

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION










CONSTRUCTION INDUSTRY LICENSING BOARD



FLORIDA ADMINISTRATIVE CODE, 61G4

**FLORIDA ADMINISTRATIVE CODE
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
61G4 – CONSTRUCTION INDUSTRY LICENSING BOARD**

<u>Chapter No.</u>	<u>Chapter Title</u>	<u>Rule Count</u>
61G4-12	ORGANIZATION AND PURPOSE	9
61G4-13	RULEMAKING, DECLARATORY STATEMENTS, AND PROCEDURES FOR PRESENTATION OF ARGUMENTS OR EVIDENCE (REPEALED)	0
61G4-14	MEETINGS AND WORKSHOPS	1
61G4-15	CERTIFICATION AND REGISTRATION	28
61G4-16	EXAMINATIONS	8
61G4-17	DISCIPLINARY GUIDELINES	8
61G4-18	CONTINUING EDUCATION	13
61G4-19	CITATION AUTHORITY	1
61G4-20	LOCAL DISCIPLINARY ACTIONS	1
61G4-21	CONSTRUCTION INDUSTRIES RECOVERY FUND	6
61G4-22	MEDIATION	1
61G4-23	NOTICE OF NONCOMPLIANCE	1

Rule No	Rule Title	Latest Version	Effective Date
61G4-12.006	Approved Form; Incorporation		2/14/2005
61G4-12.008	Time for Compliance with Final Order		2/28/2006
61G4-12.009	Fees		12/8/2008
61G4-12.010	Probable Cause Panel		11/29/1999
61G4-12.011	Definitions		11/9/2008
61G4-12.016	Exemption; Practice of Engineering		4/3/1984
61G4-12.017	Reinstatement and Relicensure		11/20/2006
61G4-12.018	Notification of Investigative and Prosecutorial Costs		5/29/1990
61G4-12.019	Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States		7/1/2001

61G4-12.006 Approved Form; Incorporation.

The following form used by the Board in its dealings with the public is hereby adopted and incorporated by reference, and can be obtained from the Board at the following address:

Florida Construction Industry Licensing Board
1940 North Monroe Street
Tallahassee, Florida 32399-1039

Florida Homeowners' Construction Recovery Fund Claim Form, DBPR/CILB/022-(Rev. January 2005).

Specific 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.

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 Probation Committee of 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, financial statements reflecting a minimum net worth requirement as reflected in paragraph 61G4-15.005(3)(a), F.A.C., 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, the Board or the Probation Committee. 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 year. Should the Board determine a third failure of the licensee to make a satisfactory appearance, then 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.

(e) Should the licensee's licensure to practice contracting be suspended or otherwise 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.

(f) 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.

Specific 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.

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) 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) 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) to cover examination administration costs for each test administered. The applicant will pay the Department forty dollars (\$40) 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) and paid directly to the Department, or the Department's examination development vendor upon scheduling of the test(s). Eighty dollars (80) 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.

(3) Biennial Renewal; Fees.

- (a) The biennial renewal fee for certification and registration shall be two hundred dollars (\$200).
- (b) The biennial renewal for certification and registration on inactive status shall be fifty dollars (\$50).
- (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).
- (4) Initial License; Fees.
 - (a) The initial certification or registration fee for registrants shall be two hundred dollars (\$200). However, any initial certification or registration fee for registrants remitted within the second year of a biennium shall be one hundred dollars (\$100). 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).
- (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).
- (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 one hundred dollars (\$100.00).
 - (b) Pursuant to Section 455.271(7), F.S., the delinquency fee for qualified business organizations shall be fifty dollars (\$50.00).
- (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.
- (14) The fee for application to reinstate a null and void license is one hundred dollars (\$100.00).

Specific Authority 455.213(2), 455.217(2), 455.219(1), 455.271(6), (8), 489.108, 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.

61G4-12.010 Probable Cause Panel.

- (1) The determination as to whether probable cause exists to believe that a violation of the provisions of Part I, Chapter 489, F.S., Chapter 455, F.S., or the rules promulgated thereunder, has occurred shall be made by a unanimous vote of the appropriate probable cause panel.
- (2) There shall be two probable cause panels. One panel shall be composed of two members of Division I of the Construction Industry Licensing Board, and shall be authorized to take action on any matter under the jurisdiction of Division I. The other panel shall be composed of two members of Division II of the Construction Industry Licensing Board and shall be authorized to take action on any matter under the jurisdiction of Division II.
- (3) The consumer member or building official member may fill one of the two appointments to each panel. One member of each panel may be a past board member, provided that if the past member is a contractor, that member holds an active valid license.
- (4) The probable cause panels shall meet at such times as called by the Chairperson of the Construction Industry Licensing Board.
- (5) The probable cause panel members shall be selected by the Chairperson. The Chairperson shall also appoint a member of each Division to serve as an alternate member of each panel. The alternate member shall serve on the panel only in the event that a quorum is not present at a meeting of the probable cause panel.

(6) The Board hereby delegates to the Department authority to close any case when there is no probable cause. For the purposes of oversight by the Board, the Department's legal section shall, on a monthly basis, provide the Chairperson or the Chairperson's delegee with copies of all closing orders filed in the preceding period.

(7) The Board reserves to its probable cause panels the sole authority to find probable cause for the purpose of authorizing the filing of an administrative complaint, except as provided in Section 489.131(7)(c), F.S.

(8) Notwithstanding the provisions of subsections (1) and (7) above, the Board hereby delegates to the Department the determination of probable cause when the only charge that otherwise would go before the probable cause panel is that of failure to satisfy a judgment pursuant to Section 489.129(1)(q), F.S. (1998 Supp.) Should the Department's investigation support charges in addition to the failure to satisfy a judgment pursuant to Section 489.129(1)(q), F.S. (1998 Supp.), the case shall be presented to the probable cause panel for a determination of probable cause.

Specific Authority 455.225 FS. Law Implemented 455.225(3), (4), 489.129(1)(q) FS. History—New 10-18-79, Formerly 21E-1.41, Amended 1-6-80, 5-11-80, Formerly 21E-12.10, Amended 4-12-88, 12-21-92, Formerly 21E-12.010, Amended 11-25-97, 11-29-99.

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 Section 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.

(10) "Incidental to their business" shall for the purposes of Section 489.103(5), F.S., only, mean work performed exclusively on the supply side of the end use metering device and shall specifically exclude all work described in Section 489.105(3), F.S., on the commercial side, house side, or customer side of the end use metering device except that specifically provided for below. Those tasks considered "incidental to their business" which occur on the commercial side, house side, or customer side of the end use metering device are inspections for leaks and the repair thereof, testing of water quality, ignition of pilot lights, and termination of or activation of natural gas flow.

(11) 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(6), 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;

(12) 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.

(13) "Current mailing address" and "current address of record" shall mean the address at which the United States Postal Service delivers mail to the licensee.

(14) System: As it pertains to central air conditioning, refrigerating, heating and ventilating systems, pursuant to Section 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.

(15) "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.

Specific Authority 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(5), 489.105(3), 489.113(3), 489.115(6), 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.

61G4-12.016 Exemption; Practice of Engineering.

A contractor licensed under Chapter 489, Part I, F.S., is exempted from licensure as an engineer pursuant to the terms of Section 471.003(2)(i), F.S., only when he installs the system he designs. Violation of this rule will be considered a violation of Section 489.129(1)(m), F.S.

Specific Authority 489.129(3) FS. Law Implemented 471.003, 489.113, 489.115, 489.129 FS. History—New 4-3-84, Formerly 21E-12.16, 21E-12.016.

61G4-12.017 Reinstatement and Relicensure.

(1) The Board may deny certification or registration to a contractor who has violated any of the provisions of Section 489.129(1), F.S.

(2) The Board will not reinstate the certification or registration, nor issue a new certificate or registration, of a contractor whose

license has been suspended unless proof is shown that all requirements (including fines) imposed in any final order against the contractor have been met.

(3)(a) The Board will not relicense a contractor whose certification or registration has been revoked or voluntarily relinquished until appropriate rehabilitation (to include restitution if suitable) has been shown. All provisions of any final orders entered against the contractor must be complied with.

(b) The Board will not relicense a contractor whose certification has been revoked or voluntarily relinquished unless he passes the current licensing examination and meets all other requirements for certification.

(c) The Board will not accept for registration the license of an individual whose license has previously been revoked or voluntarily relinquished, unless the jurisdiction requesting registration requires the individual to meet all current requirements to demonstrate competency, including examination, if required of other new registrants.

(d) Any person whose license has previously been revoked or voluntarily relinquished for any reason must appear before the Board and gain approval prior to being allowed to seek recertification through the examination, or registration in a jurisdiction.

(4) Any licensee who answers "yes" to any question contained in the Financial Responsibility section of the Application for Change of Status that is construction related must supply a complete explanation of the response, and include a statement detailing the steps taken by the licensee to prevent a recurrence of the circumstances leading to the conviction, discipline, judgment, bankruptcy, or other event leading to the response.

Specific Authority 489.108 FS. Law Implemented 489.111, 489.113, 489.115, 489.117, 489.129 FS. History—New 8-12-84, Formerly 21E-12.17, Amended 5-29-88, 8-8-88, 12-21-92, 3-24-93, Formerly 21E-12.017, Amended 11-4-93, 11-20-06.

61G4-12.018 Notification of Investigative and Prosecutorial Costs.


The Department shall submit to the Board an itemized listing of all costs related to investigation and prosecution of an administrative complaint when said complaint is brought before the Board for final agency action.

Specific Authority 489.108, 489.129(1) FS. Law Implemented 489.129(1) FS. History—New 5-29-90, Formerly 21E-12.018.

61G4-12.019 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in subsection 61G4-12.009(6), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in paragraph 61G4-12.009(12)(a), F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure, including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in paragraph 61G4-12.009(11)(b), F.A.C.





























Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History—New 7-1-01.

Rule No	Rule Title	Latest Version	Effective Date
61G4-14.004	Unexcused Absences		11/13/1997

61G4-14.004 Unexcused Absences.

Unexcused absences shall include any absence other than: one caused by illness of a member preventing attendance; death or illness of a family member preventing attendance; unavoidable travel delays or cancellations preventing attendance; or any conflict, extraordinary circumstances or event approved by the chairperson of the board. A board member shall be considered absent from a meeting unless the member attends both the final action and general session portions of the meeting. Members shall communicate the reason for any absence to the Executive Director and Chairperson 48 hours prior to the meeting unless circumstances dictate otherwise and the reason for the absence shall be made part of the minutes of that meeting.

Specific Authority 455.207, 489.108 FS. Law Implemented 455.207 FS. History–New 7-19-95, Amended 11-13-97.

Rule No	Rule Title	Latest Version	Effective Date
61G4-15.001	Qualification for Certification		11/26/2008
61G4-15.002	Statement of Authority		8/23/2001
61G4-15.0021	Business Organizations		12/13/2009
61G4-15.0022	Qualification of Joint Ventures		12/13/2009
61G4-15.003	Public Liability Insurance		11/15/2007
61G4-15.004	Licensure by Endorsement		11/13/1997
61G4-15.005	Requirements for Certification and Registration (Repealed)		9/16/2007
61G4-15.0055	Job Scopes for Registered Licensure Categories		8/2/2000
61G4-15.006	Financial Responsibility and Financial Stability, Grounds for Denial		2/12/2008
61G4-15.007	Notification of Changes		11/13/1997
61G4-15.008	False Statements		11/13/1997
61G4-15.009	Replacement of Qualifying Persons		7/18/1994
61G4-15.010	Requirements for Applicant Seeking Administration of Oral Examination		1/6/1980
61G4-15.012	Certification of Residential Solar Water Heating Specialty Contractors		11/13/1997
61G4-15.014	Violation of Final Orders		2/7/1983
61G4-15.015	Certification of Specialty Structure Contractors		11/15/2007
61G4-15.017	Certification of Gypsum Drywall Specialty Contractors		11/15/2007
61G4-15.018	Certification of Glass and Glazing Specialty Contractors		11/15/2007
61G4-15.021	Certification of Solar Contractors		3/1/1992
61G4-15.026	Certification of Gas Line Specialty Contractors		11/15/2007
61G4-15.027	Pollutant Storage System Specialty Contractors		11/15/2007
61G4-15.028	Precision Tank Testers		7/7/2005
61G4-15.029	Tank Lining Applicators		7/7/2005
61G4-15.030	Certification of Registered Contractors		2/23/2000
61G4-15.031	Medical Gas Certification		7/7/2005
61G4-15.032	Certification of Swimming Pool Specialty Contractors		2/11/2008
61G4-15.033	Certification of Marine Specialty Contractors		12/25/2007
61G4-15.034	Certification of Cell Tower Specialty Contractors		06/10/2010

61G4-15.001 Qualification for Certification.

(1)(a) An applicant for certification must, as a precondition thereto, submit proof that he meets the eligibility requirements set forth in Section 489.111(2)(c), F.S., for the particular category in which he seeks to qualify. An applicant who seeks to meet the educational standard set forth in Section 489.111(2)(c)1., 2., or 3., F.S., must direct the college, university, junior college, or community college which he attended to submit proof to the Department that the applicant received the requisite amount of education. Active experience in the category in which the applicant seeks to qualify shall be verified by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant’s category, who is licensed in good standing or a licensed building official, who is active in the applicant’s category, employed by a political subdivision of any state, territory or possession of the United States who is responsible for inspections of construction improvements, listing chronologically the active experience in the trade, including the name and address of employers and dates of employment (which may be corroborated by investigation by the Board). Said affidavit shall be subscribed to in front of a notary.

(b) Applicants shall follow the guidelines set forth in this section when seeking to verify active experience in accordance with paragraph 61G4-15.001(1)(a), F.A.C.

