

By Senator Clary

7-1108-98

1 A bill to be entitled

2 An act relating to building codes; amending s.

3 468.603, F.S.; providing definitions; creating

4 s. 468.604, F.S.; providing responsibilities of

5 building code administrators, plans examiners,

6 and inspectors; amending s. 468.605, F.S.;

7 providing membership of the Florida Building

8 Code Administrators and Inspectors Board;

9 amending s. 468.609, F.S.; providing standards

10 for certification as an inspector, building

11 code administrator, or plans examiner;

12 eliminating the board's authority to issue

13 temporary certificates; amending s. 468.617,

14 F.S.; providing that nothing prohibits local

15 governments from contracting with certified

16 persons to perform inspections; amending s.

17 468.627, F.S.; increasing the initial

18 examination fee; amending s. 468.631, F.S.;

19 providing for surcharge funds to be used for

20 continuing education and other training

21 programs; providing that local government

22 employees responsible for inspection and

23 enforcement of building codes do not pay for

24 such programs; providing an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Paragraph (c) of subsection (6) of section

29 468.603, Florida Statutes, is amended and paragraph (h) is

30 added to that subsection to read:

31 468.603 Definitions.--As used in this part:

1 (6) "Categories of building inspectors" include the
2 following:

3 (c) "Commercial electrical inspector" means a person
4 who is qualified to inspect and determine the electrical
5 safety of commercial buildings and structures by inspecting
6 for compliance with the provisions of the governing ~~National~~
7 electrical code.

8 (h) "Electrical inspector" means a person who is
9 qualified to inspect and determine the electrical safety of
10 commercial and residential buildings and accessory structures
11 by inspecting for compliance with the provisions of the
12 governing electrical code.

13 Section 2. Section 468.604, Florida Statutes, is
14 created to read:

15 468.604 Responsibilities of building code
16 administrators, plans examiners and inspectors.--

17 (1) It is the responsibility of the building code
18 administrator or building official to administrate, supervise,
19 direct, enforce or perform the permitting and inspection of
20 construction, alteration, repair, remodeling, or demolition of
21 structures and the installation of building systems within the
22 boundaries of their governmental jurisdiction, when permitting
23 is required, to ensure compliance with building, plumbing,
24 mechanical, electrical, gas fuel, energy conservation,
25 accessibility and other construction codes which are required
26 or adopted by municipal code, county ordinance, or state law.
27 The building code administrator or building official shall
28 faithfully perform these responsibilities without interference
29 from any person. These responsibilities include:

30 (a) The review of construction plans to ensure
31 compliance with all applicable codes. The construction plans

1 must be reviewed before the issuance of any building, system
2 installation, or other construction permit. The review of
3 construction plans must be done by the building code
4 administrator or building official or by a person having the
5 appropriate plans examiner license issued under this chapter.

6 (b) The inspection of each phase of construction where
7 a building or other construction permit has been issued. The
8 building code administrator or building official, or a person
9 having the appropriate building code inspector license issued
10 under this chapter, shall inspect the construction or
11 installation to ensure that the work is performed in
12 accordance with applicable codes.

13 (2) It is the responsibility of the building code
14 inspector to conduct inspections of construction, alteration,
15 repair, remodeling, or demolition of structures and the
16 installation of building systems, when permitting is required,
17 to ensure compliance with building, plumbing, mechanical,
18 electrical, gas fuel, energy conservation, accessibility, and
19 other construction codes required by municipal code, county
20 ordinance, or state law. Each building code inspector must be
21 licensed in the appropriate category as defined in s. 468.603.
22 The building code inspector's responsibilities must be
23 performed under the direction of the building code
24 administrator or building official without interference from
25 any unlicensed person.

26 (3) It is the responsibility of the plans examiner to
27 conduct review of construction plans submitted in the permit
28 application to assure compliance with all applicable codes
29 required by municipal code, county ordinance, or state law.
30 The review of construction plans must be done by the building
31 code administrator or building official or by a person

1 licensed in the appropriate plans examiner category as defined
2 in s. 468.603. The plans examiner's responsibilities must be
3 performed under the supervision and authority of the building
4 code administrator or building official without interference
5 from any unlicensed person.

6 Section 3. Subsection (2) of section 468.605, Florida
7 Statutes, is amended to read:

8 468.605 Florida Building Code Administrators and
9 Inspectors Board.--

10 (2) The board shall consist of nine members, as
11 follows:

12 (a) One member who is an architect licensed pursuant
13 to chapter 481, an engineer licensed pursuant to chapter 471,
14 or a contractor licensed pursuant to chapter 489.

15 (b) Two members serving as building code
16 administrators.

