

Bill No. CS for SB 1064

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Mitchell moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 3, before line 1,		
15			
16	insert:		
17	Section 3. Subsection (1) of section 399.061, Florida		
18	Statutes, is amended to read:		
19	399.061 Inspections; correction of deficiencies.--		
20	(1)(a) <u>All</u> <del>For those</del> elevators subject to this chapter		
21	<u>must be inspected pursuant to s. 399.13 by a third-party</u>		
22	<u>inspection service certified as a Qualified Elevator Inspector</u>		
23	<u>or maintained pursuant to a service maintenance contract</u>		
24	<u>continuously in force. A statement verifying the existence,</u>		
25	<u>performance, and cancellation of each service maintenance</u>		
26	<u>contract must be filed annually with the division as</u>		
27	<u>prescribed by rule. All elevators for which a service</u>		
28	<u>maintenance contract is not continuously in force, the</u>		
29	<u>division shall inspect such elevators at least once between</u>		
30	<u>July 1 of any year and June 30 of the next year, the state's</u>		
31	<u>fiscal year.</u>		

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1           ~~(b) When a service maintenance contract is~~  
2 ~~continuously maintained with an elevator company, the division~~  
3 ~~shall verify with the elevator company before the end of each~~  
4 ~~fiscal year that the contract is in force and is being~~  
5 ~~implemented. An elevator covered by such a service~~  
6 ~~maintenance contract shall be inspected by a~~  
7 ~~certificate-of-competency holder state elevator inspector at~~  
8 ~~least once every 2 fiscal years; however, if the elevator is~~  
9 ~~not an escalator or a dumbwaiter and the elevator serves only~~  
10 ~~two adjacent floors and is covered by a service maintenance~~  
11 ~~contract, no inspection shall be required so long as the~~  
12 ~~service contract remains in effect.~~

13           **(b)(c)** The division may inspect an elevator whenever  
14 necessary to ensure its safe operation.

15           Section 4. Subsections (2) and (6) of section 468.603,  
16 Florida Statutes, are amended, and subsection (8) is added to  
17 that section, to read:

18           468.603 Definitions.--As used in this part:

19           (2) "Building code inspector" ~~or "inspector"~~ means any  
20 of those employees of local governments or state agencies with  
21 building construction regulation responsibilities who  
22 themselves conduct inspections of building construction,  
23 erection, repair, addition, or alteration projects that  
24 require permitting indicating compliance with building,  
25 plumbing, mechanical, electrical, gas, fire prevention,  
26 energy, accessibility, and other construction codes as  
27 required by state law or municipal or county ordinance.

28           (6) "Categories of building code inspectors" include  
29 the following:

30           (a) "Building inspector" means a person who is  
31 qualified to inspect and determine that buildings and

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1 structures are constructed in accordance with the provisions  
2 of the governing building codes and state accessibility laws.

3 (b) "Coastal construction inspector" means a person  
4 who is qualified to inspect and determine that buildings and  
5 structures are constructed to resist near-hurricane and  
6 hurricane velocity winds in accordance with the provisions of  
7 the governing building code.

8 (c) "Commercial electrical inspector" means a person  
9 who is qualified to inspect and determine the electrical  
10 safety of commercial buildings and structures by inspecting  
11 for compliance with the provisions of the National Electrical  
12 Code.

13 (d) "Residential electrical inspector" means a person  
14 who is qualified to inspect and determine the electrical  
15 safety of one and two family dwellings and accessory  
16 structures by inspecting for compliance with the applicable  
17 provisions of the governing electrical code.

18 (e) "Mechanical inspector" means a person who is  
19 qualified to inspect and determine that the mechanical  
20 installations and systems for buildings and structures are in  
21 compliance with the provisions of the governing mechanical  
22 code.

23 (f) "Plumbing inspector" means a person who is  
24 qualified to inspect and determine that the plumbing  
25 installations and systems for buildings and structures are in  
26 compliance with the provisions of the governing plumbing code.

27 (g) "One and two family dwelling inspector" means a  
28 person who is qualified to inspect and determine that one and  
29 two family dwellings and accessory structures are constructed  
30 in accordance with the provisions of the governing building,  
31 plumbing, mechanical, accessibility, and electrical codes.

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1           (h) "Electrical inspector" means a person who is  
2 qualified to inspect and determine the electrical safety of  
3 commercial and residential buildings and accessory structures  
4 by inspecting for compliance with the provisions of the  
5 National Electrical Code.

6           (8) "Building code enforcement official" or  
7 "enforcement official" means a licensed building code  
8 administrator, building code inspector, or plans examiner.

9           Section 5. Section 468.604, Florida Statutes, is  
10 amended to read:

11           468.604 Responsibilities of building code  
12 administrators, plans examiners, and building code  
13 inspectors.--

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

27           (a) The review of construction plans to ensure  
28 compliance with all applicable codes. The construction plans  
29 must be reviewed before the issuance of any building, system  
30 installation, or other construction permit. The review of  
31 construction plans must be done by the building code

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1 administrator or building official or by a person having the  
2 appropriate plans examiner license issued under this chapter.

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

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

23 (3) It is the responsibility of the plans examiner to  
24 conduct review of construction plans submitted in the permit  
25 application to assure compliance with all applicable codes  
26 required by municipal code, county ordinance, or state law.  
27 The review of construction plans must be done by the building  
28 code administrator or building official or by a person  
29 licensed in the appropriate plans examiner category as defined  
30 in s. 468.603. The plans examiner's responsibilities must be  
31 performed under the supervision and authority of the building

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1 code administrator or building official without interference  
2 from any unlicensed person.

3 Section 6. Paragraph (c) of subsection (2) of section  
4 468.605, Florida Statutes, is amended to read:

5 468.605 Florida Building Code Administrators and  
6 Inspectors Board.--

7 (2) The board shall consist of nine members, as  
8 follows:

9 (c) Two members serving as building code inspectors.

10

11 None of the board members described in paragraph (a) or  
12 paragraph (f) may be an employee of a municipal, county, or  
13 state governmental agency.

14 Section 7. Section 468.607, Florida Statutes, is  
15 amended to read:

16 468.607 Certification of building code administration  
17 and inspection personnel.--The board shall issue a certificate  
18 to any individual whom the board determines to be qualified,  
19 within such class and level as provided in this part and with  
20 such limitations as the board may place upon it. No person  
21 may be employed by a state agency or local governmental  
22 authority to perform the duties of a building code  
23 administrator, plans examiner, or building code inspector  
24 after October 1, 1993, without possessing the proper valid  
25 certificate issued in accordance with the provisions of this  
26 part.

27 Section 8. Section 468.609, Florida Statutes, is  
28 amended to read:

29 468.609 Administration of this part; standards for  
30 certification; additional categories of certification.--

31 (1) Except as provided in this part, any person who

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1 desires to be certified shall apply to the board, in writing  
2 upon forms approved and furnished by the board, to take the  
3 certification examination.

4 (2) A person shall be entitled to take the examination  
5 for certification as a building code ~~an~~ inspector or plans  
6 examiner pursuant to this part if the person:

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

8 (b) Is of good moral character; and

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

11 1. Demonstrates 5 years' combined experience in the  
12 field of construction or a related field, building code  
13 inspection, or plans review corresponding to the certification  
14 category sought;

15 2. Demonstrates a combination of postsecondary  
16 education in the field of construction or a related field and  
17 experience which totals 4 years, with at least 1 year of such  
18 total being experience in construction, building code  
19 inspection, or plans review;

20 3. Demonstrates a combination of technical education  
21 in the field of construction or a related field and experience  
22 which totals 4 years, with at least 1 year of such total being  
23 experience in construction, building code inspection, or plans  
24 review; or

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

31 (d) Demonstrates successful completion of the core

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1 curriculum and specialized or advanced module coursework  
2 approved by the Florida Building Commission, as part of the  
3 Building Code Training Program established pursuant to s.  
4 553.841, appropriate to the licensing category sought or,  
5 pursuant to authorization by the certifying authority,  
6 provides proof of completion of such curriculum or coursework  
7 within 6 months after such certification.

