean that exhaustive efforts have been made to determine whether the contractor possesses any property or assets with which to satisfy the underlying judgment, order of restitution, or award in arbitration, in whole or in part, and that no such property

or assets have been identified or located. Reasonable searches and inquiries shall constitute the following, if applicable, documentation showing that exhaustive effects have been taken:

- (a) To locate the contractor;
- (b) To discover if the contractor has assets from which to collect the judgment, including but not limited to accounts and real or personal property and equipment;
- (c) To determine whether or not the contractor is insured and if insured, that claimant has filed a claim with the contractor's insurance carrier;
- (d) To file a valid lien against the contractor;
- (e) To collect against any applicable bond issued with the contractor as the principal; and,
- (f) To file a garnishment against the contractor.

Such documentation shall include, but is not limited to, proof from the claimant that the claimant has conducted a property records search in the licensee's state(s) of residence and principal place of business, and has made inquiries with the Department of Highway Safety and Motor Vehicles, the Federal Aviation Administration, and the Department of State, Uniform Commercial Code filings section and such other proof as the Construction Industry Licensing Board may from time to time require in particular instances. A claimant shall not be excused from making all reasonable searches and inquires because the contractor has filed for protection under the bankruptcy code.

(2) "Diligent Attempt," as provided in Section 489.141, F.S., shall have the same meaning as "all reasonable searches and inquiries" in subsection (1), above.

(3) "Same Transaction" as used in Section 489.143(3), F.S., and for purposes of this rule, means a contract, or any series of contracts, between the claimant and a contractor or qualified business, where such contract or contracts involve the same property, or contiguous properties and are either entered into at one time or serially.

(4) "Recovery Fund" as used in these rules shall mean the Florida Homeowners' Construction Recovery Fund.

(5) "Contractor" as used in these rules shall mean any licensee, operating individually or as a business entity, licensed under Chapter 489, Part I, F.S., when a claim is filed prior to July 1, 2007, and the contract was executed and the violation occurred on or before January 1, 2005. When the contract was executed and the violation occurred after January 1, 2005, "Contractor" as used in these rules shall mean a Division I contractor performing services described in Sections 489.105(3)(a)-(c), F.S. When the contract was executed and the violation occurred after July 1, 2016, "Contractor" as used in these rules shall mean any licensee, operating individually or as a business entity, licensed under Chapter 489, Part I, F.S.

(6) "Actual Damages" as used in Section 489.143(2), F.S., shall mean the general measure of damages suffered as a direct result of a licensee's violation of Section 489.129(1)(g), (j), (k), or 713.35, F.S., for failing to perform a construction contract. Actual Damages are calculated as the difference between the contract price, together with the change orders, and the cost of construction completion by another builder, where the cost of completion is for the same scope of work and materials set out in the original contract. However, if the claimant has paid a deposit or down payment and no actual work is performed or materials are delivered, actual damages shall not exceed the exact dollar amount of the deposit or down payment.

(7) "Natural Person" as used in Section 489.140, F.S., shall mean the same as that in Article I, Sections 2, 21, Florida Constitution: female and male alike, and not firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, or any other groups or combinations.

*Rulemaking Authority 489.108 FS. Law Implemented 489.141, 489.143, 489.1402 FS. History—New 7-11-95, Amended 11-13-97, 3-10-03, 7-7-05, 4-27-08, 12-20-16.*



**61G4-21.003 Filing Claims.**

(1) A claim against the Recovery Fund shall be made on Form DBPR/CILB/022, (Rev. August 2016) "Florida Homeowners' Construction Recovery Fund Claim Form," hereby adopted and incorporated by reference at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-07608>. The address of the Fund where the form can be obtained is: 2601 Blair Stone Road, Tallahassee, FL 32399-1039. The Fund phone number is (850)921-6593.