If the applicant’s category is: The following licensees can verify the applicant’s active experience:

1. General	General contractor
2. Building	General and/or Building contractor
3. Residential	General, Building and/or Residential contractor
4. Plumbing	General, Building, Residential, Plumbing and/or Underground Utility and Excavation contractor
5. Roofing	General, Building, Residential and/or Roofing contractor
6. Class A Air-Conditioning Contractor	General, Building, Residential, Class A air-conditioning contractor and/or Mechanical contractor
7. Class B Air-Conditioning Contractor	General, Building, Residential, Class A air-conditioning, Class B air-conditioning and/or Mechanical contractor
8. Commercial Pool/Spa Contractor	General, Building, Residential, Commercial Pool/Spa contractor
9. Residential Pool/Spa Contractor	General, Building, Residential, Commercial Pool/Spa and/or Residential Pool/Spa contractor
10. Swimming Pool/Spa Servicing Contractor	General, Building, Residential, Commercial Pool/Spa, Residential Pool/Spa and/or Swimming Pool/Spa Servicing contractor
11. Mechanical Contractor	General, Building, Residential, Mechanical Class A air-conditioning and/or Class B air-conditioning contractor
12. Sheet Metal Contractor	General, Building, Residential, Sheet metal, Class A air-conditioning, Class B air-conditioning and/or Mechanical contractor
13. Specialty Structure Contractor	General, Building, Residential and/or Specialty structure contractor
14. Solar Contractor	General, Building, Residential, Solar, Commercial Pool/Spa and/or Residential Pool/Spa contractor
15. Underground Utility and Excavation Contractor	General, Building, Residential, Underground utility and excavation, and/or Plumbing contractor
16. Residential Solar Water Heating Contractor	General, Building, Residential, Residential Solar Water Heating, Plumbing, and/or Mechanical contractor
17. Gypsum Drywall Contractor	General, Building, Residential and/or Gypsum Drywall contractor
18. Gas Line Specialty Contractor	General, Building, Residential, Gas Line Specialty, Underground utility and/or Plumbing contractor
19. Glass and Glazing Specialty Contractor	General, Building, Residential and/or Glass and Glazing

	contractor
20. Marine Specialty Contractor	General, Building, Residential and/or Marine Specialty contractor

(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 construction experience in four or more of the following areas:

1. Foundation/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 in four or more of the following areas:

- (a) Foundation/Slabs.
- (b) Masonry walls.
- (c) Trusses.
- (d) Structural wood framing (excluding platform 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 Section 489.111(2)(c)1.-3., F.S., an applicant for certification as a swimming pool/spa servicing contractor must submit proof that he 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 the National Spa and Pool Institute “Basic Pool and Spa Technology Textbook” (2001 edition), 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.

Specific Authority 489.108, 489.111 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.

61G4-15.002 Statement of Authority.

Any person applying for the issuance of a certificate or registration to engage in contracting in other than an individual capacity, or any registrant or certificate holder applying to qualify a partnership, corporation, business trust or other legal business organization shall furnish as part of the application a statement that the applicant is legally qualified to act for the business organization in all matters connected with its contracting business and that the applicant has authority to supervise construction undertaken by such business organization.

(1) If the business organization is a partnership, such statement shall be signed by all partners or, in the event of a limited partnership, by the general partners.

(2) If the business organization is a corporation, such statement shall either be contained in a copy of the official minutes of that corporation, certified and attested to by its secretary, or be signed by such other persons as will legally bind that business organization.

(3) If the business organization is a business trust, joint venture or any other legal business organization, such statement shall be signed by the trustees, or by such other persons as will legally bind that business organization.

(4) If the application is for initial qualification of a business organization, and the organization is applying for approval of a financially responsible officer, the applications shall be simultaneously filed.

Specific Authority 489.108 FS. Law Implemented 489.105(4), 489.119, 489.1195 FS. History–New 1-6-80, Formerly 21E-15.02, 21E-15.002, Amended 7-18-94, 8-23-01.

61G4-15.0021 Business Organizations.

(1)(a) A licensee may have his license(s) issued in his name as an individual or may be the qualifying agent for a partnership, corporation, or other business organization.

(b) A business organization shall contract only within the scope of work of the qualifying contractor's certificate or registration.

(2) 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 must be approved by the Board.

(3)(a) A qualifying contractor shall complete the Financial Responsibility Acknowledgement Statement supplied by the Department.

(b) If the business organization has a financially responsible officer, the financially responsible officer, rather than the qualifying contractor, shall complete the following forms which are incorporated by reference:

1. DBPR CILB 4366, Financially Responsible Officer Application, 2007 November 1,
2. If applicable, DBPR 0050, Explanatory Information for Background Questions, 2007 November 1,
3. If applicable, DBPR 0060, General Explanatory Description, 2007 November 1,
4. DBPR CILB 4356, Bond Application, 2007 November 1.

The forms may be obtained via internet at http://www.myfloridalicense.com/dbpr/pro/cilb/documents/fro_application_package.pdf, or by contacting the Customer Contact Center of the Department of Business and Professional Regulation at 1940 N. Monroe Street, Tallahassee, FL 32399-1039.

In addition, the financially responsible officer shall comply with the requirements of Rule 61G4-15.006, F.A.C., except that the financially responsible officer shall also demonstrate a personal or business organization net worth of at least \$10,000 regardless of the category of contractor's license held by any other qualifier for the business organization, \$10,000 cash and a bond in form acceptable to the Board's Executive Director made payable to the Board, for fines and costs, in the amount of \$100,000. For purposes of Section 489.105(14), F.S., a "person" means a human being who is at least eighteen (18) years of age.

(c) The Board will rule on applications for designation as the financially responsible officer.

(4) An individual must receive the approval of the Board to qualify more than one business organization.

(5) The applicant seeking to qualify an additional business organization must appear before the Board unless the applicant owns at least 50% of the business organization(s) presently qualified and at least 50% of the proposed business organization(s) and the applicant otherwise qualifies for approval. The Board office shall schedule all required appearances before the Board. All applicants shall comply with the guidelines mailed to them with the application forms, titled "Questionnaire – Qualifying Additional Business Organization," supplied by the Department.

(6) 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, 489.107, 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.

61G4-15.002 Qualification of Joint Ventures.

(1) These rules do not prohibit a properly qualified business organization from participating in a joint venture with business organizations which are not qualified; however, only a properly qualified business organization may engage in contracting as defined in Sections 489.105(3) and (6), F.S. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct business organization which must be qualified as provided herein.

(2) A joint venture, one or more of whose participants are not licensed contractors under Chapter 489, Part I, F.S., may submit a bid on a construction project under the following circumstances:

(a) There must be a written joint venture agreement.

(b) One of the joint venturers must be a business entity properly qualified by a licensed contractor.

(c) Each participant must sign a statement of authority (as set out in Rule 61G4-15.002, F.A.C.) giving the licensed contractor full authority to conduct the contracting business of the participant.

(d) Copies of the joint venture agreement and statements of authority must be received and approved by the Board Office prior to the time of the bid.

(e) If the joint venture is awarded the contract, the licensed contractor must qualify the joint venture within ninety (90) days.

(3) If the joint venture is a limited partnership, the qualifying business organization or individual must be a general partner of the joint venture.

Rulemaking Authority 489.115, 489.119, 489.129(3) FS. Law Implemented 489.105(3), (6), 489.119, 489.129(3) FS. History–New 5-7-84, Amended 8-12-84, Formerly 21E-15.022, 21E-15.0022, Amended 7-18-94, 12-13-09.

61G4-15.003 Public Liability Insurance.

(1) As a prerequisite to the initial issuance, or the renewal of an active certificate or registration or a change in the status of an active certificate or registration, the applicant shall submit a signed affidavit attesting to the fact that the applicant has obtained and will maintain public liability and property damage insurance, in the amounts stated herein for the life of an active certificate or registration and for the safety and welfare of the public. It shall be a violation of this rule for any licensee to fail to continually maintain liability and property damage insurance in amounts set forth herein.

(2) To verify the accuracy of the signed affidavit, the Board will, from time to time, conduct random sample audits of licensees by zip code area in which the total number of certificates and registrations selected for audit will be in a sufficient amount to insure the validity of the audit. Upon written request by the Board, each selected licensee shall, within thirty days of mailing of request to the licensee, by the Board office, by certified mail, submit proof of coverage, in the form of an original Certificate of Insurance, if available, or in the alternative, a certified copy of the Certificate of Insurance on file with the building department for the period being audited or a copy of the insurance policy in force for the period being audited showing that the licensee had obtained the proper amount of public liability and property damage insurance and that the proper coverage has been continually maintained since the time of the last license renewal. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information to meet the requirements of the Board:

(a) Date that the Certificate of Insurance was issued.

- (b) Name of Insurance Agent.
- (c) Name of Insured must reflect the exact name of the business organization qualified by the applicant, and the insured's fictitious name or d/b/a, if any.
- (d) Name of Insurance Company.
- (e) Policy number must be on the Certificate.
- (f) Effective date of policy.
- (g) Expiration date of policy.
- (h) Proper aggregate amount of public liability and property damage as defined below:

	Liability	Property Damage
General Contractor	\$300,000	\$50,000
Building Contractor	300,000	50,000
Residential Contractor	100,000	25,000
Sheet Metal Contractor	100,000	25,000
Air Conditioning Contractor	100,000	25,000
Roofing Contractor	100,000	25,000
Mechanical Contractor	100,000	25,000
Pool Contractor	100,000	25,000
Plumbing Contractor	100,000	25,000
Underground Utility and Excavation Contractor	100,000	25,000
Solar Contractor	100,000	25,000
Pollutant Storage System	100,000	25,000
Specialty Contractor		
Specialty Contractors,	100,000	25,000

Unless specified otherwise

(i) Certificate holder must be the State of Florida, Department of Business and Professional Regulation, the Construction Industry Licensing Board.

(j) The cancellation notice shall stipulate that, should the public liability and property damage coverage, described above, be cancelled before the expiration date thereof, the issuing company will mail a thirty day written notice to the Certificate Holder named on this Certificate.

(k) The agent's signature.

(l) The licensee's correct license number.

(3) The insurance shall, at all times, be carried in the name of the licensee.

(4) The applicant will submit a Certificate of Insurance only when requested by this Board and within the specified time period set forth in the Board's request.

(5) Failure to comply with the Board's request to submit proof of coverage, which meets the requirements of the Board, will be a violation of this Rule.

Specific Authority 489.108, 489.115(5), 489.129(3) FS. Law Implemented 489.115(5) FS. History--New 1-10-80, Amended 9-15-82, Formerly 21E-15.03, Amended 1-26-88, 1-1-89, 5-23-89, 6-5-90, Formerly 21E-15.003, Amended 7-18-94, 1-10-95, 2-6-96, 11-13-03, 11-7-05, 11-15-07.

61G4-15.004 Licensure by Endorsement.

(1) The Department upon certification by the Board shall issue a license by endorsement to a contractor who submits a completed application to the Department accompanied by the application fee, and otherwise complies with the terms of this rule.

(2) If the applicant seeking licensure by endorsement engages in contracting as a sole proprietorship, then the applicant must demonstrate that:

(a) The applicant currently possesses a state-wide license in the appropriate category as a contractor under the laws of another state, and was required in order to be so licensed to meet standards of credit, financial responsibility, business reputation, and

experience in the trade or the educational equivalent thereof substantially equivalent to those currently required for licensure by Florida law and these rules; and

(b) The out-of-state license was issued upon the satisfactory completion of an examination substantially equivalent to the examination currently given by the Department.

(3) If the applicant seeking licensure by endorsement engages in contracting as a partnership, corporation, business trust, or other legal organization, then the applicant must demonstrate that:

(a) The applicant currently possesses a state-wide license in the appropriate category as a contractor under the laws of another state, and was required in order to be so licensed to meet standards of credit, financial responsibility, and business reputation substantially equivalent to those required by Florida law and these rules; and

(b) The out-of-state license was issued upon the satisfactory completion of an examination by the applicant's qualifying agent which examination is substantially equivalent to the examination given by the Department; and

(c) The qualifying agent of the applicant was required under the laws of the other state to possess experience in the trade or the educational equivalent thereof substantially equivalent to that required under Florida law.

(4) An applicant seeking endorsement under subsection (2) or (3) must also demonstrate that it has been engaged in contracting in the appropriate category in the state of licensure immediately preceding its application for licensure by endorsement in this state, and that there are no outstanding or unresolved complaints filed against the applicant in the other state.

(5) The Department is authorized to investigate for the purpose of corroborating any of the information submitted pursuant to this rule.

Specific Authority 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.

61G4-15.005 Requirements for Certification and Registration.

Specific Authority 489.115(5), (6), 489.129(1), 489.132(5) FS. Law Implemented 489.113(1), 489.115(5), (6), 489.129(1), 489.132(5) FS. History—New 1-10-80, Amended 4-15-82, 9-5-82, 3-21-83, Formerly 21E-15.05, Amended 4-18-86, 1-19-87, 7-1-87, 1-26-88, 1-1-89, 5-23-89, 6-5-90, 4-16-92, Formerly 21E-15.005, Amended 10-17-93, 7-18-94, 7-19-95, 4-24-96, 9-8-96, 10-31-96, 2-4-97, 8-2-98, 9-15-98, 4-5-00, 10-28-03, 10-23-05, Repealed 9-16-07.

61G4-15.0055 Job Scopes for Registered Licensure Categories.

The Board shall register only those local licensees whose job scopes substantially correspond to the scopes of services set out in the contractor definitions set forth in Sections 489.105(3)(a)-(o), F.S.

Specific Authority 489.117(5) FS. Law Implemented 489.117(5) FS. History—New 8-2-00.

61G4-15.006 Financial Responsibility and Financial Stability, Grounds for Denial.

