

STORAGE NAME: h0853a.brc

DATE: March 27, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
BUSINESS REGULATION AND CONSUMER AFFAIRS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 853

RELATING TO: Building Code Administrators and Inspectors

SPONSOR(S): Representative Trovillion

STATUTE(S) AFFECTED: Sections 468.603, 468.609, and 468.617, F.S.

COMPANION BILL(S): SB 1422 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) BUSINESS REGULATION AND CONSUMER AFFAIRS YEAS 7 NAYS 0

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I. SUMMARY:

Building code administrators and inspectors are regulated by the Florida Building Code Administrators and Inspectors Board, created under the Department of Business and Professional Regulation (DBPR), pursuant to part XII of chapter 468, F.S. The regulation provides for the mandatory certification of municipal and county building code administrators and inspection personnel. The law provides for various types and levels of certificates for building code administrators and inspection personnel.

This bill makes several changes relating to building code administrators and inspectors. It creates an electrical inspector certification category for building inspectors. Licensees currently may have both a *residential* electrical and *commercial* electrical license. An electrical inspector specialty license was created by rule to eliminate the need for two licenses.

The bill also provides that postsecondary education used as a qualification for certification must be in a *construction related* field. It allows individuals licensed in one category to take 200 hours training in another category to meet examination requirements. It provides an avenue to newly employed persons to conduct inspections or plans review for 90 days under the direction of a certified building official while provisional license is processed.

Finally, the bill prohibits local jurisdictions from employing someone on a contract basis to examine plans.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Building code administrators and inspectors are regulated by the Florida Building Code Administrators and Inspectors Board, created under the Department of Business and Professional Regulation (DBPR), pursuant to part XII of chapter 468, F.S. The regulation provides for the mandatory certification of municipal and county building code administrators and inspection personnel. The law provides for various types and levels of certificates for building code administrators and inspection personnel.

The regulation is funded by licensure fees and a nominal surcharge on every building permit. Local jurisdictions may retain up to 25% of this surcharge, and the remaining surcharge is used to fund the provisions of the building administrators and inspection program.

Three types of licenses can be obtained by Building Code Administrators, Inspectors and Plan Examiners: Standard, Limited, and Provisional.

Standard: (1) If an individual has certificates from Southern Building Code Congress International, Building Official Association of Florida, Council of American Building Officials, South Florida Code (Dade and Broward Counties), or the voluntary program through the Department of Community Affairs, dated prior to October 1, 1995, standard license may be obtained in the corresponding category. (2) Passing the SBCCI technical examination and a state-developed Principles and Practices examination.

Limited: Individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or inspectors, but are not eligible for standard certification, may be issued a limited license. The limited license shall be valid only as an authorization for the building code administrator, plans examiner, or inspector to continue in the position held, and to continue performing all functions assigned to that position on July 1, 1993.

Provisional: A provisional license may be issued to a newly employed or newly promoted building code administrator, plans examiner, or inspector who lacks the qualifications for a standard license.

To obtain a provisional license, an individual must be employed by an agency of government. Provisional licenses are issued only to applicants who can demonstrate the ability to meet licensure requirements by the expiration date of the provisional license. Provisional licenses are valid for two years and are not renewable.

Licensure Requirements:

Plans Examiner and Inspector:

- (a) Must be at least 18 years old;
- (b) Is of good moral character;
- (c) Demonstrate 5 years combined experience in the field of construction or inspection corresponding to category sought; or

- (d) Demonstrate a combination of postsecondary education and experience which totals 4 years, with at least 1 year of such experience in construction or building inspection.
- (e) Pass the SBCCI technical examination and a state-developed Principles and Practices examination.

Building Code Administrator:

- (a) Must be at least 18 years old;
- (b) Is of good moral character;
- (c) Demonstrates 10 years combined experience as an architect, engineer, building inspector, contractor, or construction superintendent, with at least 5 years of such experience in supervisory positions; and
- (d) Pass the SBCCI technical examination and a state-developed Principles and Practices examination.

Examinations are given four times each year, February, May, August and November, in various parts of the state.

B. EFFECT OF PROPOSED CHANGES:

The bill does five things: it creates an electrical inspector certification category for building inspectors (such a category already exists as a specialty category, in rule); it clarifies the postsecondary education path for certification; it allows up to 200 hours of training in one category to be accepted for the training requirement in another category; it provides an avenue to newly employed persons to conduct inspections or plans review for 90 days under direction of a certified building official while provisional license is processed; and, it prohibits local jurisdictions from employing someone on a contract basis to examine plans.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends 468.603(6)(h), F.S., to create an electrical inspector certification category for building inspectors. Licensees currently may have both a residential electrical and commercial electrical license. Electrical Inspector specialty license was created by rule to eliminate the need for two licenses.

Section 2. Amends s. 468.609, F.S., to provide that postsecondary education used as a qualification for certification must be in a construction related field; allows individuals licensed in one category to take 200 hours training in another category to meet examination requirements; provides avenue to newly employed persons to conduct inspections or plans review for 90 days under direction of a certified building official while provisional license is processed.

Section 3. Amends s. 468.617, F.S., to prohibit local jurisdictions from employing someone on a contract basis to examine plans.

Section 4. Provides that the act shall take effect October 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:

Prepared by:

Legislative Research Director:

Gip Arthur

Lucretia Shaw Collins