

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	12/29/2011
File #	2011-09020

**STATE OF FLORIDA
CONSTRUCTION INDUSTRY LICENSING BOARD**

IN RE:

**THE PETITION FOR DECLARATORY STATEMENT OF
PAUL J. DEL VECCHIO**

DS 2011-082

FINAL ORDER

This matter came before the Construction Industry Licensing Board (Board) pursuant to section 120.565, Florida Statutes. At a duly-noticed public meeting held on November 11, 2011 in Fernandina Beach, Florida, the Board considered the Petition for **Declaratory Statement** filed by PAUL J. DEL VECCHIO, who was present.

The Petition was filed with the Department of Business and Professional Regulation on October 18, 2011. Notice of the Petition was published on November 4, 2011, in the Florida Administrative Weekly. No comments were received.

Having considered the Petition and relevant statutes and rules, the Board issues the following:

FINDINGS OF FACT:

1. The facts considered by the Board are as alleged in the Petition, a copy of which is attached hereto and incorporated by reference, and presented at the

meeting, with no further investigation by the Board.

2. Petitioner is licensed by the Board as a certified general contractor.

3. Petitioner asks the Board whether Construction Management as a service that oversees the management of construction activities on a given project is the exclusive purview of a licensed contractor, or whether this service can be performed by an unlicensed individual or entity.

CONCLUSIONS OF LAW

4. The Construction Industry Licensing Board has authority to issue this Final Order pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

5. Petitioner is substantially affected, as required by section 120.565, Florida Statutes.

6. Pursuant to section 489.105(3), Florida Statutes, a license is required to contract to perform construction.

Therefore, the Board hereby issues a declaratory statement that Construction Management as a service that oversees the management of construction activities on a given project is the exclusive purview of a licensed contractor. Further, construction management, as described herein, cannot be performed by an unlicensed individual or entity.

This Final Order shall be effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 20 day of December,

2011.



MARK PIETANZA, Chair
Construction Industry Licensing Board

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by U.S. Mail to: PAUL J. DEL VECCHIO, 21218 St. Andrews Boulevard, Suite 204, Boca Raton, Florida 33433-2449, and by hand/ interoffice delivery to Daniel Biggins, Assistant Attorney General, Suite PL-01, The Capitol, Tallahassee, Florida 32399-1050; Tammie Britt, Suite PL-01, The Capitol, Tallahassee, Florida 32399-1050 and the Construction Industry Licensing Board,

1940 North Monroe Street, Tallahassee, Florida 32399-1039, on or before 5:00

p.m., this 29th day of December, 2011.

Brandon M. Nichols

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Street, Apt. No., or PO Box No. <u>21218 St. Andrews Blvd #204</u>	
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PS Form 3800, August 2006 See Reverse for Instructions



Construction
Managers &
Developers

SENT VIA E-MAIL

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
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Date	10/18/2011
File #	

DS 2011-082

October 18, 2011

Mr. Drew F. Winters
Executive Director
Florida Construction Industry Licensing Board
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399-1027

Mr. Daniel Biggins
Office of Attorney General
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050

Dear Messrs. Winters and Biggins:

The purpose of this letter is to request a declaratory statement from the Construction Industry Licensing Board regarding 'Construction Management'.

This petitioner requests that the Construction Industry Licensing Board recognizes this petitioner to have standing in requesting such statement.

The question—Is 'Construction Management' as a service that oversees the management of construction activities on a given project the exclusive purview of a licensed contractor, more specifically, a Division I licensed contractor under Florida Statute 489.105(3)(a)(b)(c)? Or can this service be performed by an unlicensed individual or entity?

This petitioner requests that this matter be considered at the November, 2011 Construction Industry Licensing Board meeting.

If you have any questions or require additional information concerning my request, please do not hesitate to contact

Thank you in advance for your attention to this matter.

Yours very truly,

Paul J. Del Vecchio