(2) Completed claim forms shall be forwarded to the Board, together with a copy of the complaint that initiated action against the contractor, a certified copy of the underlying judgment, order of restitution, or award in arbitration, together with the judgment; a copy of any contract between the claimant and the contractor, including change orders; proof of payment to the contractor and/or subcontractors; copies of any liens and releases filed against the property, together with the Notice of Claim and Notice to Owner; copies of applicable bonds, sureties, guarantees, warranties, letters of credit and/or policies of insurance; certified copies of levy and execution documents, and proof of all efforts and inability to collect the judgment or restitution order, and other documentation as may be required by the Board to determine causation of injury or specific actual damages.

(3) Where the final judgment, board restitution order, or arbitration award is not expressly based on Section 489.129(1)(g), (j) or (k), F.S., claimant must present to the Board sufficient evidence to show that the contractor engaged in activity that is described in those subsections.

(4) In the event that the contractor filed for protection under the bankruptcy code, claimant must show that a diligent attempt was made to participate in the distribution of assets, if any. If there were no assets for unsecured creditors, failure to participate in the bankruptcy shall not be grounds for claim denial.

(5) A claim for recovery must be made within 1 year after the conclusion of any civil, criminal, administrative action, or award in arbitration based on the act. If claimant is prevented from obtaining a judgment, board restitution order, or arbitration award, due to contractor's death, a claim for recovery must be filed within one year of the contractor's death. This paragraph applies to any claim not already filed with the board on July 1, 2004.

(6) Claims already filed with the board as of July 1, 2004 are considered timely if made within 1 year after the conclusion of any civil, criminal, administrative action, or award in arbitration based on the act; or is made within 2 years from the time of the act giving rise to the claim or within 2 years from the time the act is discovered or should have been discovered with the exercise of due diligence; however, in no event may a claim for recovery be made more than 4 years after the date of the act giving rise to the claim or more than 1 year after the conclusion of any civil or administrative action based on the act, whichever is later.

(7) If claimant dies before a claim is filed, claimant's estate is authorized to file a claim on claimant's behalf. If there is no estate, claimant's personal representative is authorized to file a claim on claimant's behalf.

(8) If claimant dies after a claim is filed, but before a claim is adjudicated, claimant's estate is authorized to proceed on claimant's behalf. If there is no estate, claimant's personal representative is authorized to proceed on claimant's behalf.

*Rulemaking Authority 489.108 FS. Law Implemented 489.141 FS. History—New 7-11-95, Amended 7-1-96, 7-7-05, 4-27-08, 3-18-10, 12-20-16.*

**61G4-21.004 Claims Review.**

(1) No claims will be accepted until 35 days after the date indicated on the final judgment, board restitution order, or arbitration award.

(a) A claim number shall not be assigned until a completed and signed fund claim form, as incorporated in Rule 61G4-12.006, F.A.C., is received, along with the documentation required in Rule 61G4-21.003, F.A.C.

(b) Upon receipt of the completed claim form, notice will be given to the contractor(s) and the licensee determined to be the qualifier(s) of the business entity involved in the contract. Notice shall be given to the mailing address as it appears in the Department records.

(2) Claims shall be reviewed for completeness by Board staff.

(3) The Board hereby delegates to the Department authority to issue a closing order for any claim when:

(a) The claimant is a licensee who acted as the contractor;

(b) The claimant is the spouse of the judgment debtor or licensee or a personal representative of such spouse;

(c) The claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee;

(d) The claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract;

(e) The claimant was associated in a business relationship with the licensee other than the contract at issue;

(f) When, after notice, the claimant has failed to provide documentation in support of the claims required by rule;

(g) Where the licensee has reached the aggregate limit, or

(h) The claimant has contracted for scope of work described in Section 489.105(3)(d)-(q), F.S., prior to July 1, 2016.

For the purpose of oversight by the Board, the Recovery Fund's legal staff shall, on a monthly basis, provide the Chairperson, or the Chairperson's delegate with copies of all closing orders filed in the preceding period.

(4) The chairperson of the Construction Industry Licensing Board shall appoint a committee, comprised of at least one member from Division I and one member from Division II, to review claims against the fund, and recommend action to the Board.