17 (c) Two members ~~One member~~ serving as an ~~a~~ building
18 inspector ~~who is without managerial authority in the employing~~
19 ~~agency.~~

20 (d) One member serving as a plans examiner.

21 (e) One member who is a representative of a city or a
22 charter county.

23 ~~(f) One member serving as a city manager.~~

24 (f)~~(g)~~ Two consumer members who are not, and have
25 never been, members of a profession regulated under this part,
26 chapter 481, chapter 471, or chapter 489. One of the consumer
27 members must be a person with a disability or a representative
28 of an organization which represents persons with disabilities.

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1 None of the board members described in paragraph (a) or
2 paragraph ~~(f)~~~~(g)~~ may be an employee of a municipal, county,
3 or state governmental agency.

4 Section 4. Section 468.609, Florida Statutes, is
5 amended to read:

6 468.609 Administration of this part; standards for
7 certification; additional categories of certification.--

8 (1) Except as provided in this part, any person who
9 desires to be certified shall apply to the board, in writing
10 upon forms approved and furnished by the board, to take the
11 certification examination.

12 (2) A person shall be entitled to take the examination
13 for certification as an inspector or plans examiner pursuant
14 to this part if the person:

15 (a) Is at least 18 years of age;

16 (b) Is of good moral character; and

17 (c) Meets eligibility requirements according to one of
18 the following criteria:

19 1. Demonstrates 5 years' combined experience in the
20 field of construction or related field ~~or~~ inspection, or plans
21 review corresponding to the certification category sought;

22 2. Demonstrates a combination of postsecondary
23 education in the field of construction or related field and
24 experience which totals 4 years, with at least 1 year of such
25 total being experience in construction, ~~or~~ building
26 inspection, or plans review; or

27 3. Currently holds a standard certificate as issued by
28 the board and satisfactorily completes an inspector or plans
29 examiner training program of not less than 200 hours in the
30 certification category sought. The board shall establish by
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1 rule criteria for the development and implementation of the
2 training programs.

3 (3)3. A person shall be entitled to take the
4 examination for certification as a building code administrator
5 pursuant to this part if the person:

6 (a) Is at least 18 years of age;

7 (b) Is of good moral character; and

8 (c) Meets eligibility requirements according to one of
9 the following criteria:

10 1. For certification as a building code administrator
11 or building official, Demonstrates 10 years' combined
12 experience as an architect, engineer, plan examiner, building
13 code inspector, registered or certified contractor, or
14 construction superintendent, with at least 5 years of such
15 experience in supervisory positions; or-

16 2. Demonstrates a combination of postsecondary
17 education in the field of construction or related field, no
18 more than 5 years of which may be applied, and experience as
19 an architect, engineer, plan examiner, building code
20 inspector, registered or certified contractor, or construction
21 superintendent which totals 10 years, with at least 5 years of
22 such total being experience in supervisory positions.

23 (4)(3) No person may engage in the duties of a
24 building code administrator, plans examiner, or inspector
25 pursuant to this part after October 1, 1993, unless such
26 person possesses one of the following types of certificates,
27 currently valid, issued by the board attesting to the person's
28 qualifications to hold such position:

29 (a) A standard certificate.

30 (b) A limited certificate.

31 (c) A provisional certificate.

1 ~~(5)(4)~~(a) To obtain a standard certificate, an
2 individual must pass an examination approved by the board
3 which demonstrates that the applicant has fundamental
4 knowledge of the state laws and codes relating to the
5 construction of buildings for which the applicant has code
6 administration, plan examining, or inspection
7 responsibilities. It is the intent of the Legislature that
8 the examination approved for certification pursuant to this
9 part be substantially equivalent to the examinations
10 administered by the Southern Building Code Congress
11 International, the Building Officials Association of Florida,
12 the South Florida Building Code (Dade and Broward), and the
13 Council of American Building Officials.

14 (b) A standard certificate shall be issued to each
15 applicant who successfully completes the examination, which
16 certificate authorizes the individual named thereon to
17 practice throughout the state as a building code
18 administrator, plans examiner, or inspector within such class
19 and level as is specified by the board.

20 (c) The board may accept proof that the applicant has
21 passed an examination which is substantially equivalent to the
22 board-approved examination set forth in this section.

23 ~~(6)(5)~~(a) A building code administrator, plans
24 examiner, or inspector holding office on July 1, 1993, shall
25 not be required to possess a standard certificate as a
26 condition of tenure or continued employment, but shall be
27 required to obtain a limited certificate as described in this
28 subsection.