(1) The financial responsibility ground on which the Board shall refuse to qualify an applicant is failure to provide a current consumer credit report, as defined in Rule 61G4-12.011, F.A.C., which consumer credit report does not disclose any unsatisfied judgments or liens against the applicant. In addition, there must not be any unsatisfied judgments or liens against the business entity which the applicant previously qualified as a primary qualifier or which the applicant has applied to qualify.

(2) The financial stability ground on which the Board shall refuse to qualify an applicant is failure to provide proof of either a financial stability bond or an irrevocable letter of credit from a bank authorized to do business in the State of Florida. The bond or letter of credit must be in a form acceptable to the Board and must remain in effect until the applicant can demonstrate a credit score, FICO derived, of 660 or higher, and must be payable as provided in Rule 61G4-15.0021, F.A.C., for Financially Responsible Officers in the amount of:

(a) \$20,000 for Division I applicants.

(b) \$10,000 for Division II applicants.

(3) Fifty percent of the financial stability bond or the letter of credit requirement may be met by completion of a 14-hour financial responsibility course approved by the Board.

(4) An applicant may meet both the financial responsibility and financial stability requirements by providing proof of a current consumer credit report, as defined in Rule 61G4-12.011, F.A.C, with a credit score, FICO derived, of 660 or higher, which consumer credit report does not disclose any unsatisfied judgments or liens against the applicant. In addition, there must not be any unsatisfied judgments or liens against the business entity which the applicant previously qualified as a primary qualifier or which the applicant has applied to qualify.

Specific Authority 489.115(5), (6) FS. Law Implemented 489.115(5), (6) FS. History—New 1-6-80, Amended 5-4-80, Formerly 21E-15.06, 21E-15.006, Amended 10-31-96, 11-13-97, 2-12-08.

61G4-15.007 Notification of Changes.

(1) A certificate holder or registrant shall notify the Board Office within thirty (30) days of a change in name style or address from that which appears on the current certificate of registration and shall notify the Board Office within thirty (30) days after the qualifying person has ceased to be affiliated with the qualified business organization.

(2) A certificateholder or registrant must inform the Board, by mail, within forty-five calendar days, of changes in any information required to be stated on the application for qualification of a business organization.

(3) Failure to report the information required by this rule shall result in disciplinary action.

Specific Authority 489.129(3) FS. Law Implemented 489.119(2)(d), 489.124(2), 489.129(3) FS. History—New 1-6-80, Formerly 21E-15.07, Amended 4-16-92, Formerly 21E-15.007, Amended 7-18-94, 11-13-97.

61G4-15.008 False Statements.

Material false statements or information submitted by an applicant for certification or registration, or submitted for renewal of certification or registration, or submitted for any reissuance of certification or registration, shall constitute a violation of Section 489.129(1)(a), F.S., and shall result in suspension or revocation of the certificate or registration.

Specific Authority 489.129(3) FS. Law Implemented 489.129(3) FS. History—New 1-6-80, Formerly 21E-15.08, 21E-15.008, Amended 7-18-94, 11-13-97.

61G4-15.009 Replacement of Qualifying Persons.

(1) A business organization which loses its qualifying person shall have sixty (60) days from the date the qualifier terminated his affiliation within which to obtain another qualifying person.

(2)(a) A business organization which has lost its only qualifying contractor may not engage in contracting until a new qualifier is approved, unless such business organization has obtained a temporary certificate or registration from the executive director or chair of the board.

(b) Where a business organization has qualifying contractors in more than one category, each category shall be considered separately for purposes of paragraph (a), and shall require a qualifying contractor for each category of work performed.

(c) The temporary certificate or registration allows the business organization to proceed on incomplete contracts during the 60 day period; it may not enter into any new contracts until a new qualifying contractor is approved by the board.

Specific Authority 489.129(3) FS. Law Implemented 489.119(3)(a) FS. History—New 1-6-80, Formerly 21E-15.09, 21E-15.009, Amended 7-18-94.

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

An applicant who wishes to be administered an oral examination must submit the same application and supporting documents required of other applicants, accompanied by the application and examination fees, except that the applicant must document ten (10) years of experience in the appropriate construction craft. In addition, an applicant who wishes to be administered an oral examination must forward at least three (3) written recommendations from sources who are familiar with the applicant's competency

and general reputation.

Specific 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.

61G4-15.012 Certification of Residential Solar Water Heating Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the certification of residential solar water heating contractors.

(2) Definition. A residential solar water heating contractor is a specialty contractor whose contracting business consists of the execution of contracts requiring the skill, knowledge, ability and experience to size, install, alter, repair, maintain, relocate, replace, or use residential domestic potable solar water heating systems to include solar heating panels and all appurtenances, apparatus or equipment used in connection therewith. The scope of work of such contractor is limited to solar domestic hot water systems for one-family, two-family, or three-family residences, not exceeding two stories in height and solar swimming pool heaters for residential swimming pools. The residential solar water heating contractor must subcontract any work for which a local certificate of competency is required unless such contractor is state certified in the respective trade category or is licensed in such category by the appropriate local authority.

Nothing in this rule shall be deemed to restrict or limit in any manner the legal authority of certified mechanical contractors, certified Class A and B air conditioning contractors, or certified plumbing contractors to install residential solar water heating systems.

(3) Certification Procedures.

(a) Qualifications.

1. Any person who desires to become a certified residential solar water heating contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing to take the certification examination.

2. A person shall be entitled to take the certification examination if the person:

a. Is eighteen (18) years of age;

b. Is of good moral character; and

c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c)1., 2., or 3., F.S.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified residential solar water heating contractors shall be the same as those provided for the certification of other contractors as defined in Part I, Chapter 489, F.S. The amount of liability insurance required for certified residential solar water heating contractors shall be as follows: \$100,000 public liability insurance and \$25,000 property damage insurance.

(4)(a) All Residential Solar Water Heating Speciality Contractors whose certification or registration was issued pursuant to this part and is valid on July 1, 1994 shall be able to renew and otherwise continue business as is set forth in Chapter 489, F.S., and this part. No person not previously certified or registered as a Residential Solar Water Heating Speciality Contractor as of July 1, 1994, shall be certified or registered after July 1, 1994. However, the board shall continue to license and regulate those contractors who held said licenses in good standing prior to July 1, 1994.

(b) Only solar contractors who meet the qualifications for certification as set forth at Section 489.105(3)(o), F.S., and Rule 61G4-15.012, F.A.C., may lawfully contract after July 1, 1994.

(c) Any contractor certified pursuant to this rule who has maintained his license in good standing, and who has not been disciplined by the Board, will not be required to sit for the business portion of the Solar Contractor Certification examination.

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(4) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(4) FS. History– New 10-8-81, Formerly 21E-15.12, Amended 6-1-88, 4-20-93, Formerly 21E-15.012, Amended 11-13-97.

61G4-15.014 Violation of Final Orders.

A licensee who violates or fails to comply with the terms of a final order entered by the Board in a disciplinary action against the licensee shall be subject to disciplinary action for said violation.

Specific Authority 489.129(3) FS. Law Implemented 489.129(3) FS. History–New 2-7-83, Formerly 21E-15.14, 21E-15.014.

61G4-15.015 Certification of Specialty Structure Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the certification of specialty structure contractors.

(2) Definition.

(a) "Specialty Structure Contractor" is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers specifications in the aluminum, metal, canvas, vinyl and fiberglass screening, doors and windows, hurricane protection devices and allied construction materials.

(b) The scope of such work shall include and be limited to fabric coverings on metal substructures, screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, manufactured housing roof-overs, vinyl or acrylic panel window enclosures, guardrails, handrails, aluminum and vinyl fences, the installation or replacement of windstorm protective devices, single story self-contained aluminum utility storage structures (not to exceed 720 sq. ft.), residential glass window and door enclosures, sunrooms, siding, soffit, fascia and gutters. The installation or replacement of window and door assemblies certified in accordance with AAMA 101/ I.S.2 or Miami Dade TAS 201. 202. 203 as specified by the Florida Building Code in Group R occupancy buildings, as defined by the Florida Building Code, up to three stories or thirty feet in height. The installation or replacement of windstorm protective devices, except for impact resistant glazing, shall be unlimited. Division I Contractors shall be permitted to subcontract with Specialty Structure Contractors for the installation or replacement of window and door assemblies certified in accordance with AAMA 101/ I.S.2 or Miami Dade TAS 201. 202. 203 as specified by the Florida Building Code in buildings of Group R occupancy, as defined by the Florida Building Code, of any height. The scope of such work shall include wood work incidental to the aluminum and allied materials construction work. It shall be limited to the construction of wood framing for the walls of uninhabitable utility storage structures, raised wood decks for enclosures, and the repair and/or replacement of wood incidental to the installation of glass windows and doors, installation of siding, soffit, fascia, gutters and preformed panel-post and beam roofs. The scope of such work shall comply with all plans, specifications, codes, laws and regulations applicable.

(c) The scope of such work shall include masonry concrete work and be limited to foundations, slabs and block kneewalls incidental to the aluminum and allied construction materials construction work. The specialty structure contractor, whose services are limited, shall not perform any work that alters the structural integrity of the building including but not limited to roof trusses, lintels, load bearing walls and foundations.

(d) The specialty structure contractor shall subcontract, with a licensed qualified contractor in the field concerned, all other work incidental to that which is defined herein but which is the work of a trade other than that of a specialty structure contractor. Nothing in this definition shall be construed to limit or infringe upon the scope of work of any specialty contractor certified pursuant to Sections 489.105(3) and 489.113(6), F.S.

(3) Certification procedures and fees for Specialty Structure Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

Specific Authority 120.53, 489.113(6), 489.115(4) FS. Law Implemented 120.53, 489.113(6), 489.115(4) FS. History—New 7-1-87, Amended 1-26-88, 5-23-89, 6-25-89, 4-16-92, Formerly 21E-15.015, Amended 10-31-96, 4-12-04, 11-15-07.

61G4-15.017 Certification of Gypsum Drywall Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of gypsum drywall specialty contractors.

(2) Definition. A gypsum drywall contractor is a specialty contractor whose scope of work is limited to the installation of all necessary and incidental metal accessories, including non-load bearing metal studs, runners, hangers, channels, drywall metal suspension accessories and prefabricated ceiling materials; and the preparation of the surface over which drywall product is to be applied. This includes the application of base and finish coats specifically designed for the gypsum drywall products of their own erection. This category shall not include plastering, block, or wood partitions. 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.

(3) Certification procedures and fees for Gypsum Drywall Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(4) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(4) FS. History– New 5-23-89, Formerly 21E-15.017, Amended 11-15-07.

61G4-15.018 Certification of Glass and Glazing Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of glass and glazing specialty contractors in residential and commercial applications without any height restrictions.

(2) Definition. A glass and glazing contractor is a specialty contractor whose scope of work is limited to the installation and attachment of all types of windows and glass, whether fixed or movable; the installation of swinging or sliding glass doors to existing walls, floors, columns or other structural members of the building; the installation of glass holding or supporting mullions or horizontal bars which are attached to existing building walls, floors, columns or other structural members of the building, and the cutting and installation of glass and mirrors. A glass and glazing specialty contractor may also install prefabricated glass, metal or plastic curtain walls or panels, caulking incidental to such work and assembly, and installation of shower & tub enclosures and metal fascias. 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.

(3) Certification procedures and fees for Glass and Glazing Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(5) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(5) FS. History– New 7-9-03, Amended 11-10-03, 11-15-07.

61G4-15.021 Certification of Solar Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the certification of solar contractors.

(2) Definition.

(a) Solar Contractor. A solar contractor is a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge and skill to install, alter, repair, maintain, relocate, or replace 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. Such contractor shall subcontract with a qualified contractor in the field concerned all other work which is specified herein as being the work of a trade other than that of a solar contractor. The scope of work of the solar contractor shall apply to private and public property, and shall include all work incidental thereto as specified in subsection (3).

(b) Residential. For purposes of this section the term residential refers to systems installed in connection with one family, two family, or three family residences not exceeding two stories in height.

(3) Minor work incidental to the installation of residential solar energy equipment. The following work incidental to the installation of residential solar equipment shall be considered to be within the scope of work of a solar contractor. Unless otherwise indicated, the solar contractor shall be permitted to perform such work without subcontracting to a trade other than that of a solar contractor.

(a) Electrical work. The branch circuit supplying the electric water heater, the receptacle outlet for a cord-and-plug-connected solar controller, the swimming pool pump motor, and the premises wiring on the load side of the premises service disconnecting means shall be in accordance with the National Electric Code. If installation, alteration, removal, replacement, or upgrading of this circuit is necessary, the work shall be performed by licensed electrical contractors only.

(b) Solar Water Heating Systems. Solar contractors may disconnect and reconnect the existing branch circuit wiring at the water heater. Solar contractors may install new or replace existing control attached to a cord-and-plug-connected solar controller. For a photovoltaic pump controller, solar contractors may install new or replace existing direct current power wiring between the photovoltaic panel and the pump motor. All work shall be done in accordance with the National Electric Code.

(c) Solar Pool Heating Systems. Solar contractors may install new or replace existing power wiring on the load side of an existing pump motor disconnect. Solar contractors may also install new or replace existing control wiring connected to a solar pool controller. All work shall be done in accordance with the National Electric Code.

(d) Solar photovoltaic systems. Solar contractors may install new or replace existing power and control wiring in photovoltaic (PV) source circuits, PV output circuits, battery storage system circuits, and power conditioning unit. In an interactive system that operates parallel with a primary source of electrical energy, this work is limited to the PV supply side of the power conditioning unit. In a stand-alone, or non-grid connected system, the work above-referenced shall be limited to the PV supply side of the power conditioning unit and shall not include wiring integral to the building premises. All work shall be done in accordance with the National Electric Code.

(e) Plumbing. The solar contractor shall perform all work required for the installation of a domestic solar water heating system and solar pool heating system, including connecting the solar hot water system to the existing cold water supply and hot water lines at the existing domestic water heater location. Such work shall be performed in accordance with applicable codes and standards.