(5) The Board shall give notice to the claimant, the contractor and the licensee of the time and place where the committee will review the claim and the Board will take action on the claim. Claim cases will not be set on the committee agenda for review unless all the major elements of the claim are present. These are:

(a) A completed and signed claim form;

(b) A final judgment, board restitution order, or arbitration award;

(c) Evidence of a violation of Section 489.129(1)(g), (j), or (k), F.S.; and,

(d) Evidence that all reasonable searches and inquiries have been undertaken.

(6) Claims shall be set for presentation in claim number order.

(7) The Board shall either authorize payment of the claim in full or in part, or deny the claim in full, by entry of a Final Order in accordance with Section 489.143, F.S. Action by the Board shall be considered final agency action.

(8) Board staff shall provide the recovery fund committee information each month showing all payments approved and made to claimants.

Rulemaking Authority 489.108 FS. Law Implemented 489.141, 489.143, 489.1402 FS. History—New 7-11-95, Amended 4-27-99, 7-7-05, 4-27-08, 12-20-16.

#### **61G4-18.004 Approval of Continuing Education Courses.**

(1) Each registered course provider shall submit an application for approval of a continuing education course. The application shall be submitted on the provider/course approval application provided by the Department.

(2) The board shall approve any course, seminar or conference in the construction area provided by any university, community college, vocational-technical center, public or private school, firm, association, organization, person, corporation, or entity which meets the criteria provided in this rule, provided said entity has registered as a provider with the board.

(3) The application shall include the total number of classroom or interactive distance learning hours, the course syllabus, a detailed outline of the contents of the course, the name and qualifications of all instructors known at the time of the application and the minimum qualifications of any instructors not known at the time of the application. Course instruction time shall be separated into intervals of no more than twenty-five (25) minutes. Each interval shall contain a descriptive outline stating the subject matter in such detail so as to describe the content of the interval. In addition, a course provider making application to offer interactive distance learning must submit documents indicating the following:

(a) The means by which the course will demonstrate interactivity between the student and course provider within a maximum of 24 hours, which promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion.

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course.

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course.

(e) That the student will be required to complete a statement at the beginning and end of the course that indicates that he/she personally completed each module/session of instruction.

(f) The means by which the course provider will verify student identification.

(4) The board shall approve continuing education courses which appropriately relate to the general business skills or the technical skills required of certificateholders or registrants, which contains sufficient educational content to improve the quality of a contractor's performance, and which is taught by qualified instructors.

(5) A continuing education course which addresses specific technical materials or trade knowledge shall be approved.

(6) A course which constitutes a sales presentation or promotion will not be approved for continuing education credit.

(7) Continuing education course approval is valid for three (3) years from date of issue, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of expiration of course approval in order to prevent a lapse in

course approval.

(8) The board shall approve or deny any application for a continuing education course at the first meeting of board held no more than 90 days after the date the application was submitted. If the application is denied, the board shall identify the specific reasons for the denial in writing.

(9) A course which has been denied may be resubmitted to the board with modifications.

(10) The board shall not deny nor withdraw approval for any course on the basis that another course provider is conducting the same or similar course approved by the board.

(11) If a course is approved, the board shall assign the course a number. The course provider shall use the course number in the course syllabus, in all other course materials used in connection with the course and in all written advertising materials used in connection with the course.

*Rulemaking Authority 455.213, 455.2123, 489.108, 489.115 FS. Law Implemented 455.213, 455.2123, 455.2179, 489.115 FS. History—New 12-2-93, Amended 7-20-94, 1-18-95, 7-2-95, 11-25-97, 5-30-00, 3-25-01, 11-10-03, 1-24-05, 8-28-05, 4-17-08, 9-20-15, 7-4-16.*

#### **61G4-15.0055 Job Scopes for Registered Licensure Categories.**

*Rulemaking Authority 489.117(5) FS. Law Implemented 489.117(5) FS. History—New 8-2-00, Repealed 1-7-16.*

#### **61G4-15.010 Requirements for Applicant Seeking Administration of Oral Examination.**

*Rulemaking Authority 489.113(7) FS. Law Implemented 489.113(7), 489.115(4), (5) FS. History—New 1-6-80, Formerly 21E-15.10, 21E-15.010, Repealed 1-7-16.*