29 (b) By October 1, 1993, individuals who were employed
30 on July 1, 1993, as building code administrators, plans
31 examiners, or inspectors, who are not eligible for a standard

1 certificate, but who wish to continue in such employment,
2 shall submit to the board the appropriate application and
3 certification fees and shall receive a limited certificate
4 qualifying them to engage in building code administration,
5 plans examination, or inspection in the class, at the
6 performance level, and within the governmental jurisdiction in
7 which such person is employed.

8 (c) The limited certificate shall be valid only as an
9 authorization for the building code administrator, plans
10 examiner, or inspector to continue in the position held, and
11 to continue performing all functions assigned to that
12 position, on July 1, 1993.

13 (d) A building code administrator, plans examiner, or
14 inspector holding a limited certificate can be promoted to a
15 position requiring a higher level certificate only upon
16 issuance of a standard certificate or provisional certificate
17 appropriate for such new position.

18 (7)~~(6)~~(a) The board may provide for the issuance of
19 provisional ~~or temporary~~ certificates valid for such period,
20 not less than 1 year nor more than 3 years, as specified by
21 board rule, to any newly employed or promoted building code
22 administrator, plans examiner, or inspector ~~newly employed or~~
23 ~~newly promoted who lacks the qualifications prescribed by the~~
24 ~~board or by statute as prerequisite to issuance of a standard~~
25 ~~certificate.~~

26 (b) No building code administrator, plans examiner, or
27 inspector may have a provisional ~~or temporary~~ certificate
28 extended beyond the specified period by renewal or otherwise.

29 (c) The board may provide for appropriate levels of
30 provisional ~~or temporary~~ certificates and may issue these
31 certificates with such special conditions or requirements

1 relating to the place of employment of the person holding the
2 certificate, the supervision of such person on a consulting or
3 advisory basis, or other matters as the board may deem
4 necessary to protect the public safety and health.

5 (d) A newly employed or hired person may perform the
6 duties of a plans examiner or inspector for 90 days if a
7 provisional certificate application has been submitted,
8 provided such person is under the direct supervision of a
9 certified building code administrator who holds a standard
10 certification and who has found such person qualified for a
11 provisional certificate.

12 (8)(7)(a) Any individual who holds a valid certificate
13 under the provisions of s. 553.795, or who has successfully
14 completed all requirements for certification pursuant to such
15 section, shall be deemed to have satisfied the requirements
16 for receiving a standard certificate prescribed by this part.

17 (b) Any individual who holds a valid certificate
18 issued by the Southern Building Code Congress International,
19 the Building Officials Association of Florida, the South
20 Florida Building Code (Dade and Broward), or the Council of
21 American Building Officials certification programs, or who has
22 been approved for certification under one of those programs
23 not later than October 1, 1995, shall be deemed to have
24 satisfied the requirements for receiving a standard
25 certificate in the corresponding category prescribed by this
26 part. Employees of counties with a population of less than
27 50,000, or employees of municipalities with a population of
28 less than 3,500, shall be deemed to have satisfied the
29 requirements for standard certification where such employee is
30 approved for certification under one of the programs set forth
31 in this paragraph not later than October 1, 1998.

1 ~~(9)(8)~~ Any individual applying to the board may be
2 issued a certificate valid for multiple inspection classes, as
3 deemed appropriate by the board.

4 ~~(10)(9)~~ Certification and training classes may be
5 developed in coordination with degree career education
6 centers, community colleges, the State University System, or
7 other entities offering certification and training classes.

8 ~~(11)(10)~~ The board may by rule create categories of
9 certification in addition to those defined in s. 468.603(6)
10 and (7). Such certification categories shall not be mandatory
11 and shall not act to diminish the scope of any certificate
12 created by statute.

13 Section 5. Subsections (2) and (3) of section 468.617,
14 Florida Statutes, are amended to read:

15 468.617 Joint inspection department; other
16 arrangements.--

17 (2) Nothing in this part shall prohibit local
18 governments from contracting with ~~employing~~ persons certified
19 pursuant to this part to perform inspections ~~on a contract~~
20 ~~basis~~. An individual or entity may not inspect or examine
21 plans on projects in which the individual or entity designed
22 or permitted the projects.