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

- 11 (a) Is at least 18 years of age;
- 12 (b) Is of good moral character; and
- 13 (c) Meets eligibility requirements according to one of  
14 the following criteria:

15 1. Demonstrates 10 years' combined experience as an  
16 architect, engineer, plans examiner, building code inspector,  
17 registered or certified contractor, or construction  
18 superintendent, with at least 5 years of such experience in  
19 supervisory positions; or

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

27 (d) Demonstrates successful completion of the core  
28 curriculum and specialized or advanced module coursework  
29 approved by the Florida Building Commission, as part of the  
30 Building Code Training Program established pursuant to s.  
31 553.841, appropriate to the licensing category sought or,



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1 pursuant to authorization by the certifying authority,  
2 provides proof of completion of such curriculum or coursework  
3 within 6 months after such certification.

4 (4) No person may engage in the duties of a building  
5 code administrator, plans examiner, or building code inspector  
6 pursuant to this part after October 1, 1993, unless such  
7 person possesses one of the following types of certificates,  
8 currently valid, issued by the board attesting to the person's  
9 qualifications to hold such position:

10 (a) A standard certificate.

11 (b) A limited certificate.

12 (c) A provisional certificate.

13 (5)(a) To obtain a standard certificate, an individual  
14 must pass an examination approved by the board which  
15 demonstrates that the applicant has fundamental knowledge of  
16 the state laws and codes relating to the construction of  
17 buildings for which the applicant has building code  
18 administration, plans ~~examination~~ ~~examining~~, or building code  
19 inspection responsibilities. It is the intent of the  
20 Legislature that the examination approved for certification  
21 pursuant to this part be substantially equivalent to the  
22 examinations administered by the Southern Building Code  
23 Congress International or the International Code Council, ~~the~~  
24 ~~Building Officials Association of Florida~~, ~~the South Florida~~  
25 ~~Building Code (Dade and Broward)~~, and ~~the Council of American~~  
26 ~~Building Officials~~.

27 (b) A standard certificate shall be issued to each  
28 applicant who successfully completes the examination, which  
29 certificate authorizes the individual named thereon to  
30 practice throughout the state as a building code  
31 administrator, plans examiner, or building code inspector

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1 within such class and level as is specified by the board.

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

5 (6)(a) A building code administrator, plans examiner,  
6 or building code inspector holding office on July 1, 1993,  
7 shall not be required to possess a standard certificate as a  
8 condition of tenure or continued employment, but shall be  
9 required to obtain a limited certificate as described in this  
10 subsection.

11 (b) By October 1, 1993, individuals who were employed  
12 on July 1, 1993, as building code administrators, plans  
13 examiners, or building code inspectors, who are not eligible  
14 for a standard certificate, but who wish to continue in such  
15 employment, shall submit to the board the appropriate  
16 application and certification fees and shall receive a limited  
17 certificate qualifying them to engage in building code  
18 administration, plans examination, or building code inspection  
19 in the class, at the performance level, and within the  
20 governmental jurisdiction in which such person is employed.

21 (c) The limited certificate shall be valid only as an  
22 authorization for the building code administrator, plans  
23 examiner, or building code inspector to continue in the  
24 position held, and to continue performing all functions  
25 assigned to that position, on July 1, 1993.

26 (d) A building code administrator, plans examiner, or  
27 building code inspector holding a limited certificate can be  
28 promoted to a position requiring a higher level certificate  
29 only upon issuance of a standard certificate or provisional  
30 certificate appropriate for such new position.

31 (7)(a) The board may provide for the issuance of

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1 provisional certificates valid for such period, not less than  
2 3 years ~~1 year~~ nor more than 5 ~~3~~ years, as specified by board  
3 rule, to any newly employed or promoted building code  
4 inspector or plans examiner who meets the eligibility  
5 requirements described in subsection (2) and any newly  
6 employed or promoted building code administrator who meets the  
7 eligibility requirements described in subsection (3)~~building~~  
8 ~~code administrator, plans examiner, or inspector.~~

9 (b) No building code administrator, plans examiner, or  
10 building code inspector may have a provisional certificate  
11 extended beyond the specified period by renewal or otherwise.

12 (c) The board may provide for appropriate levels of  
13 provisional certificates and may issue these certificates with  
14 such special conditions or requirements relating to the place  
15 of employment of the person holding the certificate, the  
16 supervision of such person on a consulting or advisory basis,  
17 or other matters as the board may deem necessary to protect  
18 the public safety and health.

19 (d) A newly employed or hired person may perform the  
20 duties of a plans examiner or building code inspector for 90  
21 days if a provisional certificate application has been  
22 submitted, provided such person is under the direct  
23 supervision of a certified building code administrator who  
24 holds a standard certification and who has found such person  
25 qualified for a provisional certificate. However, direct  
26 supervision and the determination of qualifications under this  
27 paragraph may be provided by a building code administrator who  
28 holds a limited or provisional certificate in any county with  
29 a population of less than 75,000 and in any municipality  
30 located within such a county.

31 ~~(8)(a) Any individual who holds a valid certificate~~

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1 ~~under the provisions of s. 553.795, or who has successfully~~  
2 ~~completed all requirements for certification pursuant to such~~  
3 ~~section, shall be deemed to have satisfied the requirements~~  
4 ~~for receiving a standard certificate prescribed by this part.~~

5 ~~(b) Any individual who holds a valid certificate~~  
6 ~~issued by the Southern Building Code Congress International,~~  
7 ~~the Building Officials Association of Florida, the South~~  
8 ~~Florida Building Code (Dade and Broward), or the Council of~~  
9 ~~American Building Officials certification programs, or who has~~  
10 ~~been approved for certification under one of those programs~~  
11 ~~not later than October 1, 1995, shall be deemed to have~~  
12 ~~satisfied the requirements for receiving a standard~~  
13 ~~certificate in the corresponding category prescribed by this~~  
14 ~~part. Employees of counties with a population of less than~~  
15 ~~50,000, or employees of municipalities with a population of~~  
16 ~~less than 3,500, shall be deemed to have satisfied the~~  
17 ~~requirements for standard certification where such employee is~~  
18 ~~approved for certification under one of the programs set forth~~  
19 ~~in this paragraph not later than October 1, 1998.~~

20 ~~(8)(9)~~ Any individual applying to the board may be  
21 issued a certificate valid for multiple building code  
22 inspection classes, as deemed appropriate by the board.

23 ~~(9)(10)~~ Certification and training classes may be  
24 developed in coordination with degree career education  
25 centers, community colleges, the State University System, or  
26 other entities offering certification and training classes.

27 ~~(10)(11)~~ The board may by rule create categories of  
28 certification in addition to those defined in s. 468.603(6)  
29 and (7). Such certification categories shall not be mandatory  
30 and shall not act to diminish the scope of any certificate  
31 created by statute.

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1           Section 9. Section 468.617, Florida Statutes, is  
2 amended to read:

3           468.617 Joint building code inspection department;  
4 other arrangements.--

5           (1) Nothing in this part shall prohibit any local  
6 jurisdiction from entering into and carrying out contracts  
7 with any other local jurisdiction under which the parties  
8 agree to create and support a joint building code inspection  
9 department for conforming to the provisions of this part. In  
10 lieu of a joint building code inspection department, any local  
11 jurisdiction may designate a building code ~~an~~ inspector from  
12 another local jurisdiction to serve as a building code ~~an~~  
13 inspector for the purposes of this part.