#### **61G4-15.014 Violation of Final Orders.**

*Rulemaking Authority 489.129(3) FS. Law Implemented 489.129(3) FS. History—New 2-7-83, Formerly 21E-15.14, 21E-15.014, Repealed 1-7-16.*

#### **61G4-17.008 Stipulations.**

*Rulemaking Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History—New 10-26-86, Formerly 21E-17.008, Repealed 1-7-16.*

#### **61G4-12.018 Notification of Investigative and Prosecutorial Costs.**

*Rulemaking Authority 489.108, 489.129(1) FS. Law Implemented 489.129(1) FS. History—New 5-29-90, Formerly 21E-12.018, Repealed 12-30-15.*

**61G4-12.006 Approved Form; Incorporation.**

*Rulemaking Authority 489.108 FS. Law Implemented 120.52(15), 489.108, 489.143 FS. History—New 1-6-80, Formerly 21E-12.06, Amended 1-1-89, Formerly 21E-12.006, Amended 1-4-94, 2-24-94, 11-23-95, 2-6-96, 7-22-96, 11-25-97, 8-2-98, 2-24-00, 3-26-01, 2-14-05, Repealed 11-18-15.*

**61G4-17.001 Normal Penalty Ranges.**

(1) The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this chapter.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Section 489.129(1)(a), F.S. Obtaining license through fraud or misrepresentation.  If misrepresentation  If fraud	\$5,000 fine and probation or suspension.  \$5,000 fine and probation or suspension.	\$10,000 fine and revocation.  \$10,000 fine and revocation.
(b) Sections 489.129(1)(b), 455.227(1)(c), F.S. Convicted or found guilty of a crime relating to contracting.	\$3,500 fine or probation or suspension.	\$10,000 fine and probation, suspension or revocation.
(c) Section 489.129(1)(c), F.S.: Violating any part of Chapter 455, F.S.  1. Section 455.227(1)(a), F.S.: Fraud, deceit, misleading, or untrue representations.	\$5,000 fine and probation or suspension.	\$10,000 fine and probation, suspension or revocation.
2. Section 455.227(1)(r), F.S.: Improperly interfering with an investigation or disciplinary action.	\$5,000 fine or probation or suspension.	\$10,000 fine and probation, suspension or revocation.
(d) Section 489.129(1)(d), F.S.: Assisting unlicensed person to evade provision of Chapter 489, F.S.	\$5,000 fine and probation or suspension.	\$10,000 fine and probation, suspension or revocation.
(e) Section 489.129(1)(e), F.S.: Combining and conspiring with unlicensed person or entity to evade provision of Chapter 489, F.S.	\$5,000 fine and probation or suspension.	\$10,000 fine and probation, suspension or revocation.
(f) Sections 489.129(1)(f), 489.119(2), F.S.: Acting under a name not on license.  FIRST OFFENSE	\$1,500 fine.	\$5,000 fine and probation or suspension.

SECOND OFFENSE	\$2,500 fine.	\$5,000 fine and suspension or revocation.
(g) Section 489.129(1)(g), F.S.: Mismanagement or misconduct causing financial harm to the customer.		
FIRST OFFENSE	\$1,500 fine or probation or suspension.	\$5,000 fine and probation or suspension.
REPEAT OFFENSE	\$2,500 fine and probation or suspension.	\$10,000 fine and revocation.
(h) Section 489.129(1)(h), F.S.: Local disciplinary action.	Use penalty herein listed for the violation most closely resembling the act underlying the local discipline;	Use penalty herein listed for the violation most closely resembling the act underlying the local discipline;
(i) Section 489.129(1)(i), F.S.: Failing in any material respect to comply with the provisions of Part I of Chapter 489, F.S.	Use penalty herein listed for the violation most closely resembling the act underlying the local discipline;	Use penalty herein listed for the violation most closely resembling the act underlying the local discipline;
1. Section 489.1195(2)(e), F.S.: Failure to supervise construction activities.		
FIRST OFFENSE	\$2,500 fine and probation or suspension.	\$5,000 fine and probation or suspension.
REPEAT OFFENSE	\$5,000 fine and probation or suspension.	\$10,000 fine and revocation.
2. Sections 489.113, 489.117, F.S.: Contracting beyond scope of practice allowed by license, no safety hazard.		
FIRST OFFENSE	\$1,000 fine or probation or suspension.	\$3,000 fine and probation or suspension.
REPEAT OFFENSE	\$5,000 fine and probation or suspension.	\$10,000 fine and revocation.
3. Sections 489.113, 489.117, F.S.: Contracting beyond scope of license, safety hazard is created.		
FIRST OFFENSE		