23 (3) Nothing in this part shall prohibit any county or
24 municipal government from entering into any contract with any
25 person or entity for the provision of services regulated under
26 this part, and notwithstanding any other statutory provision,
27 such county or municipal governments may enter into contracts
28 ~~which provide for payment of inspection or review fees~~
29 ~~directly to the contract provider.~~

30 Section 6. Section 468.627, Florida Statutes, is
31 amended to read:

1 468.627 Application; examination; renewal; fees.--
2 (1) The board shall establish by rule fees to be paid
3 for application, examination, reexamination, certification and
4 certification renewal, inactive status application, and
5 reactivation of inactive certificates. The board may
6 establish by rule a late renewal penalty. The board shall
7 establish fees which are adequate, when combined with revenue
8 generated by the provisions of s. 468.631, to ensure the
9 continued operation of this part. Fees shall be based on
10 department estimates of the revenue required to implement this
11 part.
12 (2) The initial application fee may not exceed \$25 for
13 building code administrators, plans examiners, or inspectors.
14 (3) The initial examination fee may not exceed \$150
15 ~~\$50~~ for building code administrators, plans examiners, or
16 inspectors.
17 ~~(4) The initial certification fee may not exceed \$25~~
18 ~~for building code administrators, plans examiners, or~~
19 ~~inspectors.~~
20 ~~(5) The biennial certification renewal fee may not~~
21 ~~exceed \$25 for building code administrators, plans examiners,~~
22 ~~or inspectors.~~
23 (4)(6) Employees of local government agencies having
24 responsibility for inspection, regulation, and enforcement of
25 building, plumbing, mechanical, electrical, gas, fire
26 prevention, energy, accessibility, and other construction
27 codes shall pay no application fees, initial certification
28 fees, biennial certification renewal fees, or examination
29 fees, and shall pay not more than \$5 each for initial
30 certification and biennial certification renewal fees.
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1 ~~(5)(7)~~ The certificateholder shall provide proof, in a
2 form established by board rule, that the certificateholder has
3 completed at least 14 classroom hours of at least 50 minutes
4 each of continuing education courses during each biennium
5 since the issuance or renewal of the certificate. The board
6 shall by rule establish criteria for approval of continuing
7 education courses and providers, and may by rule establish
8 criteria for accepting alternative nonclassroom continuing
9 education on an hour-for-hour basis.

10 Section 7. Section 468.631, Florida Statutes, is
11 amended to read:

12 468.631 Building Code Administrators and Inspectors
13 Fund.--The provisions of this part shall be funded through a
14 surcharge, to be assessed pursuant to s. 125.56(4) or s.
15 166.201 at the rate of one-half cent per square foot of
16 under-roof floor space permitted, including new construction,
17 renovations, alterations, and additions. The unit of
18 government responsible for collecting permit fees pursuant to
19 s. 125.56(4) or s. 166.201 shall collect such surcharge and
20 shall remit the funds to the department on a quarterly
21 calendar basis ~~beginning not later than December 31, 1993,~~for
22 the preceding quarter, and continuing each quarter ~~third month~~
23 thereafter; and such unit of government may retain an amount
24 up to 25 ~~10~~ percent of the surcharge collected to fund
25 projects and activities intended to improve the quality of
26 building code enforcement. Twenty-five percent of all
27 surcharge funds collected must be retained by the board for
28 the development and implementation of continuing education and
29 other training programs as determined by board rule. Employees
30 of local government agencies having responsibility for
31 inspection, regulation, and enforcement of building, plumbing,

1 mechanical, electrical, gas, fire prevention, energy,
2 accessibility, and other construction codes shall not pay for
3 any continuing education courses or training programs
4 developed using these funds. There is created within the
5 Professional Regulation Trust Fund a separate account to be
6 known as the Building Code Administrators and Inspectors Fund,
7 which shall deposit and disburse funds as necessary for the
8 implementation of this part. The department shall annually
9 establish the amount needed to fund the certification and
10 regulation of building code administrators, plans examiners,
11 and inspectors. Any funds collected in excess of the amount
12 needed to ~~adequately~~ fund the certification, ~~and~~ regulation,
13 and continuing education and training programs as stated above
14 of building code administrators, plans examiners, and
15 inspectors shall be deposited into the Construction Industries
16 Recovery Fund established by s. 489.140. If the Construction
17 Industries Recovery Fund is fully funded as provided by s.
18 489.140, any remaining funds shall be distributed to the
19 Construction Industry Licensing Board for use in the
20 regulation of certified and registered contractors.

21 Section 8. This act shall take effect July 1, 1998.
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SENATE SUMMARY

Amends various sections of ch. 468, F.S., relating to enforcement of building codes. Provides definitions. Provides responsibilities of building code administrators, plans examiners, and inspectors. Provides membership of the Florida Building Code Administrators and Inspectors Board. Provides standards for certification as an inspector, building code administrator, or plans examiner. Eliminates the board's authority to issue temporary certificates. Provides that nothing prohibits local governments from contracting with certified persons to perform inspections. Increases the initial examination fee to \$150. Provides for surcharge funds to be used for continuing education and other training programs and that local government employees responsible for inspection and enforcement of building codes do not pay for such programs.