(f) Roofing. Solar contractors may perform roofing work directly related to the installation of a domestic solar water heating system, solar pool heating system, or photovoltaic system, including cutting roof openings and penetrations, installing flashings, attaching equipment mounting brackets and solar panels. Such work shall be limited to an area within 18 inches of each roof penetration or attachment and shall be performed in accordance with National Roofing Contractors Association roofing practices.

Specific Authority 489.105(12), 489.108, 489.113(6), 489.115(4) FS. Law Implemented 120.53, 489.105(3)(o), (12), 489.113(6) FS. History–New 3-1-92, Formerly 21E-15.021.

61G4-15.026 Certification of Gas Line Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the certification of gas line specialty contractors.

(2) Definition. A gas line specialty contractor is a contractor whose scope of work is limited to installation, modification, alteration, testing, repair and maintenance of natural gas transmission systems and natural gas distribution systems with all appurtenances within rights-of-way, easements, or terminating at meter.

(3) Certification procedures and fees for Gas Line Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(4) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(4), 455.213 FS. History–New 10-17-93, Amended 7-19-95, 7-1-96, 7-7-05, 11-15-07.

61G4-15.027 Pollutant Storage System Specialty Contractors.

(1) Scope of Rule: The purpose of this rule is to provide for the certification of pollutant storage system specialty contractors.

(2) Certification procedures and fees for Pollutant Storage System Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

(3) Method of Operation: nothing in this rule chapter is intended to supersede or modify standards of operation established for pollutant storage system specialty contractors by the Department of Environmental Protection, as expressly stated in Rule Chapter 62-761, F.A.C., which rule chapter is hereby adopted (effective 11-99) and incorporated herein by reference as the Board's operating standards for pollutant storage system specialty contractors.

Specific Authority 489.108, 489.113(3), (7), 489.129(3), 489.133 FS. Law Implemented 489.113(3), (7), (8), 489.115(4), (5), 489.133, 455.213 FS. History–New 2-1-00, Amended 7-7-05, 11-15-07.

61G4-15.028 Precision Tank Testers.

(1) Scope of Rule: The purpose of this rule is to provide for the registration of precision tank testers.

(2) Registration Procedures for Precision Tank Testers:

(a) Qualifications:

1. Any person who desires to become a registered precision tank tester shall apply to the Board in writing on form DPR/CILB/031, supplied by the Department.

2. A person shall be registered as a precision tank tester if said person:

a. Is at least eighteen (18) years of age; and
b. Who meets the standards established by the Florida Department of Environmental Protection pursuant to subsection 62-761.200(83), F.A.C. (effective 11-99). The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a precision tank tester meets these standards before the applicant is registered.

(b) Other registration procedures and fees: other registration procedures and fees for registered precision tank testers shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., as set forth in Rules 61G4-15.002, 61G4-15.0021, 61G4-15.0022, 61G4-15.003, 61G4-15.006, 61G4-15.007, 61G4-15.008, 61G4-15.009, and 61G4-15.010, F.A.C. The amount of liability insurance for precision tank testers shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for registration shall submit competent substantial evidence to the Board demonstrating that the registrant has a net worth of \$10,000.00.

Specific Authority 489.108, 489.113(3), (7), 489.129(3), 489.133 FS. Law Implemented 489.113(3), (7), (8), 489.115(4), 489.133, 455.213 FS. History—New 2-1-00, Amended 7-7-05.

61G4-15.029 Tank Lining Applicators.

(1) Scope of Rule: The purpose of this rule is to provide for the registration of tank lining applicators.

(2) Registration Procedures for Tank Lining Applicators:

(a) Qualifications:

1. Any person who desires to become a registered tank lining applicator shall apply to the Board in writing on form DPR/CILB/031, supplied by the Department.

2. A person shall be registered as a tank lining applicator if said person:

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

b. Who meets the standards established by the Florida Department of Environmental Protection pursuant to paragraph 62-761.700(2)(c), F.A.C. (effective 11-99). The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a tank lining applicator meets these standards before the applicant is registered.

(b) Other Registration procedures and fees: other registration procedures and fees for registered tank lining applicators shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., as set forth in Rules 61G4-15.002, 61G4-15.0021, 61G4-15.0022, 61G4-15.003, 61G4-15.006, 61G4-15.007, 61G4-15.008, 61G4-15.009, and 61G4-15.010, F.A.C. The amount of liability insurance for tank lining applicators shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for registration shall submit competent substantial evidence to the Board demonstrating that the registrant has a net worth of \$10,000.00.

Specific Authority 489.108, 489.113(3), (7), 489.129(3), 489.133, FS. Law Implemented 489.113(3), (7), (8), 489.115(4), 489.133, 455.213 FS. History—New 2-1-00, Amended 7-7-05.

61G4-15.030 Certification of Registered Contractors.

(1) Any registered contractor who wishes to become a certified contractor in the appropriate category pursuant to the "grandfathering" provisions of Section 489.118, F.S., shall submit a completed "Application for Certification of Registered Contractors" (CILB Form # 032), as referenced in Rule 61G4-12.006, F.A.C.

For the purposes of this section the following terms are defined as follows:

(a) A valid registered license is one in which the registered contractor's certificate of competency is registered with the Board and a State Registration Number is issued.

(b) A substantially similar examination is one which is written and proctored and which covers content and reference materials appropriate for the licensure category for which it is administered. The determination of appropriate content will be made by comparing the content outline and reference list for the examination to that used for the current state certification examination for the same license category.

For Division I categories, the examination must include, at a minimum, a two hour business and financial management section and a

six hour trade knowledge section.

For Division II categories, the examination must include, at a minimum, a two hour business and financial management section and a three hour trade knowledge section.

(c) Experience – Five years licensed and state registered; the experience need not be consecutive.

(d) Discipline, for purposes of Section 489.118(4), F.S., is defined as action taken by any local enforcement body and action taken by the Board against the licensee.

(2) Building code administrators and inspectors who hold a registered construction license or licenses may also apply for certification under the “grandfathering” provisions of Section 489.118, F.S. In order to be eligible such inspector or administrator must have five years experience as an inspector in the category sought, or, if an administrator, must have five years experience with oversight in the category sought, at the time of application. The five years of experience may be a combination of experience under the registered construction license and experience under the inspector or administrator license.

(3) If a registered contractor did not successfully pass a written, proctored examination in order to receive the registered license, he or she may be considered for certification under this rule if he or she successfully passes an examination substantially similar to the examination required for certified licensure such as those produced by the National Assessment Institute, Block and Associates, or NAI/Block prior to application.

Specific Authority 489.108, 489.118 FS. Law Implemented 489.118 FS. History–New 2-23-00.

61G4-15.031 Medical Gas Certification.

(1) Licensed plumbing contractors, as described in Section 489.1136(1)(a), F.S., engaged in, or who wish to engage in, the business of medical gas systems pursuant to Section 489.1136, F.S., shall take and complete a thirty-two (32) hour course on medical gas systems. Such course shall be Board approved and shall consist of both classroom and practical work designed to teach familiarity with the National Fire Prevention Association (NFPA) Standard 99C (“Standard on Gas and Vacuum Systems”), latest edition, as adopted by the Florida State Fire Marshal, and the American Society of Sanitary Engineers (ASSE) Series 6000 (“Professional Qualifications Standards for Medical Gas Systems Installers, Inspectors and Verifiers”), latest edition, to augment those issues addressed by the NFPA Standard 99C relative to medical gas systems and designed to teach the subject matter required by Section 489.1136(1)(a), F.S.

(2) The Board shall approve only those courses submitted by an instructional entity, which is incremental and incidental to the plumbing industry, and which teaches familiarity with the National Fire Prevention Association (NFPA) Standard 99C (“Standard on Gas and Vacuum Systems”), latest edition, as adopted by the Florida State Fire Marshal, and the American Society of Sanitary Engineers (ASSE) Series 6000 (“Professional Qualifications Standards for Medical Gas Systems Installers, Inspectors and Verifiers”), latest edition, to augment those issues addressed by the NFPA Standard 99C relative to medical gas systems.

(3) Any instructional entity providing a Board approved medical gas course shall issue a certificate of completion of such course(s) to the student who has successfully completed each Board approved course. Such certificate(s) shall be available for inspection by any entity or person seeking to have the contractor engage in the business of installation, improvement, repair or maintenance of a medical gas system.

(4)(a) Any natural person employed by a licensed plumbing contractor to provide work on medical gas systems as specified in Section 489.1136(1)(b), F.S., shall take and complete a thirty-two (32) hour course on medical gas systems. Such course shall be Board approved and shall consist of both classroom and practical work designed to teach familiarity with the National Fire Prevention Association (NFPA) Standard 99C (“Standard on Gas and Vacuum Systems”), latest edition, as adopted by the Florida State Fire Marshal, and the American Society of Sanitary Engineers (ASSE) Series 6000, (“Professional Qualifications Standards for Medical Gas Systems Installers, Inspectors and Verifiers”), latest edition, to augment those issues addressed by the NFPA Standard 99C relative to medical gas systems, and designed to teach familiarity and practicable ability as provided in Section 489.1136(1)(b), F.S. Such course shall also include the administration of a practical examination as set forth in Section 489.1136(1)(b), F.S.

(b) Any other natural person who wishes to perform only brazing duties incidental to medical gas systems as specified in Section 489.1136(1)(c), F.S., shall pass an examination approved by the Board. Such examination shall be designed pursuant to the requirements of Section 489.1136(1)(c), F.S., including testing for knowledge of NFPA Standard 99C and ASSE Series 6000, and including a practical examination based on the standards set forth in American Society of Mechanical Engineers (ASME) Section IX or on the American Welding Society (AWS) – B2.2, as approved by NFPA Standard 99C, and shall be approved by the Board upon

request by the examination sponsor and review by the Board to determine that the examination is properly designed.

(5) Instructional entities seeking provider status from the Board in order to provide courses in medical gas systems training shall be entities incremental and incidental to the plumbing industry and shall demonstrate to the Board their qualifications to provide such courses, including classroom and practical work on medical gas systems in compliance with Section 489.1136, F.S., and all sections of this rule. Such instructional entities seeking provider status shall make application to the Board using the form supplied by the Department.

(6) The training required under this section for current licensees must be completed by October 1, 2000.

(7) It is the responsibility of the licensed plumbing contractor to be sure that any members of his or her workforce required to be qualified under Section 489.1136, F.S., are in compliance with that law. Such a contractor is subject to discipline under Section 489.129, F.S., for any violation of this law pursuant to Section 489.1136(1)(d), F.S.

(8) It is the responsibility of the licensed plumbing contractor to be sure that on any job site where a medical gas system is being installed, improved, repaired or maintained that a person certified pursuant to Section 489.1136(1)(a) or (b), F.S., is present. It is the responsibility of the licensed plumbing contractor to be sure that on any medical gas system job site where brazing work is being performed by a person certified under Section 489.1136(1)(c), F.S., that a person certified under Section 489.1136(1)(a) or (b), F.S., is present.

Specific Authority 489.108, 489.1136, 455.213 FS. Law Implemented 489.1136 FS. History—New 7-4-00, Amended 7-7-05.

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.

(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 affidavit(s) signed by a Florida licensed registered or certified commercial or residential pool/spa contractor, in good standing, that demonstrates 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. Until January 1, 2009, 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.

Specific 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.

61G4-15.033 Certification of Marine Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the certification of marine contractors.

(2) Definition. A marine contractor is a specialty contractor qualified and certified by the board to perform any work involving the construction, repair, alteration, extension and excavation for fixed docks, floating docks, boathouses, mooring devices, mooring fields, seawalls, bulkheads, piers, wharfs, boatlifts, boat ramps, revetments, cofferdams, wave attenuators, dune crossovers and other marine structures and activities, including pile driving, framing, concrete, masonry, dredge and fill, and wood shingle, wood shakes, or asphalt or fiberglass shingle roofing on a new structure of his or her own construction. Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classification.

(3) Certified Marine Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the Longshoremen's and Harbor Worker's Compensation Act, 33 U.S.C.A. § 901 et seq. and Title 46 U.S.C.A.

(4) Other certification procedures and fees for certified marine specialty contractors shall be the same as those provided for the certification of other contractors as defined and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, and 489.116 F.S.

Specific Authority 455.213, 489.108, 489.113(6) FS. Law Implemented 489.105(3)(q), 489.113(6) FS. History—New 12-25-07.

61G4-15.034 Certification of Cell Tower Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for certification of cell tower specialty contractors.

(2) Definition. A "cell tower specialty contractor" is qualified and certified by the board to perform any work involving the construction, repair and alteration of communication or cell towers, including construction of accessory use structures not exceeding three stories in height which house communications equipment.



(3) An applicant for a cell tower specialty contractor certification shall pass the general contractor examination and shall demonstrate experience in the construction, repair and alteration of communication or cell towers and accessory use structures.

(4) The additional certification procedures and fees for certified cell tower specialty contractors shall be the same as those provided for the certification of other contractors as defined and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, and 489.116, F.S.

(5) 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.

(6) Certified Cell Tower Contractors must maintain applicable worker's compensation and general liability insurance as required by state and federal laws.

Rulemaking Authority 455.213, 489.108, 489.113(6) FS. Law Implemented 489.105(3)(q), 489.113(6) FS. History—New 6-10-10.

Rule No	Rule Title	Latest Version	Effective Date
61G4-16.001	Written Certification Examination Requirements		4/21/2009
61G4-16.0015	Exemption from Business and Finance Test		10/4/1999
61G4-16.0021	Written Examination for Swimming Pool Specialty Contractors		9/10/2008
61G4-16.0031	Practical Examination for Swimming Pool Specialty Contractors		10/10/2006
61G4-16.004	Oral Examinations		6/2/1988
61G4-16.005	Duration of Validity		8/9/2010
61G4-16.007	Security and Monitoring Procedures for Certification Examination		11/25/1997
61G4-16.009	Examination and Reexamination		5/8/2007

61G4-16.001 Written Certification Examination Requirements.