REPEAT OFFENSE	\$4,000 fine and probation or suspension. \$5,000 fine and probation or suspension.	\$8,000 fine and probation, suspension or revocation. \$10,000 fine and revocation.
4. Section 489.1425, F.S.: Failure to notify residential property owner of recovery fund. FIRST OFFENSE REPEAT OFFENSE	\$250 fine. \$1,000 fine.	\$500 fine. \$1,000 fine.
5. Section 489.116, F.S.: Contracting with a delinquent license. FIRST OFFENSE          REPEAT OFFENSE	\$1,500 fine, respondent must pay all fees and costs required to place license in current and active status, or probation or suspension.       \$2,500 fine, respondent must pay all fees and costs required to place license in current and active status, and probation or suspension.	\$2,500 fine, respondent must pay all fees and costs required to place license in current and active status, and probation or suspension.       \$5,000 fine and suspension or revocation, respondent must pay all fees and costs required to place license in current and active status, and probation or suspension.
6. Section 489.116, F.S.: Contracting with an inactive license.	\$5,000 fine and probation or suspension.	\$10,000 fine and revocation.
7. Section 489.117, F.S.: Contracting in a city or county where the contractor is not licensed.  First violation, where the jurisdiction is not adjacent to one where contractor is properly licensed, or practice outside the geographical scope of the license was willful.	\$1,000 fine or probation or suspension.	\$2,500 fine and probation or suspension.
8. Section 489.119, F.S.: Failure to qualify a business organization. FIRST OFFENSE  REPEAT OFFENSE	\$2,500 fine.  \$5,000 fine.	\$5,000 fine and probation or suspension.  \$10,000 fine and probation, suspension or revocation.

<p>9. Section 489.119(5)(b), F.S.: License number not appearing in advertisement.</p> <p>FIRST OFFENSE</p> <p>REPEAT OFFENSE</p>	<p>\$250 fine.</p> <p>\$500 fine.</p>	<p>\$1,000 fine.</p> <p>\$2,500 fine and probation.</p>
<p>10. Section 489.124, F.S.: Failure to keep business and financial records as required.</p>	<p>\$1,000 fine.</p>	<p>\$5,000 fine and revocation.</p>
<p>11. Section 489.126(2), F.S.: Failure to apply for all necessary permits within 30 days of entering contract or failure to start within 90 days after issuance of all necessary permits when the contractor receives an initial payment of more than 10 percent of the contract price for repair, restoration, improvement or construction to residential real property.</p> <p>FIRST OFFENSE</p> <p>REPEAT OFFENSE</p>	<p>\$2,500 fine or probation or suspension.</p> <p>\$5,000 fine and probation or suspension.</p>	<p>\$5,000 fine and probation or suspension.</p> <p>\$10,000 fine and probation, suspension or revocation.</p>
<p>(j) Section 489.129(1)(j), F.S.: Abandonment.</p> <p>FIRST OFFENSE</p> <p>REPEAT OFFENSE</p>	<p>\$2,500 fine and probation or suspension.</p> <p>\$5,000 fine and probation or suspension.</p>	<p>\$7,500 fine and probation or suspension.</p> <p>\$10,000 fine and revocation.</p>
<p>(k) Section 489.129(1)(k), F.S.: False payment statements, false statement of insurance coverage.</p>		
<p>1. False payment statement.</p> <p>FIRST OFFENSE</p> <p>REPEAT OFFENSE</p>	<p>\$2,500 fine.</p> <p>\$5,000 fine and/or probation or suspension.</p>	<p>\$7,500 fine and probation or suspension.</p> <p>\$10,000 fine and revocation.</p>
<p>2. False statement of insurance coverage.</p> <p>FIRST OFFENSE</p>		