14           (2) Nothing in this part shall prohibit local  
15 governments from contracting with persons certified pursuant  
16 to this part to perform building code inspections or plan  
17 reviews. An individual or entity may not inspect or examine  
18 plans on projects in which the individual or entity designed  
19 or permitted the projects.

20           (3) Nothing in this part shall prohibit any county or  
21 municipal government from entering into any contract with any  
22 person or entity for the provision of building code inspection  
23 services regulated under this part, and notwithstanding any  
24 other statutory provision, such county or municipal  
25 governments may enter into contracts.

26           Section 10. Section 468.619, Florida Statutes, is  
27 created to read:

28           468.619 Enforcement officials bill of rights.--

29           (1) It is the finding of this legislature that  
30 building administrators and officials, inspectors, and plans  
31 examiners are employed by local jurisdictions to exercise

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1 police powers of the state in the course of their duties, and  
2 are in that way similar to law enforcement personnel,  
3 corrections officers, and firemen. It is the further finding  
4 of this legislature that building officials, inspectors, and  
5 plans examiners are thereby sufficiently distinguished from  
6 other professionals regulated under the department that their  
7 circumstances merit additional specific protections in the  
8 course of disciplinary investigation and proceedings against  
9 their licenses.

10 (2) All enforcement officials licensed pursuant to  
11 this part have the rights and privileges specified in this  
12 section. The rights are not exclusive to other rights, and an  
13 enforcement official does not forfeit any rights otherwise  
14 held under federal, state, or local laws. In any instance of  
15 conflict between this section and chapter 455, this section  
16 supersedes chapter 455.

17 (3) Whenever an enforcement official is subjected to  
18 an investigative interview for possible disciplinary action by  
19 the department, the interview must be conducted pursuant to  
20 the terms of this subsection.

21 (a) Any interview must take place at a reasonable  
22 hour. If the interview is taken in person, it must take place  
23 not more than 30 miles from where the licensee works, or at  
24 any other mutually agreeable location or time.

25 (b) An enforcement official may not be subjected to an  
26 interview without first receiving written notice of sufficient  
27 details of the complaint in order to reasonably apprise the  
28 enforcement official of the nature of the investigation,  
29 including the substance of the allegations made. The  
30 enforcement official must be informed before the interview of  
31 the origin of the complaint.

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1           (c) At the request of the enforcement official under  
2 investigation, he or she has the right to be represented by  
3 counsel or by any other representative of his or her choice,  
4 who shall be present at such time as the enforcement official  
5 wishes during the interview.

6           (d) During the interview, the enforcement official may  
7 not be subjected to offensive language. A promise or reward  
8 may not be made as an inducement to answer any questions.

9           (e) If requested by the enforcement official, the  
10 interview of an enforcement official, including notation of  
11 all recess periods, shall be recorded on audio tape, or  
12 otherwise preserved in such a manner as to allow a transcript  
13 to be prepared, and there shall be no unrecorded questions or  
14 statements. Upon the request of the enforcement official, a  
15 copy of any recording of the session must be made available to  
16 the enforcement official no later than 72 hours following the  
17 interview, excluding holidays and weekends. The expense of the  
18 recording and transcript shall be borne by the enforcement  
19 official.

20           (f) If the testimony is transcribed, the transcript  
21 shall be furnished to the enforcement official for  
22 examination, and shall be read to or by the enforcement  
23 official, unless waived by the parties. Any changes in form or  
24 substance that the enforcement official wants to make shall be  
25 listed in writing, with a statement of the reasons for making  
26 the changes. The changes must be attached to the transcript.  
27 Any transcript of an interview with an enforcement official  
28 which is to be used in any proceeding against the enforcement  
29 official shall be sworn or affirmed to and acknowledged by the  
30 enforcement official.

31           (4) Failure to comply with this subsection shall mean

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1 that no action may be taken against the enforcement official  
2 pursuant to the complaint. An investigation by the department  
3 may not be reopened against an enforcement official on the  
4 basis of a complaint dismissed for the reasons outlined in  
5 this subsection. However, in any instance of an additional  
6 complaint being initiated, information or investigation  
7 related to the dismissed complaint may be used.

8 (a) The investigating party must inform the  
9 enforcement official of any legally sufficient complaints  
10 received, including the substance of the allegation, within 10  
11 days of the receipt of the complaint by the agency.

12 (b) The enforcement official shall be given 30 days to  
13 respond to any legally sufficient complaint.

14 (c) No more than 180 days from the date of the receipt  
15 of the complaint, the department shall submit the  
16 investigation whether complete or not to the probable cause  
17 panel for review. If the investigation is not complete, the  
18 probable cause panel shall review and instruct the department  
19 to complete the investigation within a time certain and, in no  
20 event, greater than 90 days or dismiss the complaint with  
21 prejudice.

22 (5) The enforcement official shall be considered an  
23 agent of the government entity employing him or her, and as  
24 such will be defended by that jurisdiction in any action  
25 brought by the department or the board, if the employee is  
26 working within the scope of his or her employment.

27 (6) An enforcement official is not at risk for  
28 disciplinary action in regards to his or her certification for  
29 exercising his or her rights under this section.

30 (7) Any action taken against the enforcement official  
31 by the department or the board found to be without merit by a



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1 court of competent jurisdiction, or when judgement is awarded  
2 to the enforcement official, the department or board or their  
3 assignees shall reimburse the enforcement official or his or  
4 her employer, as appropriate, for reasonable legal costs  
5 incurred. The amounts awarded may not exceed the limits  
6 provided in s. 120.595.

7 (8) Every enforcement official has the right to bring  
8 civil suit against any person, group of persons, or  
9 organization or corporation, or the head of such organization  
10 or corporation, for damages, either pecuniary or otherwise  
11 suffered pursuant to the performance of the enforcement  
12 official's duties or for abridgement of the enforcement  
13 official's civil rights arising out of the enforcement  
14 official's performance of official duties.

15 (9) Notwithstanding any other provision of law, while  
16 under investigation the enforcement official may not be denied  
17 any rights and privileges of a licensee in good standing.

18 Section 11. Subsection (3) of section 468.621, Florida  
19 Statutes, is amended to read:

20 468.621 Disciplinary proceedings.--

21 (3) Where a certificate is suspended, placed on  
22 probation, or has conditions imposed, the board shall  
23 reinstate the certificate of a disciplined building code  
24 administrator, plans examiner, or building code inspector upon  
25 proof the disciplined individual has complied with all terms  
26 and conditions set forth in the final order.

27 Section 12. Subsections (2), (3), and (4) of section  
28 468.627, Florida Statutes, are amended to read:

29 468.627 Application; examination; renewal; fees.--

30 (2) The initial application fee may not exceed \$25 for  
31 building code administrators, plans examiners, or building

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1 code inspectors.

2 (3) The initial examination fee may not exceed \$150  
3 for building code administrators, plans examiners, or building  
4 code inspectors.

5 (4) Employees of local government agencies having  
6 responsibility for building code inspection, building  
7 construction regulation, and enforcement of building,  
8 plumbing, mechanical, electrical, gas, fire prevention,  
9 energy, accessibility, and other construction codes shall pay  
10 no application fees or examination fees.