(1) Certification Examination for General 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(20), 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(20), 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(20), 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 Rule 61G4-16.001(20), 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. 10% Pre-installation and Design Engineering;
2. 10% Ductwork and HVAC Materials;
3. 12 1/2% Installation of Refrigeration and HVAC Systems;
4. 15% Installation of Mechanical Systems;
5. 10% Installation of Refrigeration and HVAC Equipment and Components;
6. 15% Installation of Mechanical Equipment and Components;
7. 10% Maintenance Analysis of Refrigeration and HVAC Systems;
8. 5% Maintenance Service of Refrigeration and HVAC Systems;
9. 10% Safety and Equipment; and
10. 2 1/2% Excavating.

(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(20), 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. 15% Pre-installation;
2. 10% Sheet Metal Ducts;
3. 25% Installation of Refrigeration and HVAC Systems;
4. 15% Installation of Refrigeration and HVAC Equipment and Components;
5. 10% Maintenance Analysis of Refrigeration and HVAC Systems;
6. 15% Maintenance Service of Refrigeration and HVAC Systems; and
7. 10% Safety and Equipment.

(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(20), 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. 15% Pre-installation;
2. 10% Sheet Metal Ducts;

3. 25% Installation of Refrigeration and HVAC Systems;
4. 15% Installation of Refrigeration and HVAC Equipment and Components;
5. 10% Maintenance Analysis of Refrigeration and HVAC Systems;
6. 15% Maintenance Service of Refrigeration and HVAC Systems; and
7. 10% Safety and Equipment.

(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(20), 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. 20% Built-Up Roofs;
2. 20% Shingles and Shakes;
3. 10% Architectural Metal Roofs;
4. 10% Single-ply Systems;
5. 10% 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(20), 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(20), 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(20), 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. 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(20), 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, Coping 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(20), 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(20), 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 and Disinfecting;
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(20), 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(20), 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(20), 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(20), 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(20), 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(20), 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) 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.

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

(22) 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.

61G4-16.0015 Exemption from Business and Finance Test.

(1) Any current active certified residential licensee, who is an applicant for a state certified builder's examination or a certified general contractor's examination, shall not be required to take the business and finance portion of the exam, provided:

(a) The licensee is not under investigation or prosecution in any jurisdiction for an action that would constitute a violation of Chapter 489, Part I, F.S., or if so, until such time as the investigation or prosecution is complete; and

(b) The licensee has not been disciplined, other than a notice of noncompliance, a letter of guidance or a citation.

(2) Any current active certified building licensee, who is an applicant for a state certified general contractor's examination, shall not be required to take the business and finance portion of the exam, provided:

(a) The licensee is not under investigation or prosecution in any jurisdiction for an action that would constitute a violation of Chapter 489, Part I, or if so, until such time as the investigation or prosecution is complete; and

(b) The licensee has not been disciplined, other than a notice of noncompliance, a letter of guidance or a citation.

(3) Any current active certified Division I licensee (excluding Traditional Thatched Structure) who is an applicant for a state certified Division II licensure examination, shall not be required to take the business and finance portion of the exam, provided:

(a) The licensee is not under investigation or prosecution in any jurisdiction for an action that would constitute a violation of Chapter 489, Part I, F.S., or if so, until such time as the investigation or prosecution is complete; and

(b) The licensee has not been disciplined, other than a notice of noncompliance, a letter of guidance or a citation.

(4) Any current active certified Division II licensee (excluding pool service, internal pollutant storage tank lining applicator, precision tank tester, and air conditioning "C"), who is an applicant for any other state certified Division II or Division I licensure examination, shall not be required to take the business and finance portion of the exam, provided:

(a) The licensee is not under investigation or prosecution in any jurisdiction for an action that would constitute a violation of Chapter 489, Part I, or if so, until such time as the investigation or prosecution is complete; and

(b) The licensee has not been disciplined, other than a notice of noncompliance, letter of guidance or a citation.

Specific Authority 489.108 FS. Law Implemented 455.217(1)(b) FS. History—New 1-24-96, Amended 10-4-99.

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 until January 1, 2012, 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.

Specific 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.

61G4-16.0031 Practical Examination for Swimming Pool Specialty Contractors.

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

(2) Practical Examination Required. 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 practical examination.

(a) The practical 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.

(b) The practical examination for any category of swimming pool specialty contractor shall have a maximum time limit of 14 days.

(c) An applicant must be working under the supervision and within the scope of work of a contractor licensed pursuant to Sections 489.105(3)(j)-(k), F.S., at the time of the examination.

(d) An applicant must make all arrangements to secure an appropriate location at which to perform the practical examination. These arrangements include all appropriate equipment and permissions for the presence of the practical examiner.

(e) An applicant must arrange for a practical examiner who meets the requirements in subsection (3) to administer the practical examination. These arrangements include payment of the fee to the proctor.

(3) Examiners for Practical Examinations. The practical examination shall be given by an examiner who is a contractor licensed pursuant to Sections 489.105(3)(j)-(k), F.S., and whose scope of work includes the category of swimming pool specialty contractor to be tested.

(a) The practical examiner must register with the department by completing a prescribed form and paying a fee of \$50 biannually.

(b) The practical examiner must take a two (2) hour orientation course addressing protocols and techniques for administering practical examinations from a provider approved by the board. Orientation course approval and provider approval shall follow the processes provided for in Chapter 61G4-18, F.A.C.

(c) The practical examiner must agree to administer any and all practical examinations fairly and without bias for or against an applicant.

(d) The practical examiner must acknowledge that he or she will be subject to discipline for improper acts or administration of any practical examination.

(e) The practical examiner may not charge any more than \$200 for administering, to completion, any practical examination. The practical examiner may not allow any practical examination to go beyond the maximum time limit of fourteen (14) days. The practical examiner may not accept any additional monies related to the administration of the practical examination.

(f) A practical examiner may not employ or contract with an applicant or other contractor on the site at which a practical examination is to be administered.

(g) A practical examiner may not administer practical examinations for more than five (5) applicants at a time on any one site. A practical examiner must, however, take all reasonable efforts to ensure that only the work of the applicant is evaluated in the practical examination.

(h) The practical examiner shall have the responsibility of notifying the applicant of the scores received on the practical examination, on form DBPRCILB4373 (July 10, 2006), effective October 10, 2006, which is incorporated herein by reference. The form may be obtained through www.myflorida.com.

(i) The practical examiner must maintain all records of the applicant's examination and scores for 2 years.

(j) The applicant shall provide the Department with the written result of the examination with the application for swimming pool specialty contractor's license.

(k) The practical examiner must agree to hold the department harmless for any accident or injury resulting from the administration of any practical examination.

(4) Requirements for All Practical Examinations.

(a) Each practical examination must test the following areas, which shall account for thirty (30) percent of each examination:

1. 15% Reading, understanding and interpreting scaled pool construction plans and surveys.
2. 5% Understanding and complying with job-site safety requirements.
3. 5% Handling and properly disposing of hazardous materials.
4. 5% Recognizing the tools required to do the job and exhibit the ability to properly use those tools.

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

(5) Practical Examination for Swimming Pool Layout Specialty Contractors. The practical examination for swimming pool layout specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, the following areas:

(a) 8% Accurately locating and staking out a base line or center line of the pool being built with reference to fixed objects shown on the layout plan.

(b) 8% Laying a pool out ready to be formed, including proper leveling techniques for the shell to plus or minus 1/4th inch and verifying the calculations that illustrate how the layout elevations will accommodate the coping or deck edge trim and how the finished deck elevation will meet existing finished elevations on the project such as existing patios, floors, and the surrounding landscape.

(c) 5% Verifying the calculations necessary to show that the pool layout, including decks and retaining walls will accommodate anticipated water runoff (drainage).

(d) 5% Understanding effective methods of managing ground water (dewatering).

(e) 8% Supervising an excavation according to the swimming pool plan(s) and/or specifications that insures that the walls and floor are shaped according to plans, and demonstrate the skills required to place backboard materials in the event of a cave in.

(f) 8% Properly placing and stabilizing forms.

(g) 8% Installing the piping and fittings required before installing the rough structure of a swimming pool, displaying proper solvent weld procedures.

(h) 15% Cutting and bending steel reinforcing bars, installing the structural steel in accordance with the pool plan, verifying that ties and overlaps are in accordance with code requirements, and showing that by proper blocking, the steel will have adequate and proper concrete coverage.

(i) 5% Maintaining the continuity of bond beam steel in cases where the beam is modified, including skimmer openings and step-ups in the beam such as raised beams and planters.

(6) Practical Examination for Swimming Pool Structural Specialty Contractor. The practical examination for swimming pool structural specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 10% Set guide wires or piano wire to insure that concrete walls are true and proper thickness.

(b) 5% Set up a concrete pump with an air compressor for the proper installation of pneumatically applied concrete.

(c) 10% Conduct an inspection for proper placement of forms, wall fittings, drains, light niches, steel placement, and the use of steel carrier chairs.

(d) 10% Demonstrate an understanding of the properties of concrete, including slump and the importance of taking a batch sample.

(e) 15% Demonstrate proper gunite or shotcrete placement on pool walls and floors, including finishing techniques.

(f) 10% Knowledge of dimensional requirements for features such as steps and benches.

(g) 10% The ability to read and understand manufacturer's installation instructions for fiberglass and/or vinyl liner pool structures, if applicable.

(7) Practical Examination for Swimming Pool Excavation Specialty Contractor. The practical examination for swimming pool excavation specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 5% Prepare a swimming pool construction site by grubbing or removing sod.

(b) 10% Understand effective methods of managing ground water (dewatering).

(c) 10% Operate an excavation machine such as a backhoe, tracked backhoe, or tracked excavator.

(d) 20% Excavate for a swimming pool according to the plan(s) and/or specifications. The walls and floor shall be shaped according to the swimming pool plan and demonstrate an understanding of the angle of repose and shoring requirements.

(e) 10% Understanding of different soil conditions.

(f) 5% Proper placement of excavated materials.

(g) 10% Backfill a swimming pool structure and compact the fill material.

(8) Practical Examination for Swimming Pool Trim Specialty Contractor. The practical examination for swimming pool trim specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 5% Prepare a "brown coat" or "parge" mix. Correct any misalignment in the swimming pool walls with a "brown coat."

(b) 15% Set a vertical waterline tile job with horizontal alignment of plus or minus 1/8 inch.

(c) 10% Demonstrate proper installation procedures for tile and water features per manufacturer's instructions, including step edge tile, to insure a watertight condition and the ability to install a complete waterline with a fully bedded mud bed.

(d) 15% Level the top of the beam(s) to plus or minus 1/8 inch.

- (e) 10% Set bullnose brick as the pool coping, including miter joints in the coping.
- (f) 5% Mix a custom grout color.
- (g) 5% Properly clean tile and coping to remove masonry stains.
- (h) 5% Understand effective methods of managing ground water (dewatering).
- (9) Practical Examination for Swimming Pool Decking Specialty Contractor. The practical examination for swimming pool decking specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:
 - (a) 5% Operate an under-pool dewatering system.
 - (b) 5% Layout and form a deck, including verification of angles and deck dimensions.
 - (c) 5% Perform the calculations to show that the deck layout will accommodate anticipated water runoff (drainage). Install a deck drainage system such as a deck drain.
 - (d) 5% Understanding of backfill and compaction procedures for sub-deck materials.
 - (e) 5% Demonstrate an understanding of the properties of concrete including time from batching, hydration, slump, and the effects of weather conditions. Calculate the amount of concrete required for the job.
 - (f) 5% Understand proper elevation and pitch requirements to insure proper drainage.
 - (g) 5% Understand the geometry of how to create accurate angles and locate pin points.
 - (h) 5% Understand reinforcement requirements for concrete.
 - (i) 10% Demonstrate proper placement and finishing procedures for concrete.
 - (j) 5% Understanding of thermal expansion and contraction of concrete and methods to accommodate it.
 - (k) 5% Remove and dispose of concrete forms and forming materials.
 - (l) 5% Set anchors and/or ladders, handrails, etc. straight and true.
 - (m) 5% Be aware of pressurized piping procedures and the requirement that they be maintained during the forming process and placement of concrete decking.
- (10) Practical Examination for Swimming Pool Piping Specialty Contractor. The practical examination for swimming pool piping specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:
 - (a) 10% Read, understand, and interpret a swimming pool piping plan.
 - (b) 15% Install pool piping, including the proper handling and solvent welding of PVC.
 - (c) 10% Understanding of the different applications for different solvent weld cements.
 - (d) 10% Proper testing and pressurization procedures for pool piping systems.
 - (e) 25% Proper installation procedures for pool piping, circulation, sanitation, filtration, hydraulics and venting and related equipment in accordance with manufacturer's instructions.
- (11) Practical Examination for Swimming Pool Finishes Specialty Contractor. The practical examination for swimming pool finishes specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:
 - (a) 10% Operate an under-pool dewatering system.
 - (b) 10% Understand proper shell preparation to insure a tight bond and a watertight application, including the areas around all shell penetrations, and the neutralizing of all cleaning agents.
 - (c) 5% Install/repair step or underwater bench trim tile.
 - (d) 15% Mix plaster, including admixtures.
 - (e) 20% Properly apply plaster finish to a swimming pool structure in the correct thickness. Insure that plaster was troweled sufficiently.
 - (f) 10% Demonstrate an understanding of application and filling procedures per manufacturer's instructions to insure a clean smooth finish and a watertight condition.
- (12) Retaking a Practical Examination. An applicant who fails to achieve a passing score on a practical examination must wait two (2) weeks before attempting to retake the practical examination for the category of specialty pool contractor which the applicant failed. The applicant is required to repay the fees provided in paragraph (3)(e) of this rule.