REPEAT OFFENSE	\$1,000 fine and probation or suspension. \$5,000 fine and probation or suspension.	\$5,000 fine and probation or suspension. \$10,000 fine and probation, suspension or revocation.
(l) Section 489.129(1)(l), F.S.: Committing fraud or deceit in the practice of contracting.		
1. Causing no monetary or other harm to licensee's customer.	\$2,500 fine and probation or suspension.	\$10,000 fine and revocation.
2. Causing monetary or other harm to licensee's customer.	\$5,000 fine and probation or suspension.	\$10,000 fine and revocation.
(m) Section 489.129(1)(m), F.S.; Misconduct or incompetency in the practice of contracting, shall include, but is not limited to:  1. Failure to honor a warranty.  FIRST OFFENSE  REPEAT OFFENSE	\$1,000 fine or probation or suspension.  \$2,500 fine and probation or suspension.	\$5,000 fine and probation or suspension.  \$10,000 fine and revocation.
2. Violation of any provision of Title 61G4, F.A.C., or Chapter 489, Part I, F.S.  FIRST OFFENSE  REPEAT OFFENSE	\$1,000 fine or probation or suspension.  \$5,000 fine and probation or suspension.	\$2,500 fine and probation or suspension.  \$10,000 fine and suspension or revocation.
3. Failure to abide by the terms of a mediation agreement or another offense under this part.  FIRST OFFENSE  REPEAT OFFENSE	\$2,500 fine.  \$5,000 fine and probation or suspension.	\$5,000 fine and probation.  \$10,000 fine and suspension or revocation.
(n) Section 489.129(1)(n), F.S.: Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property.  FIRST OFFENSE  REPEAT OFFENSE	\$3,000 fine and probation or suspension.  \$10,000 fine and suspension.	\$10,000 fine and probation, suspension or revocation.  \$10,000 fine and revocation.

(o) Section 489.129(1)(o), F.S.: Proceeding on any job without obtaining applicable local building department permits and/or inspections.		
1. Late permits. Contractor pulls permit after starting job but prior to completion of same and does not miss any inspections.	\$250 fine.	\$3,000 fine and probation.
2. Failure to obtain inspections.  FIRST OFFENSE  REPEAT OFFENSE	\$500 fine.  \$2,500 fine and probation or suspension.	\$2,500 fine and probation or suspension.  \$5,000 fine revocation.
3. Job finished without a permit having been pulled, or no permit until caught after job, or late permit during the job resulting in missed inspection or inspections.  FIRST OFFENSE  REPEAT OFFENSE	\$1,000 fine.  \$5,000 fine.	\$5,000 fine and probation.  \$10,000 fine and suspension or revocation.
(p) Section 489.129(1)(p), F.S.: Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under Part I of Chapter 713, F.S., or a notice to contractor under Chapter 255 or Part I of Chapter 713, F.S.  FIRST OFFENSE  REPEAT OFFENSE	\$2,500 fine and probation or suspension.  \$5,000 fine and probation or suspension.	\$5,000 fine and suspension or revocation.  \$10,000 fine and revocation.
(q) Section 489.129(1)(q), F.S.: Failure to satisfy a civil judgment obtained against the licensee or the business organization qualified by the licensee within a reasonable time.  For purposes of this section “reasonable time” means sixty (60) days following the entry of a civil judgment that is not appealed. The Board will consider a mutually agreed upon payment plan as satisfaction of such judgment, so long as the payments are current.  FIRST OFFENSE		

REPEAT OFFENSE	<p>\$500 fine or proof of satisfaction of civil Judgment.</p> <p>\$5,000 fine or proof of satisfaction of civil judgment.</p>	<p>\$5,000 fine or proof of satisfaction of civil Judgment.</p> <p>\$10,000 fine or proof of satisfaction of civil judgment, and suspension or revocation.</p>
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(2) In instances where the nature of the charges or the facts of the case indicate that the respondent lacks understanding of the laws and rules regulating the construction industry, the board shall require continuing education hours as an additional penalty to the guidelines listed above. All continuing education hours assessed as part of a penalty shall be in excess of the credit hours required for biennial renewal as stated in this act and rules.