11 Section 13. Section 468.631, Florida Statutes, is  
12 amended to read:

13 468.631 Building Code Administrators and Inspectors  
14 Fund.--The provisions of this part shall be funded through a  
15 surcharge, to be assessed pursuant to s. 125.56(4) or s.  
16 166.201 at the rate of one-half cent per square foot of  
17 under-roof floor space permitted, including new construction,  
18 renovations, alterations, and additions. The unit of  
19 government responsible for collecting permit fees pursuant to  
20 s. 125.56(4) or s. 166.201 shall collect such surcharge and  
21 shall remit the funds to the department on a quarterly  
22 calendar basis beginning not later than December 31, 1993, for  
23 the preceding quarter, and continuing each third month  
24 thereafter; and such unit of government may retain an amount  
25 up to 10 percent of the surcharge collected to fund projects  
26 and activities intended to improve the quality of building  
27 code enforcement. There is created within the Professional  
28 Regulation Trust Fund a separate account to be known as the  
29 Building Code Administrators and Inspectors Fund, which shall  
30 deposit and disburse funds as necessary for the implementation  
31 of this part. The department shall annually establish the

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1 amount needed to fund the certification and regulation of  
 2 building code administrators, plans examiners, and building  
 3 code inspectors. Any funds collected in excess of the amount  
 4 needed to adequately fund the certification and regulation of  
 5 building code administrators, plans examiners, and building  
 6 code inspectors shall be deposited into the Construction  
 7 Industries Recovery Fund established by s. 489.140. If the  
 8 Construction Industries Recovery Fund is fully funded as  
 9 provided by s. 489.140, any remaining funds shall be  
 10 distributed to the Construction Industry Licensing Board for  
 11 use in the regulation of certified and registered contractors.

12 Section 14. Subsection (1) of section 468.633, Florida  
 13 Statutes, is amended to read:

14 468.633 Authority of local government.--

15 (1) Nothing in this part may be construed to restrict  
 16 the authority of local governments to require as a condition  
 17 of employment that building code administrators, plans  
 18 examiners, and building code inspectors possess qualifications  
 19 beyond the requirements for certification contained in this  
 20 part.

21 Section 15. Paragraph (a) of subsection (1) of section  
 22 112.3145, Florida Statutes, is amended to read:

23 112.3145 Disclosure of financial interests and clients  
 24 represented before agencies.--

25 (1) For purposes of this section, unless the context  
 26 otherwise requires, the term:

27 (a) "Local officer" means:

28 1. Every person who is elected to office in any  
 29 political subdivision of the state, and every person who is  
 30 appointed to fill a vacancy for an unexpired term in such an  
 31 elective office.

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1           2. Any appointed member of a board; commission;  
 2 authority, including any expressway authority or  
 3 transportation authority established by general law; community  
 4 college district board of trustees; or council of any  
 5 political subdivision of the state, excluding any member of an  
 6 advisory body. A governmental body with land-planning, zoning,  
 7 or natural resources responsibilities shall not be considered  
 8 an advisory body.

9           3. Any person holding one or more of the following  
 10 positions: mayor; county or city manager; chief administrative  
 11 employee of a county, municipality, or other political  
 12 subdivision; county or municipal attorney; chief county or  
 13 municipal building code inspector; county or municipal water  
 14 resources coordinator; county or municipal pollution control  
 15 director; county or municipal environmental control director;  
 16 county or municipal administrator, with power to grant or deny  
 17 a land development permit; chief of police; fire chief;  
 18 municipal clerk; district school superintendent; community  
 19 college president; district medical examiner; or purchasing  
 20 agent having the authority to make any purchase exceeding the  
 21 threshold amount provided for in s. 287.017 for CATEGORY ONE,  
 22 on behalf of any political subdivision of the state or any  
 23 entity thereof.

24           Section 16. Subsection (3) of section 125.56, Florida  
 25 Statutes, is amended to read:

26           125.56 Adoption or amendment of building code;  
 27 inspection fees; inspectors; etc.--

28           (3) The board of county commissioners of each of the  
 29 several counties may employ a building code inspector and such  
 30 other personnel as it deems necessary to carry out the  
 31 provisions of this act and may pay reasonable salaries for

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1 such services.

2 Section 17. Paragraph (g) of subsection (5) of section  
3 212.08, Florida Statutes, is amended to read:

4 212.08 Sales, rental, use, consumption, distribution,  
5 and storage tax; specified exemptions.--The sale at retail,  
6 the rental, the use, the consumption, the distribution, and  
7 the storage to be used or consumed in this state of the  
8 following are hereby specifically exempt from the tax imposed  
9 by this chapter.

10 (5) EXEMPTIONS; ACCOUNT OF USE.--

11 (g) Building materials used in the rehabilitation of  
12 real property located in an enterprise zone.--

13 1. Beginning July 1, 1995, building materials used in  
14 the rehabilitation of real property located in an enterprise  
15 zone shall be exempt from the tax imposed by this chapter upon  
16 an affirmative showing to the satisfaction of the department  
17 that the items have been used for the rehabilitation of real  
18 property located in an enterprise zone. Except as provided in  
19 subparagraph 2., this exemption inures to the owner, lessee,  
20 or lessor of the rehabilitated real property located in an  
21 enterprise zone only through a refund of previously paid  
22 taxes. To receive a refund pursuant to this paragraph, the  
23 owner, lessee, or lessor of the rehabilitated real property  
24 located in an enterprise zone must file an application under  
25 oath with the governing body or enterprise zone development  
26 agency having jurisdiction over the enterprise zone where the  
27 business is located, as applicable, which includes:

28 a. The name and address of the person claiming the  
29 refund.

30 b. An address and assessment roll parcel number of the  
31 rehabilitated real property in an enterprise zone for which a

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1 refund of previously paid taxes is being sought.

2 c. A description of the improvements made to  
3 accomplish the rehabilitation of the real property.

4 d. A copy of the building permit issued for the  
5 rehabilitation of the real property.

6 e. A sworn statement, under the penalty of perjury,  
7 from the general contractor licensed in this state with whom  
8 the applicant contracted to make the improvements necessary to  
9 accomplish the rehabilitation of the real property, which  
10 statement lists the building materials used in the  
11 rehabilitation of the real property, the actual cost of the  
12 building materials, and the amount of sales tax paid in this  
13 state on the building materials. In the event that a general  
14 contractor has not been used, the applicant shall provide this  
15 information in a sworn statement, under the penalty of  
16 perjury. Copies of the invoices which evidence the purchase of  
17 the building materials used in such rehabilitation and the  
18 payment of sales tax on the building materials shall be  
19 attached to the sworn statement provided by the general  
20 contractor or by the applicant. Unless the actual cost of  
21 building materials used in the rehabilitation of real property  
22 and the payment of sales taxes due thereon is documented by a  
23 general contractor or by the applicant in this manner, the  
24 cost of such building materials shall be an amount equal to 40  
25 percent of the increase in assessed value for ad valorem tax  
26 purposes.

27 f. The identifying number assigned pursuant to s.  
28 290.0065 to the enterprise zone in which the rehabilitated  
29 real property is located.

30 g. A certification by the local building code  
31 inspector that the improvements necessary to accomplish the

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1 rehabilitation of the real property are substantially  
2 completed.

3 h. Whether the business is a small business as defined  
4 by s. 288.703(1).

5 i. If applicable, the name and address of each  
6 permanent employee of the business, including, for each  
7 employee who is a resident of an enterprise zone, the  
8 identifying number assigned pursuant to s. 290.0065 to the  
9 enterprise zone in which the employee resides.

10 2. This exemption inures to a city, county, or other  
11 governmental agency through a refund of previously paid taxes  
12 if the building materials used in the rehabilitation of real  
13 property located in an enterprise zone are paid for from the  
14 funds of a community development block grant or similar grant  
15 or loan program. To receive a refund pursuant to this  
16 paragraph, a city, county, or other governmental agency must  
17 file an application which includes the same information  
18 required to be provided in subparagraph 1. by an owner,  
19 lessee, or lessor of rehabilitated real property. In addition,  
20 the application must include a sworn statement signed by the  
21 chief executive officer of the city, county, or other  
22 governmental agency seeking a refund which states that the  
23 building materials for which a refund is sought were paid for  
24 from the funds of a community development block grant or  
25 similar grant or loan program.