Specific Authority 255.217(1), 489.108, 489.133(6) FS. Law Implemented 289.115, 455.217(1), 489.109, 489.113(6) FS. History—New 2-16-06, Amended 10-10-06.

61G4-16.004 Oral Examinations.

(1) The general areas of competency to be covered by the oral certification examinations, the relative weight to be assigned in grading each area tested, the passing score, and the reexamination procedures for all contracting categories for which Section 489.113(10), F.S., allows an applicant to petition the Board to be administered an oral examination shall be the same as those specified in Rule 61G4-16.001, F.A.C., for the written certification examinations for those categories. This includes all categories except General and Building Contractors.

(2) The oral certification examinations and the procedures used to administer them shall be the same as the written certification examinations and procedures for the contractor category except that:

(a) The Department shall provide an individual who will read the examination materials aloud to the applicant who is being administered an oral certification examination and

(b) The applicant shall be allowed twice as much time to complete the oral certification examination as that allowed for the completion of the written certification examination.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History—New 1-6-80, Formerly 21E-16.04, Amended 6-2-88, Formerly 21E-16.004.

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 the list of successful candidates is approved by the Board.

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.

61G4-16.007 Security and Monitoring Procedures for Certification Examination.

The following procedures are hereby established concerning the security and monitoring of the certification examination:

(1) The Board hereby adopts and approves the security and monitoring procedures for licensure examinations utilized by the Department of Business and Professional Regulation with the following additional provisions as set forth in subsection (2) of this rule. In case of conflict, the provisions of this rule shall prevail.

(2) Review of examination by Board members. Board members are authorized to review the certification examination given in the category which they represent.

Specific Authority 455.217(1)(d) FS. Law Implemented 455.217(1)(d) FS. History—New 10-14-81, Amended 7-31-83, Formerly 21E-16.07, Amended 4-16-92, Formerly 21E-16.007, Amended 9-3-96, 11-25-97.

61G4-16.009 Examination and Reexamination.

(1)(a) The general areas of competency to be covered by the examination for general, building, residential, sheet metal, roofing, class A and B air conditioning, mechanical, commercial pool/spa, residential pool/spa, swimming pool/spa servicing, plumbing, underground utility and excavation, specialty structure, solar, pollutant storage, gypsum drywall, glass and glazing, and gas line contractors, and the relative weight to be assigned in grading each area tested shall be as specified in Rule 61G4-16.001, F.A.C.

(b) Reexamination.

1. A candidate who:

a. Fails to achieve a passing score on any of the tests referenced to in Rule 61G4-16.001, F.A.C., above; or

b. Fails to appear for a scheduled test shall be required to pay the reexamination fee as set forth in paragraph (3)(c) below.

2. A candidate shall be required to retake only the tests on which he or she failed to achieve a passing score or failed to appear to take when scheduled. However, a candidate must pass all tests within two years of the first attempt; after which time all past test scores of the candidate shall be considered invalid and he or she shall be required to take all parts of the test as specified in Rule 61G4-16.001, F.A.C. A candidate may take any specific part of the test no more than six times in the two year period.

3. A candidate who fails to achieve a passing score on the examination in whole or in part on his or her first or second attempt

may submit an application to retake the certification examination to the examination vendor no less than thirty (30) days prior to the administration of the examination the candidate wishes to take provided he or she pays all appropriate fees as set forth in subsection (3) below.

(2) Manner of Application for Examination and Scheduling. An original application for examination must be received by the examination vendor at least thirty (30) days prior to the administration of the examination the applicant wishes to take. All applicants must present a valid picture identification issued by a governmental agency at the examination site prior to taking the examination.

(3) Fees.

(a) All application and examination fees submitted for examination administration are non-refundable.

(b) The original application and examination fee shall be the same as specified in paragraph 61G4-12.009(1)(a), F.A.C. Said fee shall cover both the processing of the application and the administration of the examination.

(c) The reexamination fee shall be the same as specified in paragraph 61G4-12.009(1)(b), F.A.C. Said fee shall cover both the processing of the application and the administration of the examination.

(d) The fee for initial licensure shall be the same as specified in subsection 61G4-12.009(4), F.A.C. Said fee may be submitted along with the application for the examination and is refundable should the applicant fail to pass said examination.

(4) The only paper that shall be graded in a certification examination is the official answer sheet. No credit shall be given for answers written in an examinee's booklet.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History—New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00, 10-24-00, 2-6-03, 1-10-05, 11-3-06, 5-8-07.

Rule No	Rule Title	Latest Version	Effective Date
61G4-17.001	Normal Penalty Ranges		11/2/2006
61G4-17.002	Aggravating and Mitigating Circumstances		8/20/2003
61G4-17.003	Repeat Violations		11/25/1997
61G4-17.005	Penalties Cumulative and Consecutive		10/26/1986
61G4-17.006	Mitigation; Notice of Mitigation and Aggravation		10/26/1986
61G4-17.007	Probation		4/18/1989
61G4-17.008	Stipulations		10/26/1986
61G4-17.009	Violations of Provisions of This Chapter		6/27/1995

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/or probation, suspension, and/or revocation. \$5,000 fine and Revocation.	\$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.	\$2,500 fine and/or probation, or suspension.	\$10,000 fine and 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/or probation or suspension.	\$10,000 fine and revocation.
2. Section 455.227(1)(r), F.S.: Improperly interfering with an investigation or disciplinary action.	\$5,000 fine and/or probation or suspension.	\$10,000 fine and revocation.
(d) Section 489.129(1)(d), F.S.: Assisting unlicensed person to evade provision of Chapter 489, F.S.	\$2,500 fine and/or probation or suspension.	\$10,000 fine and 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.	\$4,000 fine and/or probation or suspension.	\$9,000 fine and revocation.

(f) Sections 489.129(1)(f), 489.119(2), F.S.: Acting under a name not on license.	\$1,500 fine.	\$3,000 fine and/or probation or suspension.
(g) Section 489.129(1)(g), F.S.: Mismanagement or misconduct causing financial harm to the customer. FIRST OFFENSE REPEAT OFFENSE	\$1,500 fine and/or probation or suspension. \$2,500 fine and/or probation or suspension.	\$5,000 fine and/or 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 REPEAT OFFENSE	\$1,000 fine and/or probation or suspension. \$2,500 fine and/or probation or suspension.	\$3,000 fine and/or 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 REPEAT OFFENSE	\$1,000 fine and/or probation or suspension. \$3,000 fine and/or probation or suspension.	\$3,000 fine and/or 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/or probation or suspension. \$5,000 fine and/or probation or suspension.	\$8,000 fine and/or probation or suspension. \$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.

<p>5. Section 489.115, F.S.: Contracting with a delinquent license. FIRST OFFENSE</p> <p>REPEAT OFFENSE</p>	<p>\$500 fine, respondent must pay all fees and costs required to place license in current and active status, and/or probation or suspension.</p> <p>\$2,500 fine, respondent must pay all fees and costs required to place license in current and active status, and/or probation or suspension.</p>	<p>\$2,500 fine, respondent must pay all fees and costs required to place license in current and active status, and/or probation or suspension.</p> <p>\$5,000 fine and suspension or revocation, respondent must pay all fees and costs required to place license in current and active status, and/or probation or suspension.</p>
<p>6. Section 489.116, F.S.: Contracting with an inactive license.</p>	<p>\$5,000 fine and/or probation or suspension.</p>	<p>\$10,000 fine and revocation.</p>
<p>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.</p>	<p>\$1,000 fine and/or probation or suspension.</p>	<p>\$2,500 fine and/or probation or suspension.</p>
<p>8. Section 489.119, F.S.: Failure to register qualified business organization. FIRST OFFENSE</p> <p>REPEAT OFFENSE</p>	<p>\$250 fine.</p> <p>\$500 fine.</p>	<p>\$1,000 fine and/or probation or suspension.</p> <p>\$2,000 fine and/or probation or suspension.</p>
<p>9. Section 489.119(6)(b), F.S.: License number not appearing in advertisement. 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>(j) Section 489.129(1)(j), F.S.: Abandonment. FIRST OFFENSE</p> <p>REPEAT OFFENSE</p>	<p>\$2,500 fine and/or probation or suspension.</p> <p>\$5,000 fine and/or probation or suspension.</p>	<p>\$7,500 fine and/or 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>		

FIRST OFFENSE	\$1,000 fine.	\$3,000 fine and/or probation or suspension.
REPEAT OFFENSE	\$3,000 fine and/or probation or suspension.	\$10,000 fine and revocation.
2. False statement of insurance coverage. FIRST OFFENSE	\$1,000 fine and/or probation or suspension.	\$2,000 fine and/or probation or suspension.
REPEAT OFFENSE	\$2,500 fine and/or 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, and no physical harm to any person.	\$2,500 fine and/or probation or suspension. \$2,500 fine.	\$10,000 fine and revocation. \$10,000 fine and suspension or revocation.
2. Causing monetary or other harm to licensee's customer or physical harm to any person.	\$2,500 fine and/or probation or suspension.	\$10,000 fine and revocation.
(m) Misconduct or incompetency in the practice of contracting, shall include, but is not limited to: 1. Failure to honor a warranty. FIRST OFFENSE	\$1,000 fine and/or probation or suspension.	\$5,000 fine and/or probation or suspension.
REPEAT OFFENSE	\$2,500 fine and/or probation or suspension.	\$10,000 fine and revocation.
2. Violation of any provision of Chapter 61G4, F.A.C., or Chapter 489, Part I, F.S. FIRST OFFENSE	\$1,000 fine and/or probation or suspension.	\$2,500 fine and/or probation or suspension.
REPEAT OFFENSE	\$2,500 fine and/or 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	\$500 fine.	\$2,500 fine and probation.
REPEAT OFFENSE	\$3,000 fine.	\$10,000 fine and suspension or revocation.
4. The following guidelines shall apply to cases involving misconduct or incompetency in the practice of contracting, absent aggravating or mitigating circumstances:		

(n) Section 489.129(1)(n), F.S.: Being found guilty of gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property. FIRST OFFENSE REPEAT OFFENSE	\$1,000 fine. \$3,000 fine.	\$3,000 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/or probation.
2. Failure to obtain inspections. FIRST OFFENSE REPEAT OFFENSE	\$250 fine. \$1,000 fine.	\$1,000 fine and/or probation or suspension. \$5,000 fine and suspension or 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. \$2,500 fine.	\$5,000 fine and/or 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 or notice to contractor pursuant to Chapter 713, F.S. FIRST OFFENSE REPEAT OFFENSE	\$1,000 fine and/or probation or suspension. \$5,000 fine and/or probation or suspension.	\$5,000 fine and suspension or revocation. \$10,000 fine and suspension or revocation.

<p>(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.</p> <p>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.</p> <p>FIRST OFFENSE</p> <p>REPEAT OFFENSE</p>	<p>\$500 fine and/or proof of satisfaction of civil Judgment.</p> <p>\$3,000 fine and/or proof of satisfaction of civil judgment.</p>	<p>\$5,000 fine and/or proof of satisfaction of civil Judgment.</p> <p>To \$10,000 fine and/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. *Specific 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.*

61G4-17.002 Aggravating and Mitigating Circumstances.

Circumstances which may be considered for the purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

(1) Monetary or other damage to the licensee’s customer, in any way associated with the violation, which damage the licensee has not relieved, as of the time the penalty is to be assessed. (This provision shall not be given effect to the extent it would contravene federal bankruptcy law.)

(2) Actual job-site violations of building codes, or conditions exhibiting gross negligence, incompetence, or misconduct by the licensee, which have not been corrected as of the time the penalty is being assessed.

(3) The danger to the public.

(4) The number of complaints filed against the licensee.

(5) The length of time the licensee has practiced.

(6) The actual damage, physical or otherwise, to the licensee’s customer.

(7) The deterrent effect of the penalty imposed.

(8) The effect of the penalty upon the licensee’s livelihood.

(9) Any efforts at rehabilitation.

(10) Any other mitigating or aggravating circumstances.

Specific Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History--New 10-26-86, Formerly 21E-17.002, Amended 8-20-03.

61G4-17.003 Repeat Violations.

(1) As used in this rule, a repeat violation is any violation on which disciplinary action is being taken where the same licensee had previously had disciplinary action taken against him or received a letter of guidance in a prior case; and said definition is to apply regardless of whether the violations in the present and prior disciplinary actions are of the same or different subsections of the disciplinary statutes.

(2) The penalty given in the above list for repeat violations is intended to apply only to situations where the repeat violation is of a different subsection of Chapter 489, F.S., than the first violation. Where, on the other hand, the repeat violation is the very same type of violation as the first violation, the penalty set out above will generally be increased over what is otherwise shown for repeat violations in the above list.

Specific Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History--New 10-26-86, Formerly 21E-17.003, Amended 11-25-97.

61G4-17.005 Penalties Cumulative and Consecutive.

Where several of the above violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

Specific Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History--New 10-26-86, Formerly 21E-17.005.

61G4-17.006 Mitigation; Notice of Mitigation and Aggravation.

Alleged mitigating circumstances may be submitted by the licensee to the Board, at the final hearing, in any informal proceeding. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at the formal hearing, so that same may be challenged by the opposing party and evaluated by the hearing officer. At the final hearing the Board will not hear aggravating or mitigating evidence not presented to the hearing officer.

Specific Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History--New 10-26-86, Formerly 21E-17.006.

61G4-17.007 Probation.

Probation may also be assessed in any case where, in the board's opinion, it is advisable for the public welfare, in order to assure that the licensee operates properly and within the law in the future, to require the licensee to report to the Board periodically, or to otherwise serve a probationary period. Failure to comply with the terms and conditions of probation shall be prima facie evidence of misconduct as defined by Section 489.129, F.S.