(3) For purposes of these guidelines, violations for which the Respondent has previously been issued a citation pursuant to Section 455.224, F.S. and Rule 61G4-19.001, F.A.C., shall be considered repeat violations.

(4) In addition, the board shall assess the costs of investigation and prosecution, excluding costs related to attorney time.

(5) In addition, the board shall order the contractor to make restitution in the amount of financial loss suffered by the consumer to the extent that such order does not contravene federal bankruptcy law.

(6) The absence of any violation from this chapter shall be viewed as an oversight, and shall not be construed as an indication that no penalty is to be assessed. The guideline penalty for the offense most closely resembling the omitted violation shall apply.

*Rulemaking Authority 455.227, 489.108, 489.129 FS. Law Implemented 455.227, 455.2273, 489.129 FS. History—New 10-26-86, Amended 12-21-92, Formerly 21E-17.001, Amended 11-2-93, 10-12-94, 7-2-95, 9-3-96, 10-31-96, 2-4-98, 8-2-98, 2-2-04, 1-24-05, 11-2-06, 2-3-15, 5-24-15.*

#### **61G4-16.0021 Written Examination for Swimming Pool Specialty Contractors.**

(1) The examination for licensure for any category of swimming pool specialty contractor as specified in Rule 61G4-15.032, F.A.C., shall consist of a written examination or a practical examination. The written examination shall test the applicant's ability to perform the scope of work for the category of swimming pool specialty contractor for which the applicant applied.

(2) Requirements for all written Swimming Pool Specialty Contractor Examinations. Each examination must test the following areas:

- (a) 15% Reading, understanding and interpreting scaled pool construction plans and surveys.
- (b) 5% Understanding and complying with job-site safety requirements.
- (c) 5% Handling and properly disposing of hazardous materials.
- (d) 5% Recognizing the tools required to do the job and exhibit the ability to properly use those tools.

(3) Additional test areas for each category of swimming pool specialty contractor examination are as follows:

(a) Swimming Pool Layout Specialty Contractors. The examination for swimming pool layout specialty contractors shall evaluate the following areas:

1. 8% Accurate location of a base line or center line of the pool with reference to fixed objects shown on the layout plan.
2. 8% Lay out of pool, including proper leveling techniques for the shell to plus or minus 1/4th inch and verifying the calculations to accommodate the coping or deck edge trim, finished deck elevation and existing patios, floors, and landscape.
3. 5% Verifying lay out calculations to accommodate anticipated water runoff (drainage).
4. 5% Understanding effective methods of managing ground water (dewatering).
5. 8% Understanding excavation in accordance with plans and specifications and back up methods in the event of a cave in.
6. 8% Placing and stabilizing forms.
7. 8% Piping, fittings and proper solvent weld procedures.
8. 15% Understanding the installation of structural steel in accordance with the plan and code requirements.
9. 5% Modification of bond beam steel.

(b) Swimming Pool Structural Specialty Contractor. The examination for swimming pool structural specialty contractors shall evaluate the following areas:

1. 10% Use of guide wires or piano wire.
2. 5% Proper use of concrete pump and air compressor for installation of pneumatically applied concrete.
3. 10% Inspection of forms, wall fittings, drains, light niches, steel placement.
4. 10% The properties of concrete, including slump and the use of samples.
5. 15% Proper use of gunite or shotcrete placement on pool walls and floors, including finishing techniques.
6. 10% Knowledge of dimensional requirements for features such as steps and benches.
7. 10% The ability to read and understand manufacturer's installation instructions for fiberglass and/or vinyl liner pool structures.

(c) Examination for Swimming Pool Excavation Specialty Contractor. The examination for swimming pool excavation specialty contractor shall evaluate the following areas:

1. 5% Site preparation.
2. 10% Effective methods of managing ground water (dewatering).
3. 10% Operation of excavation machines.
4. 20% Angle of repose and shoring requirements.
5. 10% Understanding of different soil conditions.
6. 5% Proper placement of excavated materials.
7. 10% Backfill and compact of fill material.