26 3. Within 10 working days after receipt of an  
27 application, the governing body or enterprise zone development  
28 agency shall review the application to determine if it  
29 contains all the information required pursuant to subparagraph  
30 1. or subparagraph 2. and meets the criteria set out in this  
31 paragraph. The governing body or agency shall certify all

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1 applications that contain the information required pursuant to  
 2 subparagraph 1. or subparagraph 2. and meet the criteria set  
 3 out in this paragraph as eligible to receive a refund. If  
 4 applicable, the governing body or agency shall also certify if  
 5 20 percent of the employees of the business are residents of  
 6 an enterprise zone, excluding temporary and part-time  
 7 employees. The certification shall be in writing, and a copy  
 8 of the certification shall be transmitted to the executive  
 9 director of the Department of Revenue. The applicant shall be  
 10 responsible for forwarding a certified application to the  
 11 department within the time specified in subparagraph 4.

12           4. An application for a refund pursuant to this  
 13 paragraph must be submitted to the department within 6 months  
 14 after the rehabilitation of the property is deemed to be  
 15 substantially completed by the local building code inspector.

16           5. The provisions of s. 212.095 do not apply to any  
 17 refund application made pursuant to this paragraph. No more  
 18 than one exemption through a refund of previously paid taxes  
 19 for the rehabilitation of real property shall be permitted for  
 20 any one parcel of real property. No refund shall be granted  
 21 pursuant to this paragraph unless the amount to be refunded  
 22 exceeds \$500. No refund granted pursuant to this paragraph  
 23 shall exceed the lesser of 97 percent of the Florida sales or  
 24 use tax paid on the cost of the building materials used in the  
 25 rehabilitation of the real property as determined pursuant to  
 26 sub-subparagraph 1.e. or \$5,000, or, if no less than 20  
 27 percent of the employees of the business are residents of an  
 28 enterprise zone, excluding temporary and part-time employees,  
 29 the amount of refund granted pursuant to this paragraph shall  
 30 not exceed the lesser of 97 percent of the sales tax paid on  
 31 the cost of such building materials or \$10,000. A refund



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1 approved pursuant to this paragraph shall be made within 30  
2 days of formal approval by the department of the application  
3 for the refund.

4           6. The department shall adopt rules governing the  
5 manner and form of refund applications and may establish  
6 guidelines as to the requisites for an affirmative showing of  
7 qualification for exemption under this paragraph.

8           7. The department shall deduct an amount equal to 10  
9 percent of each refund granted under the provisions of this  
10 paragraph from the amount transferred into the Local  
11 Government Half-cent Sales Tax Clearing Trust Fund pursuant to  
12 s. 212.20 for the county area in which the rehabilitated real  
13 property is located and shall transfer that amount to the  
14 General Revenue Fund.

15           8. For the purposes of the exemption provided in this  
16 paragraph:

17           a. "Building materials" means tangible personal  
18 property which becomes a component part of improvements to  
19 real property.

20           b. "Real property" has the same meaning as provided in  
21 s. 192.001(12).

22           c. "Rehabilitation of real property" means the  
23 reconstruction, renovation, restoration, rehabilitation,  
24 construction, or expansion of improvements to real property.

25           d. "Substantially completed" has the same meaning as  
26 provided in s. 192.042(1).

27           9. The provisions of this paragraph shall expire and  
28 be void on December 31, 2005.

29           Section 18. Paragraph (a) of subsection (2) of section  
30 252.924, Florida Statutes, is amended to read:

31           252.924 Party state responsibilities.--

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1           (2) The authorized representative of a party state may  
2 request assistance of another party state by contacting the  
3 authorizing representative of that state. The provisions of  
4 this agreement shall only apply to requests for assistance  
5 made by and to authorized representatives. Requests may be  
6 verbal or in writing. If verbal, the request shall be  
7 confirmed in writing within 90 days of the verbal request.  
8 Requests shall provide the following information:

9           (a) A description of the emergency service function  
10 for which assistance is needed, such as, but not limited to,  
11 fire services, law enforcement, emergency medical,  
12 transportation, communications, public works and engineering,  
13 building code inspection, planning and information assistance,  
14 mass care, resource support, health and medical services, and  
15 search and rescue.

16           Section 19. Paragraph (j) of subsection (3) of section  
17 404.056, Florida Statutes, is amended to read:

18           404.056 Environmental radiation standards and  
19 programs; radon protection.--

20           (3) CERTIFICATION.--

21           (j) The department may set criteria and requirements  
22 for the application, certification, and annual renewal of  
23 certification for radon measurement and mitigation businesses,  
24 which may include:

25           1. Requirements for measurement devices and  
26 measurement procedures, including the disclosure of mitigation  
27 materials, systems, and other mitigation services offered.

28           2. The identification of certified specialists and  
29 technicians employed by the business and requirements for  
30 specialist staffing and duties.

31           3. The analysis of measurement devices by proficient

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1 analytical service providers.

2 4. Requirements for a quality assurance and quality  
3 control program.

4 5. The disclosure of client measurement reporting  
5 forms and warranties and operating instructions for mitigation  
6 systems.

7 6. Requirements for radon services publications and  
8 the identification of the radon business certification number  
9 in advertisements.

10 7. Requirements for a worker health and safety  
11 program.

12 8. Requirements for maintaining radon records.

13 9. The operation of branch office locations.

14 10. Requirements for supervising subcontractors who  
15 install mitigation systems.

16 11. Requirements for building code inspections and  
17 evaluation and standards for the design and installation of  
18 mitigation systems.

19 12. Prescribing conditions of mitigation measurements.

20 Section 20. Section 471.045, Florida Statutes, is  
21 amended to read:

22 471.045 Professional engineers performing building  
23 code inspector duties.--Notwithstanding any other provision of  
24 law, a person who is currently licensed under this chapter to  
25 practice as a professional engineer may provide building code  
26 inspection services described in s. 468.603(6) and (7) to a  
27 local government or state agency upon its request, without  
28 being certified by the Florida Building Code Administrators  
29 and Inspectors Board under part XII of chapter 468. When  
30 performing these building code inspection services, the  
31 professional engineer is subject to the disciplinary

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1 guidelines of this chapter and s. 468.621(1)(c)-(h). Any  
2 complaint processing, investigation, and discipline that arise  
3 out of a professional engineer's performing building code  
4 inspection services shall be conducted by the Board of  
5 Professional Engineers rather than the Florida Building Code  
6 Administrators and Inspectors Board. A professional engineer  
7 may not perform plans review as an employee of a local  
8 government upon any job that the professional engineer or the  
9 professional engineer's company designed.

10 Section 21. Section 481.222, Florida Statutes, is  
11 amended to read:

12 481.222 Architects performing building code inspector  
13 duties.--Notwithstanding any other provision of law, a person  
14 who is currently licensed to practice as an architect under  
15 this part may provide building code inspection services  
16 described in s. 468.603(6) and (7) to a local government or  
17 state agency upon its request, without being certified by the  
18 Florida Building Code Administrators and Inspectors Board  
19 under part XII of chapter 468. With respect to the performance  
20 of such building code inspection services, the architect is  
21 subject to the disciplinary guidelines of this part and s.  
22 468.621(1)(c)-(h). Any complaint processing, investigation,  
23 and discipline that arise out of an architect's performance of  
24 building code inspection services shall be conducted by the  
25 Board of Architecture and Interior Design rather than the  
26 Florida Building Code Administrators and Inspectors Board. An  
27 architect may not perform plans review as an employee of a  
28 local government upon any job that the architect or the  
29 architect's company designed.

30 Section 22. Paragraph (b) of subsection (18) of  
31 section 489.103, Florida Statutes, is amended to read:

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1           489.103 Exemptions.--This part does not apply to:

2           (18) Any one-family, two-family, or three-family

3 residence constructed by Habitat for Humanity International,

4 Inc., or its local affiliates. Habitat for Humanity

5 International, Inc., or its local affiliates, must:

6           (b) Obtain all required building code inspections.