Specific Authority 455.2273, 489.129 FS. Law Implemented 489.129 FS. History--New 10-26-86, Amended 4-18-89, Formerly 21E-17.007.

61G4-17.008 Stipulations.

The provisions of this Chapter shall not be construed so as to prohibit civil action or criminal prosecution as provided for in Chapters 489 and 455, F.S. Nor shall the provisions of this chapter be construed so as to limit the ability of the Board to enter into binding stipulation with accused parties as per Section 120.57(3), F.S.

Specific Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History--New 10-26-86, Formerly 21E-17.008.

61G4-17.009 Violations of Provisions of This Chapter.

Violation of any provision of Chapter 61G4, F.A.C., shall be considered a violation of subsection 489.129(1)(n), F.S.

Specific Authority 489.108, 489.129(3) FS. Law Implemented 489.129(3) FS. History—New 12-21-92, Formerly 21E-17.009, Amended 6-27-95.

Rule No	Rule Title	Latest Version	Effective Date
61G4-18.001	Continuing Education Requirements for Certificateholders and Registrants		11/17/2008
61G4-18.002	Definitions		5/28/2008
61G4-18.003	Registration of Course Providers		12/13/2009
61G4-18.004	Approval of Continuing Education Courses		4/17/2008
61G4-18.005	Qualifications of Course Instructors		10/8/2009
61G4-18.006	Course Syllabus		12/2/1993
61G4-18.007	Required Records Maintained by Course Providers		3/15/2005
61G4-18.009	Certifications of Completion		3/25/2001
61G4-18.010	Advertising of Continuing Education Courses		1/18/1995
61G4-18.011	Continuing Education Courses Required by Disciplinary Action		12/2/1993
61G4-18.012	Fees		1/18/1995
61G4-18.013	Exam Development		3/25/2001
61G4-18.014	Continuing Education Seminars		11/2/2009

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.

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 713, Part I, F.S.

(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 Chapter 489, Part I, F.S., Chapter 455, F.S., Chapter 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).

(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 Community Affairs. 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 for each inactive biennium (including one hour each of a workplace safety class, a business standards class, and a workers’ compensation class for each license renewal cycle).

(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.

Specific 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.

61G4-18.002 Definitions.

When used in this rule, the following terms shall have the following meanings:

- (1) "Board" means the Construction Industry Licensing Board.
- (2) "Course" means any course, seminar or other program of instruction which has been approved by the board for the purpose of complying with continuing education requirements for contractors. "Course" also means any successfully completed core curriculum, construction or business related, course in an accredited two-year or four-year college program leading to a construction or business related degree.
- (3) "Classroom Hour" means fifty minutes of instruction, exclusive of any breaks, recesses, or other time not spent in instruction.
- (4) "Interactive Distance Learning Hour" means fifty minutes of instruction presented in an alternative nonclassroom interactive distance learning setting, exclusive of any breaks, recesses, or other time not spent in instruction.
- (5) "Interactive Distance Learning" means the delivery of educational offerings or courses via the internet and/or other interactive electronic media. Such offerings or courses shall be interactive, providing for the interchange of information between the student, and teacher, and shall provide for the registration, evaluation, monitoring, and verification of continuing education.
- (6) "Course Provider" or "Continuing Education Provider" means the person or legal entity who is registered pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule. The course provider or continuing education provider is responsible for maintaining records regarding the name and license number of each person who attends a continuing education course and for reporting the attendance to the Department in the format and timeframe specified by the Department.
- (7) "Person" means any natural person and does not include any corporation, partnership or other type of legal entity.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 489.115 FS. History—New 12-2-93, Amended 5-17-99, 5-30-00, 3-25-01, 5-28-08.

61G4-18.003 Registration of Course Providers.

- (1) Each provider must submit the registration and the course for approval on the Provider Approval Application provided by the Department.
- (2) The course provider registration will expire on May 31 of every odd-numbered year and must be renewed to remain valid.
- (3) The course provider must submit to the board, in writing, notice of any changes in the information provided in the initial registration of the course provider. The notification must be made within 30 days following the date the change is effective.
- (4) The board shall maintain a list of all course provider registered with the board.
- (5) The board shall deny approval of, suspend, or revoke the registration of any course provider for any of the following acts or omissions:
 - (a) Obtaining or attempting to obtain registration or course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.
 - (b) Failing to provide complete and accurate information in the initial registration or in any notification of change in information.
 - (c) Failing to timely notify the board of a change in the information required for registration of course providers.
 - (d) Falsifying of any records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.
 - (e) Failing to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who attended the courses, including the failure to timely report the names and license numbers of all persons who attended any approved courses in the format and timeframe specified by the Department.
 - (f) Failing to adequately train the staff responsible for taking attendance at any approved course, failing to verify attendance through photo identification or through a method of identification approved with the course application, and for failing to submit the attendance files electronically to the Department in the format and timeframe specified by the Department.
 - (g) Failing to provide the board with copies of any document or other information required to be maintained by the course provider pursuant to this rule.
 - (h) Advertising that a course has been approved by the board prior to the date the approval is granted.
 - (i) Failing to include provider and course numbers in advertisements.

- (j) Failing to disclose in the registration of any course provider any person or entity required to be disclosed.
- (k) Disclosing in the registration of any course provider any person or entity required to be disclosed whose course provider registration has been previously suspended or revoked.
- (l) Failing to maintain a record of course instructors, as required by subsection 61G4-18.007(2), F.A.C.
- (m) Failing to resolve course attendance reporting problems.
- (n) Failing to comply with all duties imposed on providers in Section 455.2178, F.S.
- (6) A course provider who has had a certificate of registration revoked may not reapply for two (2) years from the date of revocation.

Rulemaking Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.213, 455.213(6), 455.2177, 455.2178, 455.2179, 489.115 FS. History—New 12-2-93, Amended 1-18-95, 6-5-95, 8-10-95, 11-25-97, 4-15-99, 3-25-01, 7-7-05, 5-15-08, 12-13-09.

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. 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.

Specific Authority 455.2123, 489.108, 489.115 FS. Law Implemented 455.213, 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.

61G4-18.005 Qualifications of Course Instructors.

(1) All course instructors shall be qualified, by education or experience, to teach the course, or parts of a course, to which the instructor is assigned.

(2) Any person with a four year college degree or graduate degree is qualified to teach any course in their field of study provided they are currently active in their respective field.

(3) Any active or inactive state certified or registered contractor, or standard licensed inspector, standard licensed plans examiner, or standard licensed building code administrator with at least five years experience may teach any technical course regarding construction within the scope of their license. However, no individual whose license is suspended or revoked as a result of any licensing Board discipline shall teach or serve as a continuing education course instructor.

(4) The board may not reject a course based upon the proposed instructors, but may approve a course contingent on certification by the course provider that all instructors meet those minimum requirements before conducting that course, and before advertising that the course is approved for continuing education credit.

(5) A course provider may request approval by the board regarding the qualifications of a particular instructor for a particular course.

Rulemaking Authority 489.108, 489.115 FS. Law Implemented 489.115 FS. History—New 12-2-93, Amended 11-25-97, 10-8-09.

61G4-18.006 Course Syllabus.

(1) Each course shall have a course syllabus which will specify the name of the course, the number of the course assigned by the board, the name and address of the course provider and a description or outline of the contents of the course.

(2) Each person who registers for a course must be given the course syllabus prior to the beginning of the course. The syllabus may be distributed when the person registers their attendance at the course.

Specific Authority 489.108, 489.115 FS. Law Implemented 489.115 FS. History—New 12-2-93.

61G4-18.007 Required Records Maintained by Course Providers.

Each course provider must maintain the following records with respect to each course:

(1) The time, date and place each course is completed.

(2) The name, address and qualifications of each instructor who teaches any portion of the course and whether each instructor has been approved by the board.

(3) The name, address and certificate or registration number of each person who registered for the course.

(4) The original sign-in sheet used at the site of the course to register persons who attend each course. The sign-in sheet shall require every person to print their name, list their contractor's license number and sign their name.

(5) The course syllabus used for each course.

(6) For interactive distance learning courses, in lieu of the original sign-in sheet required in subsection (4), the course provider shall maintain and provide a record of the registration, login, course access log, including total time accumulated which demonstrates that course hours are consistent with the actual hours it takes to complete the course, and course completion date and time. In lieu of providing a document bearing the contractor's signature, the course provider shall provide the student's identity verification data, which shall include the student's password and the student's mother's maiden name.

(7) Each person who successfully completes an approved course shall be issued a certificate of completion by the course provider. The certificate of completion shall contain the name and the certification or registration number of the person who completed the course, the course provider, the course name, the course number, the date(s) the course was offered, the total number of continuing education hours successfully completed in each subject covered by the course, and whether the course includes

workers' compensation, workplace safety or business practices.

(8) The course provider must electronically provide to the Department the list of attendees at each of its offered courses within thirty (30) calendar days of the completion of the course or prior to the licensee's renewal date, whichever occurs sooner. This list shall include the provider's name and provider number, the name and certification or registration number of the attendee, the date the course was completed, and the course number.

(9) All documents from the provider must be submitted electronically to the Department and must be in a form as agreed to by the Department and the provider. Failure to comply with the time and forms requirements will result in disciplinary action taken against the provider and affect the course approval.

(10) Each continuing education provider must maintain its attendance records for at least four (4) years after the completion of each course. Upon request, these records must be made available for inspection by the Department or its agent at a reasonable time and location. Each course provider shall provide the Department with copies of any of these required records, upon request by the Department.

(11) The Department shall initiate disciplinary action against a continuing education provider either by request of the Board or on its own motion for failure to comply with its duties under this section.

Specific Authority 455.2123, 455.213(6), 455.2177, 455.2178, 489.108, 489.115(4)(b) FS. Law Implemented 455.2123, 455.213(6), 455.2177, 455.2178, 489.115(4)(b) FS. History—New 12-2-93, Amended 7-2-95, 11-25-97, 4-15-99, 5-30-00, 3-25-01, 7-26-04, 3-15-05.

61G4-18.009 Certifications of Completion.

(1)(a) It is the certificateholder's or registrant's responsibility to maintain proof of completion of continuing education courses for three years.

(b) Proof of completion may be substantiated by an affidavit of the course provider, a certificate of completion issued by the course provider, or a certified copy of a school transcript. If none is available an affidavit of two other persons who attended the course, accompanied by certificates of completion for each, will be accepted.

(2) Falsifying or fraudulently representing completion of required continuing education courses in order to renew a certificate or registration, or failing or refusing to provide proof of completion of such courses, shall be a violation of Section 489.129(1)(a), F.S., punishable by penalties up to and including revocation of the certificate or registration.

Specific Authority 455.213(6), 489.108, 489.115 FS. Law Implemented 489.115, 489.129(1)(a), (8) FS. History—New 12-2-93, Amended 1-18-95, 4-15-99, 3-25-01.

61G4-18.010 Advertising of Continuing Education Courses.

(1) A course provider may not advertise a course as one approved by the board for continuing education until such approval is granted by the board.

(2) A course provider may not include any false or misleading information regarding the contents, instructors or number of classroom hours of any course approved under this rule.

(3) A course provider must include its provider number and course number(s) in all advertising.

Specific Authority 489.108, 489.115 FS. Law Implemented 489.115 FS. History—New 12-2-93, Amended 1-18-95.

61G4-18.011 Continuing Education Courses Required by Disciplinary Action.

(1) Courses approved under Rules 61G4-18.001-.011, F.A.C., shall be accepted as compliance with final orders of the board requiring continuing education.

(2) The certificates of completion of such courses shall be forwarded to the executive director of the board within the time limits stated in the final order.

Specific Authority 489.108, 489.115 FS. Law Implemented 489.115 FS. History—New 12-2-93.

61G4-18.012 Fees.

(1) The fee for registering each continuing education provider shall be two hundred fifty dollars (\$250.00).

(2) The fee for reviewing each continuing education course approval application shall be twenty-five dollars (\$25.00) per credit hour, not to exceed one hundred fifty dollars (\$150.00) per course.

Specific Authority 489.108, 489.115 FS. Law Implemented 455.219(3), 489.109, 489.115 FS. History—New 12-2-93, Amended 1-18-95.

61G4-18.013 Exam Development.

(1) Notwithstanding any of the foregoing provisions, the Board shall grant continuing education credits to any licensee who participates in exam development with the approval of the Board upon electronic submission of documentation of such participation within five (5) business days of the date of participation by either the Department or a testing provider under contract with the Department.

(2) One (1) continuing education credit hour shall be given for every fifty (50) minute clock hour of participation in exam development.

(3) Exam development specifically includes all exam question development activities and workshops on task analyses.

Specific Authority 455.2178, 489.108, 489.115(4) FS. Law Implemented 455.2178, 489.115(4) FS. History—New 11-12-95, Amended 2-6-96, 3-25-01.

61G4-18.014 Continuing Education Seminars.

Rulemaking Authority 489.108, 489.115(4) FS. Law Implemented 489.115(4) FS. History—New 4-15-99, Repealed 11-2-09.

Rule No	Rule Title	Latest Version	Effective Date
61G4-19.001	Citations	5	4/24/2001

61G4-19.001 Citations.

The following violations of Section 489.129(1), F.S., may be resolved by the issuance of a citation pursuant to Section 455.224, F.S., and Title 61G4, F.A.C. Where a provision other than s. 489.129(1), F.S., is cited as the basis for a violation, the violation is of Section 489.129(1)(j), F.S., by violating the referenced statute, rule, or board order.

(1) Section 489.129(1)(o): \$100.00 fine
Failure to timely obtain permit.

(2) Section 489.129(1)(o): \$100.00 fine
Failure to obtain required inspections.

(3) Section 489.119: \$100.00 fine
Failure to include license number when submitting an advertisement for publication, broadcast, or printing.

(4) Sections 489.119, 489.129(1)(f): \$100.00 fine
Acting in name other than that appearing on license.