(d) Examination for Swimming Pool Trim Specialty Contractor. The examination for swimming pool trim specialty contractors shall evaluate the following areas:

1. 5% Preparation and use of "brown coat" or "parge" mix.
2. 15% Methods of setting a vertical waterline tile job with horizontal alignment of plus or minus 1/8 inch.
3. 10% Proper installation procedures for tile and water features per manufacturer's instructions, including step edge tile.
4. 15% Leveling the top of the beam(s) to plus or minus 1/8 inch.
5. 10% Use of bullnose brick as the pool coping, including miter joints in the coping.
6. 5% Custom grout color.
7. 5% Proper cleaning of tile and coping to remove masonry stains.
8. 5% Understand effective methods of managing ground water (dewatering).

(e) Examination for Swimming Pool Decking Specialty Contractor. The examination for swimming pool decking specialty contractors shall evaluate the following areas:

1. 5% Operation of an under-pool dewatering system.
2. 5% Layout of deck, including verification of angles and deck dimensions.
3. 5% Calculations to accommodate anticipated water runoff (drainage) and installation of a deck drainage system.
4. 5% Understanding of backfill and compaction procedures for sub-deck materials.
5. 5% Understanding of the properties of concrete and calculation of the amount of concrete required for the job.
6. 5% Understanding proper elevation and pitch requirements to insure proper drainage.
7. 5% Understanding accurate angles and locate pin points.
8. 5% Understanding reinforcement requirements for concrete.
9. 10% Proper placement and finishing procedures for concrete.
10. 5% Understanding of thermal expansion and contraction of concrete and methods to accommodate it.
11. 5% Removal and disposition of concrete forms and forming materials.
12. 5% Setting anchors, ladders, and handrails.
13. 5% Pressurized piping procedures and maintenance.

(f) Examination for Swimming Pool Piping Specialty Contractor. The examination for swimming pool piping specialty contractors shall evaluate the following areas:

1. 10% Swimming pool piping plan.
2. 15% Proper handling and solvent welding of PVC.
3. 10% Understanding of the different applications for different solvent weld cements.

4. 10% Proper testing and pressurization procedures for pool piping systems.

5. 25% Proper installation procedures for pool piping, circulation, sanitation, filtration, hydraulics and venting and related equipment in accordance with manufacturer's instructions.

(g) Examination for Swimming Pool Finishes Specialty Contractor. The practical examination for swimming pool finishes specialty contractors shall evaluate the following areas:

1. 10% Operation of under-pool dewatering systems.

2. 10% Proper shell preparation.

3. 5% Installing and repairing step or underwater bench trim tile.

4. 15% Plaster mixtures, including admixtures.

5. 20% Proper application of finish to a swimming pool structure.

6. 10% Demonstrate an understanding of application and filling procedures per manufacturer's instructions to insure a clean smooth finish and a watertight condition.

(4) The score necessary to achieve a passing grade on any swimming pool specialty contractors examination shall be no less than seventy (70) percent out of one hundred (100) percent of the total possible points on the examination.

*Rulemaking Authority 455.217(1), 489.113(6), 489.115(5) FS. Law Implemented 455.217(1), 489.113(6), 489.115(5) FS. History—New 3-21-06, Amended 9-10-08, 4-26-12, 4-8-15.*

#### **61G4-15.040 Certification of Residential Pool/Spa Servicing Specialty Contractors.**

(1) Scope of Rule. The purpose of this rule is to provide for certification of residential pool/spa servicing specialty contractors as a limited subset of the swimming pool/spa servicing contractor.

(2) Definition. A "residential swimming pool/spa servicing specialty contractor" means a contractor whose scope of work involves the repair and servicing of residential swimming pools, hot tubs or spas. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining, for the purpose of repair or renovation of residential swimming pools, hot tubs, and spas. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines.

(3) Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

*Rulemaking Authority 455.213, 489.108, 489.113(6) FS. Law Implemented 489.105(3)(q), 489.113(6) FS. History—New 6-22-14.*