7           Section 23. Paragraphs (j), (k), and (l) of subsection

8 (3) of section 489.105, Florida Statutes, are amended to read:

9           489.105 Definitions.--As used in this part:

10          (3) "Contractor" means the person who is qualified

11 for, and shall only be responsible for, the project contracted

12 for and means, except as exempted in this part, the person

13 who, for compensation, undertakes to, submits a bid to, or

14 does himself or herself or by others construct, repair, alter,

15 remodel, add to, demolish, subtract from, or improve any

16 building or structure, including related improvements to real

17 estate, for others or for resale to others; and whose job

18 scope is substantially similar to the job scope described in

19 one of the subsequent paragraphs of this subsection. For the

20 purposes of regulation under this part, "demolish" applies

21 only to demolition of steel tanks over 50 feet in height;

22 towers over 50 feet in height; other structures over 50 feet

23 in height, other than buildings or residences over three

24 stories tall; and buildings or residences over three stories

25 tall. Contractors are subdivided into two divisions, Division

26 I, consisting of those contractors defined in paragraphs

27 (a)-(c), and Division II, consisting of those contractors

28 defined in paragraphs (d)-(q):

29          (j) "Commercial pool/spa contractor" means a

30 contractor whose scope of work involves, but is not limited

31 to, the construction, repair, and servicing of any swimming

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1 pool, or hot tub or spa, whether public, private, or  
2 otherwise, regardless of use. The scope of work includes,  
3 ~~including the installation, repair, or replacement of existing~~  
4 ~~equipment, any cleaning or equipment sanitizing which requires~~  
5 ~~at least a partial disassembling, excluding filter changes,~~  
6 ~~and or the installation of new pool/spa equipment, interior~~  
7 ~~finishes, the installation of package pool heaters, the~~  
8 ~~installation of all perimeter piping and filter piping, and~~  
9 ~~the construction of equipment rooms or housing for pool/spa~~  
10 ~~equipment, as necessary. The scope of such work includes~~  
11 ~~layout, excavation, operation of construction pumps for~~  
12 ~~dewatering purposes, steelwork, installation of light niches,~~  
13 ~~construction of floors, guniting, fibreglassing, installation~~  
14 ~~of tile and coping, installation of all perimeter and filter~~  
15 ~~piping, installation of all filter equipment and chemical~~  
16 ~~feeders of any type, plastering of the interior, construction~~  
17 ~~of decks, construction of equipment rooms or housing for pool~~  
18 ~~equipment, and installation of package pool heaters and also~~  
19 includes the scope of work of a swimming pool/spa servicing  
20 contractor. ~~However,~~The scope of such work does not include  
21 direct connections to a sanitary sewer system or to potable  
22 water lines. The installation, construction, modification, or  
23 replacement of equipment permanently attached to and  
24 associated with the pool or spa for the purpose of water  
25 treatment or cleaning of the pool or spa requires licensure;  
26 however, the usage of such equipment for the purposes of water  
27 treatment or cleaning shall not require licensure unless the  
28 usage involves construction, modification, or replacement of  
29 such equipment. Water treatment that does not require such  
30 equipment does not require a license. In addition, a license  
31 shall not be required for the cleaning of the pool or spa in

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1 any way that does not affect the structural integrity of the  
2 pool or spa or its associated equipment.

3 (k) "Residential pool/spa contractor" means a  
4 contractor whose scope of work involves, but is not limited  
5 to, the construction, repair, and servicing of any residential  
6 swimming pool, or hot tub or spa, regardless of use. The scope  
7 of work includes, including the installation, repair, or  
8 replacement of existing equipment, any cleaning or equipment  
9 sanitizing which requires at least a partial disassembling,  
10 excluding filter changes, and or the installation of new  
11 pool/spa equipment, interior finishes, the installation of  
12 package pool heaters, the installation of all perimeter piping  
13 and filter piping, and the construction of equipment rooms or  
14 housing for pool/spa equipment, as necessary. The scope of  
15 such work includes layout, excavation, operation of  
16 construction pumps for dewatering purposes, steelwork,  
17 installation of light niches, construction of floors,  
18 guniting, fibreglassing, installation of tile and coping,  
19 installation of all perimeter and filter piping, installation  
20 of all filter equipment and chemical feeders of any type,  
21 plastering of the interior, construction of decks,  
22 installation of housing for pool equipment, and installation  
23 of package pool heaters and also includes the scope of work of  
24 a swimming pool/spa servicing contractor. ~~However,~~ The scope  
25 of such work does not include direct connections to a sanitary  
26 sewer system or to potable water lines. The installation,  
27 construction, modification, or replacement of equipment  
28 permanently attached to and associated with the pool or spa  
29 for the purpose of water treatment or cleaning of the pool or  
30 spa requires licensure; however, the usage of such equipment  
31 for the purposes of water treatment or cleaning shall not

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1 require licensure unless the usage involves construction,  
2 modification, or replacement of such equipment. Water  
3 treatment that does not require such equipment does not  
4 require a license. In addition, a license shall not be  
5 required for the cleaning of the pool or spa in any way that  
6 does not affect the structural integrity of the pool or spa or  
7 its associated equipment.

8           (1) "Swimming pool/spa servicing contractor" means a  
9 contractor whose scope of work involves, but is not limited  
10 to, the repair and the servicing and repair of any swimming  
11 pool, or hot tub or spa, whether public or private, or  
12 otherwise, regardless of use. The scope of ~~such work~~ includes  
13 the repair or may include any necessary piping and repairs,  
14 replacement and repair of existing equipment, any cleaning or  
15 equipment sanitizing which requires at least a partial  
16 disassembling, excluding filter changes, and the or  
17 installation of new pool/spa additional equipment, interior  
18 refinishing, the reinstallation or addition of pool heaters,  
19 the as necessary. The scope of such work includes the  
20 reinstallation of tile and coping, repair or and replacement  
21 of all perimeter piping and filter piping, the repair of  
22 equipment rooms or housing for pool/spa equipment, and the  
23 substantial or complete draining of a swimming pool, or hot  
24 tub or spa, for the purpose of any repair or renovation. The  
25 scope of such work does not include direct connections to a  
26 sanitary sewer system or to potable water lines filter  
27 equipment, and chemical feeders of any type, replastering,  
28 reconstruction of decks, and reinstallation or addition of  
29 pool heaters. The installation, construction, modification,  
30 substantial or complete disassembly, or replacement of  
31 equipment permanently attached to and associated with the pool



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1 or spa for the purpose of water treatment or cleaning of the  
2 pool or spa requires licensure; however, the usage of such  
3 equipment for the purposes of water treatment or cleaning  
4 shall not require licensure unless the usage involves  
5 construction, modification, substantial or complete  
6 disassembly, or replacement of such equipment. Water treatment  
7 that does not require such equipment does not require a  
8 license. In addition, a license shall not be required for the  
9 cleaning of the pool or spa in any way that does not affect  
10 the structural integrity of the pool or spa or its associated  
11 equipment.

12 Section 24. Subsection (7) is added to section  
13 489.107, Florida Statutes, to read:

14 489.107 Construction Industry Licensing Board.--  
15 (7) Notwithstanding the provisions of s. 20.165(7),  
16 the physical offices of the board shall be located in Leon  
17 County.

18 Section 25. Section 489.128, Florida Statutes, is  
19 amended to read:

20 489.128 Contracts performed by unlicensed contractors  
21 unenforceable.--As a matter of public policy, contracts  
22 entered into on or after October 1, 1990, and performed in  
23 full or in part by any contractor who fails to obtain or  
24 maintain a license in accordance with this part shall be  
25 unenforceable in law or in equity. ~~However, in the event the~~  
26 ~~contractor obtains or reinstates his or her license, the~~  
27 ~~provisions of this section shall no longer apply.~~

28 Section 26. Subsections (12) and (15) of section  
29 489.503, Florida Statutes, are amended to read:

30 489.503 Exemptions.--This part does not apply to:  
31 (12) Any person as defined and licensed under chapter

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1 527 while engaged in work regulated under that chapter.