(5) Section 489.114, Rule 61G4-15.003: \$100.00 fine
Failure to maintain proof of current workers compensation or public liability insurance.

(6) Rule 61G4-15.007: \$100.00 fine
Failure to inform CILB of change of name style, address, or that licensee has ceased qualifying a business.

(7) Section 489.129(1)(i), Rule 61G4-17.007: \$200.00 fine
Failure to make proper probation appearance.

(8)(a) Section 489.117(1)(b): \$100.00 fine
Contracting outside geographical scope of license with no consumer harm; where activity in adjacent jurisdiction to one where contractor is properly licensed, violation is not willful.

(b) Section 489.117(1)(b): \$500.00 fine
Contracting outside geographical scope of license with no consumer harm under circumstances other than paragraph (9)(a), above.

(9) Section 489.116(1): Contracting on an inactive or delinquent license, where the license is renewed or reactivated within thirty (30) days of the issuance of a citation.	\$250.00 fine, in addition to all applicable fees.
(10) Section 489.129(1)(d): Assisting unlicensed person or entity, with no consumer harm.	\$500.00 fine
(11) Section 489.105(3): Contracting outside authorized scope of work, with no consumer harm, safety hazard, or threat to public safety.	\$250.00 fine
(12) Sections 489.115(1), 489.117(1)(a): Failure to register local license with CILB prior to contracting.	\$100.00 fine
(13) Section 489.124: Failure to keep business and financial records as required.	\$100.00 fine
(14) Sections 489.129(1)(c), 455.227(1)(r): Improperly interfering with an investigation or disciplinary action.	\$1000.00 fine
(15) Section 489.129(1)(a): Obtaining a certificate or registration by fraud or misrepresentation which includes renewal thereof.	\$500.00 fine

In addition to the penalties specified above, the department may recover the costs of investigation associated with the citation. Citations shall be issued pursuant to this rule where no harm to consumers results from the violation. A licensee who has been issued three citations for the same offense shall be prosecuted pursuant to Section 455.225, F.S., for any subsequent violations. The disposition of reported violations prosecuted pursuant to Section 455.225, F.S., shall be according to Rule Chapter 61G4-12, F.A.C., and/or Rule Chapter 61G4-17, F.A.C. To the extent that any of these violations are appropriate for resolution by the issuance of a notice of noncompliance pursuant to Section 455.225(3), F.S., and Rule 61G4-23.001, F.A.C., the initial offense of a minor violation will be dealt with accordingly. Where a licensee fails to commence corrective action within 15 days of the Department's issuance of a notice of noncompliance or where the offense is other than the initial one, the Department may issue a citation pursuant to this rule.

Specific Authority 455.224, 489.105 FS. Law Implemented 455.224, 455.225(3) FS. History—New 1-19-92, Amended 12-21-92, Formerly 21E-19.001, Amended 10-12-94, 3-26-95, 6-5-95, 8-10-95, 1-1-96, 2-26-96, 11-25-97, 4-27-99, 4-24-01.

Rule No	Rule Title	Latest Version	Effective Date
61G4-20.001	Local Disciplinary Actions	5	4/27/1999

61G4-20.001 Local Disciplinary Actions.

(1)(a) In order for a local government to issue local licenses or certificates of competency, and before the Board will issue registrations for contractors defined in Section 489.105(3)(a)-(o), F.S., the local government shall have identified a local government body having the authority to discipline such contractors in the manner described in s. 489.131(7), F.S., for violations set forth in Section 489.129(1), F.S., or the local governing ordinance.

(b) The membership of such local government body having the authority to discipline state registered contractors shall, whenever practical, include at a minimum an architect, a business person, an engineer, and at least one contractor who is registered or certified under Sections 489.105(3)(a)-(c), F.S., and one contractor who is registered or certified under Sections 489.105(3)(d)-(o), F.S.

(2) Disciplinary actions taken against such locally licensed contractors shall provide due process protections consistent with the Florida and United States Constitutions, including at a minimum: notice to the contractor of the charges against the contractor by personal service, certified mail, or notice by publication in accordance with Section 120.60(7), F.S. (1995); notice of any action being considered against the contractor; and notice of an opportunity for the complainant and the contractor to present evidence and testimony on his or her behalf. If the local government body does not preserve testimony given at its disciplinary hearings, it shall advise the contractor in the notice of the hearing that he or she must make his or her own arrangements to preserve the testimony given at the hearing.

(3) Orders imposing disciplinary action against a contractor shall contain, at a minimum, the following:

- (a) A clear statement of the violations charged;
- (b) A clear statement of the factual basis for the charges;
- (c) Evidence that the contractor was given notice of the charges, and of an opportunity to appear and present evidence and testimony regarding the charges;
- (d) Findings of fact made by the disciplinary authority;
- (e) Conclusions of law which demonstrate that the facts alleged constitute violations of Section 489.129(1), F.S., or of the governing local ordinance;
- (f) A statement of the penalty and any reasonable investigative and legal costs imposed against the local license or certificate of competence;
- (g) A recommendation by the local government body to the Construction Industry Licensing Board for action to be taken against the state registration;
- (h) A clear statement informing the contractor of the right to appeal the action against the local license, and of the right of the contractor to challenge the recommendation to the Construction Industry Licensing Board.

(4) The local government recommendation to the board, for purposes of any challenge to said recommendation, shall be considered to have been issued upon receipt by the board. Recommendations by local government bodies and challenges shall be mailed to: Executive Director, Florida Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039. The local government body shall submit copies of the following documents to the Construction Industry Licensing Board along with the recommendation:

- (a) The Administrative Complaint;
- (b) Minutes or a transcript of the hearing;
- (c) Any exhibits considered by the local government body; and
- (d) If a challenge is filed, upon request of the Board or the Department, proof of service, or, if not perfected, proof of attempts to obtain service.

(5) In order to facilitate the process established by this rule all local governments who intend to engage in the disciplinary process are encouraged to use the sample formats for Administrative Complaints and Orders provided by the Board.

(6) Submission of a resolution or ordinance from the appropriate City Council, County Commission or appropriate governing body stating that the procedures established in this rule shall be utilized by the local licensing body along with the utilization of the sample administrative complaint and order forms referenced above shall be considered prima facie evidence of compliance with the

requirements of Sections 489.117(2) and 489.131(7), (10), F.S.

(7) For purposes of this rule, "reasonable investigative and legal costs" shall include the cost of any consultation with an expert witness for the prosecution of the violation.

(8) Orders imposing disciplinary action against a contractor that do not contain the minimum items, terms, or conditions set out in subparagraph (3)(a)-(h) and (4)(a)-(d) above shall be reviewed by Board staff, and the following actions shall be taken:







(a) Contact the local jurisdiction to obtain any attachments required under paragraphs (4)(a)-(d) above which were omitted;

(b) Route local disciplinary orders to the designated processing point for prosecutor review upon receipt of the required attachments; and

(c) Provide a copy of those local jurisdiction orders to the Board counsel and prosecuting attorney.

(9) Local orders imposing disciplinary action on certified contractors shall be forwarded to the appropriate consumer complaints analyst as an attachment to a uniform complaint form.

Specific Authority 120, 489.108, 489.113, 489.117 FS. Law Implemented 489.117(2), 489.131 FS. History—New 5-23-94, Amended 10-17-96, 4-27-99.

Rule No	Rule Title	Latest Version	Effective Date
61G4-21.001	Florida Homeowners' Construction Recovery Fund		7/7/2005
61G4-21.002	Definitions		4/27/2008
61G4-21.003	Filing Claims		3/18/2010
61G4-21.004	Claims Review		4/27/2008
61G4-21.005	Payment of Claims		5/11/2009
61G4-21.006	Subrogation and Assignment		4/27/2008

61G4-21.001 Florida Homeowners' Construction Recovery Fund.

The purpose of this rule is to provide procedures for processing claims to the Florida Homeowners' Construction Recovery Fund.

Specific Authority 489.108 FS. Law Implemented 489.140-.143 FS. History--New 7-11-95, Amended 7-7-05.

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 Section 489.105(3)(a)-(c), 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 Art. I, Sections 2, 21, Fla. Const.: female and male alike, and not firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, or any other groups or combinations.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 11-13-97, 3-10-03, 7-7-05, 4-27-08.

61G4-21.003 Filing Claims.

(1) A claim against the Recovery Fund shall be made on Form DBPR/CILB/022, (Rev. October 2008) "Florida Homeowners' Construction Recovery Fund Claim Form," hereby adopted and incorporated by reference. The address of the Fund where the form can be obtained is: 1940 North Monroe Street, Tallahassee, FL 32399-2215. 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.

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.

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.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 4-27-99, 7-7-05, 4-27-08.

61G4-21.005 Payment of Claims.

(1) If the Board authorizes payment of any claim in full or in part, then it shall forward the final agency action with respect to the claim to the Secretary of the Department for payment.

(2) Procedures for disbursements of funds shall not commence until 35 days after the filing of the Final Order of the Board approving payment of any claim from the recovery fund.

(3) No claimant eligible for, or currently receiving, restitution under a civil or criminal restitution order or other repayment plan shall be eligible to recover from the Fund until two or more payments have been missed. Prior to receiving any payments, such a claimant shall provide the Board with a written statement indicating any amount received to date under such an order or plan, the date and amount of the last payment, and how much is still due and owing under such an order or plan.

Rulemaking Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 4-27-99, 6-19-03, 7-7-05, 5-11-09.

61G4-21.006 Subrogation and Assignment.

(1) At the time of payment from the Recovery Fund, the claimant shall assign his or her right, title, and interest in any final judgment or board restitution order to the extent of such payment to the Recovery Fund.


(2) Upon payment from the Recovery Fund, the Board shall be surrogated to the right, title, and interest of the claimant. Any amount subsequently recovered on the final judgment, board restitution order, or arbitration award, shall be for the purpose of reimbursing the Recovery Fund, to the extent of such payment from the Recovery Fund.

(a) If the claim is based on a final judgment, Claimant shall record the assignment in the public records of each county where the original judgment has been recorded.

(b) If the claim is based on a board restitution order, Claimant shall record the assignment with the Agency Clerk of the Department of Business and Professional Regulation.

(3) Approved recovery fund claims shall be referred for collection efforts following payment to the claimant when appropriate.

Specific Authority 489.108 FS. Law Implemented 120.69, 455.227(3)(b), 489.143 FS. History—New 7-12-05, Amended 4-27-08.


Rule No	Rule Title	Latest Version	Effective Date
61G4-22.001	Mediation		8/10/2009

61G4-22.001 Mediation.

The following alleged violations may be resolved by mediation using the procedure adopted by the department pursuant to Section 455.2235, F.S.:

- (1) Section 489.129(1)(g), F.S., Committing misconduct or mismanagement in the practice of contracting that causes financial harm to a customer.
- (2) Sections 489.129(1)(i), 489.1195, F.S., Failing in any material respect to comply with the provisions of Chapter 489, Part I, F.S., by failing to properly supervise the activities of a construction business qualified by the contractor.
- (3) Section 489.129(1)(j), F.S., Abandoning a construction project.
- (4) Section 489.129(1)(l), F.S., Committing fraud or deceit in the practice of contracting.
- (5) Section 489.129(1)(m), F.S., Committing incompetency or misconduct in the practice of contracting.
- (6) Section 489.129(1)(n), F.S., Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property in the practice of contracting.
- (7) Section 489.129(1)(q), F.S., Failing to satisfy within a reasonable time the terms of a civil judgment.

Specific Authority 489.108, 455.2235 FS. Law Implemented 455.2235 FS. History—New 6-27-95, Amended 8-10-09.

Rule No	Rule Title	Latest Version	Effective Date
61G4-23.001	Notice of Noncompliance		11/13/1997

61G4-23.001 Notice of Noncompliance.

(1) As an alternative to the provisions of Sections 455.255(1) and (2), Florida Statutes, the Department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation.

(2) Minor violations that do not endanger the public health, safety and welfare, and which do not demonstrate a serious inability to practice the profession are:

(a) Failure to maintain proof of current workers' compensation or general liability insurance, as required by Rule 61G4-15.003, F.A.C.

(b) Failure to inform CILB of change of name style, address, or that the licensee has ceased qualifying a business, as required by Rule 61G4-15.007, F.A.C.

(c) Failure to include license number on an advertisement offer of services, business proposal, bid or contract as required by Section 489.119, F.S.

(d) Failure to register local license with the CILB prior to contracting, as required by Sections 489.115(1) and 489.117(1), F.S.

(e) Failure to qualify a firm, or acting under a name not on license.

(f) Contracting outside the geographic scope of the license where the jurisdiction in which the contractor is not licensed is adjacent to one where the contractor is properly licensed, and the practice outside the geographic scope of the license was not willful.

(g) Contracting with a delinquent license.

(h) Failure to register a qualified business organization.

(i) Failure to obtain an inspection.

(j) Failure to correct a code violation.

(k) Failure to honor a written contractual warranty.

(3) This designation of violations as minor for the purposes of Section 455.225(3), F.S., is limited to initial violations in which corrective action is commenced within 15 days of the Department's issuance of a notice of noncompliance. The violation must be corrected within 15 days. If it cannot be corrected within 15 days, then corrective action must be commenced within 15 days and the licensee must move with due diligence to complete the corrective action. A violation which continues past that period shall no longer be deemed a minor violation and shall be treated as a citation offense, pursuant to Rule 61G4-19.001, F.A.C. Violations of this section, except as provided herein, shall be handled in accordance with the standard disciplinary guidelines. Nothing provided in this section shall restrict the Board from seeking full prosecution in such instances where aggravating circumstances are present which would preclude a minor violation dismissal.

Specific Authority 455.225(3), 489.108, 489.129(1)(j) FS. Law Implemented 455.224, 455.225(3) FS. History—New 12-31-95, Amended 4-24-96, 11-13-97.