2 (15) The provision, installation, testing, routine  
3 maintenance, factory-servicing, or monitoring of a personal  
4 emergency response system, as defined in s. 489.505, by an  
5 authorized person who:

6 (a) Is an employee of, or a volunteer supervised by an  
7 employee of, a health care facility licensed by the Agency for  
8 Health Care Administration;

9 (b) Performs services for the Department of Elderly  
10 Affairs;

11 (c) Performs services for the Department of Children  
12 and Family Services under chapter 410; or

13 (d) Is an employee of or an authorized representative  
14 or distributor for the producer of the personal emergency  
15 response system being monitored.

16 Section 27. Section 489.514, Florida Statutes, is  
17 amended to read:

18 (Substantial rewording of section. See  
19 s. 489.514, F.S., for present text.)

20 489.514 Certification for registered contractors;  
21 grandfathering provisions.--

22 (1) The board shall, upon receipt of a completed  
23 application and appropriate fee from the applicant and  
24 compliance of the applicant with this section:

25 (a) Issue a certification as an electrical contractor,  
26 as defined in s. 489.505(12), to any applying registered  
27 electrical contractor; or

28 (b) Issue a certification as an alarm system  
29 contractor, as defined in s. 489.505(21), (22), or (23), as  
30 appropriate, to any applying registered alarm system  
31 contractor.

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1           (2) Any contractor registered under this part is  
2 qualified to receive a certification as set forth in this  
3 section, provided the applicant can show that he or she meets  
4 the following requirements:

5           (a) Currently holds a valid registered local license  
6 in the category of electrical or alarm system contractor.

7           (b) Has passed a written, proctored examination that  
8 the board finds to be either:

9           1. Substantially similar to the examination required  
10 to be licensed as a certified contractor under this part; or

11           2. An examination produced by the National Assessment  
12 Institute, Block and Associates, or NAI/Block, or an  
13 examination substantially similar to one of these three  
14 examinations. The board may not impose or make any  
15 requirements regarding the nature or content of the National  
16 Assessment Institute, Block and Associates, or NAI/Block  
17 examination, except that it shall require that the examination  
18 passed was a written, proctored examination.

19           (c) Has at least 5 years of experience as a registered  
20 electrical or alarm system contractor, or as an inspector or  
21 building administrator with oversight over electrical or alarm  
22 system contracting, or a combination of the two, at the time  
23 of application. For contractors, only time periods in which  
24 the contractor license is active and the contractor is not on  
25 probation shall count toward the 5 years of experience  
26 required under this paragraph.

27           (d) Has not had his or her contractor's license  
28 revoked at any time, had his or her contractor's license  
29 suspended in the last 5 years, or been assessed a fine in  
30 excess of \$500 in the last 5 years.

31           (e) Is in compliance with the insurance and financial

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1 responsibility requirements in s. 489.515(1)(b).

2 (3) Notwithstanding the provisions of s. 489.517(4),  
3 technical subjects relating to alarm system contracting shall  
4 comprise all of the continuing education required for  
5 licensure renewal subsequent to the completion of the first  
6 full biennial licensure cycle for persons obtaining  
7 certification under this section.

8 Section 28. Paragraph (e) is added to subsection (2)  
9 of section 489.5185, Florida Statutes, to read:

10 489.5185 Fire alarm system agents.--

11 (2)

12 (e) Persons who perform only monitoring are not  
13 required to complete the training required for fire alarm  
14 system agents.

15 Section 29. Subsection (1) of section 489.522, Florida  
16 Statutes, is amended to read:

17 489.522 Qualifying agents; responsibilities.--

18 (1)(a) A qualifying agent is a primary qualifying  
19 agent unless he or she is a secondary qualifying agent under  
20 this section. All primary qualifying agents for a business  
21 organization are jointly and equally responsible for  
22 supervision of all operations of the business organization;  
23 for all field work at all sites; and for financial matters,  
24 both for the organization in general and for each specific  
25 job.

26 (b) When a qualifying agent ceases to qualify a  
27 business, the qualifying agent must transfer the license to  
28 another business, qualify himself or herself as an individual,  
29 or place the license in an inactive status within 60 days  
30 after termination of the qualifying status with the business.

31 Section 30. Subsection (1) of section 489.531, Florida

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1 Statutes, is amended, present subsection (5) of that section  
2 is renumbered as subsection (6) and amended, present  
3 subsections (3), (4), (6), and (7) of that section are  
4 renumbered as subsections (4), (5), (7), and (8),  
5 respectively, and a new subsection (3) is added to that  
6 section, to read:  
7           489.531 Prohibitions; penalties.--  
8           (1) A person may not:  
9           (a) Practice contracting unless the person is  
10 certified or registered;  
11           (b) Use the name or title "electrical contractor" or  
12 "alarm system contractor" or words to that effect, or  
13 advertise himself or herself or a business organization as  
14 available to practice electrical or alarm system contracting,  
15 when the person is not then the holder of a valid  
16 certification or registration issued pursuant to this part;  
17           (c) Present as his or her own the certificate or  
18 registration of another;  
19           (d) Use or attempt to use a certificate or  
20 registration that has been suspended, revoked, or placed on  
21 inactive or delinquent status;  
22           (e) Employ persons who are not certified or registered  
23 to practice contracting;  
24           (f) Knowingly give false or forged evidence to the  
25 department, the board, or a member thereof;  
26           (g) Operate a business organization engaged in  
27 contracting after 60 days following the termination of its  
28 only qualifying agent without designating another primary  
29 qualifying agent;  
30           (h) Conceal information relative to violations of this  
31 part;

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1 (i) Commence or perform work for which a building  
2 permit is required pursuant to part VII of chapter 533 without  
3 the building permit being in effect; or

4 (j) Willfully or deliberately disregard or violate any  
5 municipal or county ordinance relating to uncertified or  
6 unregistered contractors.

7 (3)(a) Any unlicensed person who violates any of the  
8 provisions of subsection (1) commits a misdemeanor of the  
9 first degree, punishable as provided in s. 775.082 or s.  
10 775.083.

11 (b) Any unlicensed person who commits a violation of  
12 subsection (1) after having been previously found guilty of  
13 such violation commits a felony of the third degree,  
14 punishable as provided in s. 775.082 or s. 775.083.

15 (c) Any unlicensed person who commits a violation of  
16 subsection (1) during the existence of a state of emergency  
17 declared by executive order of the Governor commits a felony  
18 of the third degree, punishable as provided in s. 775.082 or  
19 s. 775.083.

20  
21 The remedies set forth in this subsection are not exclusive  
22 and may be imposed in addition to the remedies set forth in s.  
23 489.533(2).

24 (6)(5)(a) The local governing body of a county or  
25 municipality, or its local enforcement body, is authorized to  
26 enforce the provisions of this part as well as its local  
27 ordinances against ~~locally licensed or~~ registered contractors,  
28 as appropriate. The local jurisdiction enforcement body may  
29 conduct disciplinary proceedings against a ~~locally licensed or~~  
30 registered contractor and may require restitution or impose a  
31 suspension or revocation of the local license or a fine not to

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1 exceed \$5,000, or a combination thereof, against the ~~locally~~  
2 ~~licensed~~ or registered contractor, according to ordinances  
3 which a local jurisdiction may enact. In addition, the local  
4 jurisdiction may assess reasonable investigative and legal  
5 costs for the prosecution of the violation against the  
6 registered contractor ~~violation~~, according to such ordinances  
7 as the local jurisdiction may enact.

8 (b) In addition to any action the local jurisdiction  
9 enforcement body may take against the individual's local  
10 license, and any fine the local jurisdiction may impose, the  
11 local jurisdiction enforcement body shall issue a recommended  
12 penalty for board action. This recommended penalty may  
13 include a recommendation for no further action or a  
14 recommendation for suspension, revocation, or restriction of  
15 the registration or imposition of a fine to be levied by the  
16 board, or a combination thereof. The local jurisdiction  
17 enforcement body shall inform the disciplined registered  
18 contractor and the complainant of the local ~~license~~ penalty  
19 imposed, the board penalty recommended, the rights to appeal,  
20 and the consequences should the registered contractor decide  
21 not to appeal. The local jurisdiction enforcement body shall,  
22 upon having reached adjudication or having accepted a plea of  
23 nolo contendere, immediately inform the board of its action  
24 and the recommended board penalty.

25 (c) The department, the disciplined registered  
26 contractor, or the complainant may challenge the local  
27 jurisdiction enforcement body's recommended penalty for board  
28 action to the Electrical Contractors' Licensing Board. A  
29 challenge shall be filed within 60 days after the issuance of  
30 the recommended penalty to the board. If challenged, there is  
31 a presumptive finding of probable cause and the case may

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1 proceed without the need for a probable cause hearing.

2 (d) Failure of the department, the disciplined  
3 registered contractor, or the complainant to challenge the  
4 local jurisdiction's recommended penalty within the time  
5 period set forth in this subsection shall constitute a waiver  
6 of the right to a hearing before the board. A waiver of the  
7 right to a hearing before the board shall be deemed an  
8 admission of the violation, and the penalty recommended shall  
9 become a final order according to procedures developed by  
10 board rule without further board action. The disciplined  
11 registered contractor may appeal this board action to the  
12 district court.

13 (e) The department may investigate any complaint which  
14 is made with the department. However, if the department  
15 determines that the complaint against a registered contractor  
16 is for an action which a local jurisdiction enforcement body  
17 has investigated and reached adjudication or accepted a plea  
18 of nolo contendere, including a recommended penalty to the  
19 board, the department shall not initiate prosecution for that  
20 action, unless the secretary has initiated summary procedures  
21 pursuant to s. 455.225(8).

22 (f) Nothing in this subsection shall be construed to  
23 allow local jurisdictions to exercise disciplinary authority  
24 over certified contractors.

25 Section 31. Section 489.532, Florida Statutes, is  
26 amended to read:

27 489.532 Contracts performed by unlicensed contractors  
28 unenforceable.--As a matter of public policy, contracts  
29 entered into on or after October 1, 1990, and performed in  
30 full or in part by any contractor who fails to obtain or  
31 maintain his or her license in accordance with this part shall



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1 be unenforceable in law, and the court in its discretion may  
2 extend this provision to equitable remedies. ~~However, in the~~  
3 ~~event the contractor obtains or reinstates the license the~~  
4 ~~provisions of this section shall no longer apply.~~

5 Section 32. Subsection (8) of section 489.537, Florida  
6 Statutes, is repealed.

7 Section 33. Subsections (21), (22), and (23) of  
8 section 489.505, Florida Statutes, are amended to read:

9 489.505 Definitions.--As used in this part:

10 (21) "Registered alarm system contractor I" means an  
11 alarm system contractor whose business includes all types of  
12 alarm systems for all purposes and who is registered with the  
13 department pursuant to s. 489.513 ~~or s. 489.537(8)~~. A  
14 registered alarm system contractor I may contract only in the  
15 jurisdictions for which his or her registration is issued.

16 (22) "Registered alarm system contractor II" means an  
17 alarm system contractor whose business includes all types of  
18 alarm systems, other than fire, for all purposes and who is  
19 registered with the department pursuant to s. 489.513 ~~or s.~~  
20 ~~489.537(8)~~. A registered alarm system contractor II may  
21 contract only in the jurisdiction for which his or her  
22 registration is issued.

23 (23) "Registered residential alarm system contractor"  
24 means an alarm system contractor whose business is limited to  
25 burglar alarm systems in single-family residential, quadruplex  
26 housing, and mobile homes of a residential occupancy class and  
27 who is registered with the department pursuant to s. 489.513  
28 ~~or s. 489.537(8)~~. The board shall define "residential  
29 occupancy class" by rule. A registered residential alarm  
30 system contractor may contract only in the jurisdiction for  
31 which his or her registration is issued.

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1           Section 34. Subsection (2) of section 489.515, Florida  
2 Statutes, is amended to read:

3           489.515 Issuance of certificates; registrations.--

4           (2) The department shall issue a registration to a  
5 person who is in compliance with the provisions of s. 489.513  
6 ~~or s. 489.537(8)~~ and who the board certifies is qualified to  
7 be registered.

8  
9 (Redesignate subsequent sections.)

10

11

12 ===== T I T L E   A M E N D M E N T =====

13 And the title is amended as follows:

14           On page 1, line 6, after the semicolon,

15

16 insert:

17           amending s. 399.061, F.S.; revising  
18           requirements for elevator inspections and  
19           service maintenance contracts; amending s.  
20           468.603, F.S.; providing for consistency in  
21           terminology; defining the term "building code  
22           enforcement official"; amending s. 468.609,  
23           F.S.; revising intent with respect to the  
24           examination required for certification as a  
25           building code administrator, plans examiner, or  
26           building code inspector; increasing the  
27           validity period of a provisional certificate;  
28           clarifying to whom a provisional certificate  
29           may be issued; authorizing newly employed or  
30           hired persons applying for provisional  
31           certification to perform for a specified period

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1 the duties of a plans examiner or building code  
2 inspector under the direct supervision of a  
3 building code administrator holding limited or  
4 provisional certification in counties with  
5 populations below a specified level and the  
6 municipalities therein; deleting obsolete  
7 standard certificate equivalency provisions;  
8 amending ss. 112.3145, 125.56, 212.08, 252.924,  
9 404.056, 468.604, 468.605, 468.607, 468.617,  
10 F.S.; providing for consistency; creating s.  
11 468.619, F.S.; establishing special  
12 disciplinary procedures for enforcement  
13 officials; amending 468.621, 468.627, 468.631,  
14 468.633, 471.045, 481.222, 489.103, F.S.;

15 providing for consistency in terminology;  
16 amending s. 489.105, F.S.; revising the scope  
17 of work of commercial and residential pool/spa  
18 contractors and swimming pool/spa servicing  
19 contractors; amending s. 489.107, F.S.;

20 requiring the offices of the Construction  
21 Industry Licensing Board to be in Leon County;  
22 amending s. 489.128, F.S.; eliminating an  
23 exemption from a provision invalidating  
24 contracts with unlicensed contractors; amending  
25 s. 489.503, F.S.; revising exemptions from  
26 regulation under pt. II, ch. 489, F.S.,  
27 relating to electrical and alarm system  
28 contracting; amending s. 489.514, F.S.;

29 revising grandfathering provisions for  
30 certification of registered electrical and  
31 alarm system contractors; amending s. 489.5185,

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1 F.S.; providing that persons who perform only  
2 monitoring are not required to complete the  
3 training required for fire alarm system agents;  
4 amending s. 489.522, F.S.; providing  
5 requirements when a qualifying agent ceases to  
6 qualify a business; amending s. 489.531, F.S.;  
7 providing penalties for violations by  
8 unlicensed persons of acts prohibited under pt.  
9 II, ch. 489, F.S., relating to electrical and  
10 alarm system contracting; amending s. 489.532,  
11 F.S.; eliminating an exemption from a provision  
12 invalidating contracts with unlicensed  
13 contractors; repealing s. 489.537(8), F.S.,  
14 relating to obsolete provisions for the  
15 registration of alarm system contractors;  
16 amending ss. 489.505, 489.515, F.S.; deleting  
17 cross-references, to conform;

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