

By Senator Mitchell

4-1125-00

See HB

1 A bill to be entitled
2 An act relating to building code administrators
3 and inspectors; amending s. 468.609, F.S.;
4 revising intent with respect to the examination
5 required for certification as a building code
6 administrator, plans examiner, or building code
7 inspector; increasing the validity period of a
8 provisional certificate; clarifying to whom a
9 provisional certificate may be issued; deleting
10 obsolete standard certificate equivalency
11 provisions; providing for consistency in
12 terminology; amending ss. 112.3145, 125.56,
13 212.08, 252.924, 404.056, 468.603, 468.604,
14 468.605, 468.607, 468.617, 468.621, 468.627,
15 468.631, 468.633, 471.045, 481.222, 489.103,
16 F.S.; providing for consistency in terminology;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsections (2) and (6) of section 468.603,
22 Florida Statutes, are amended to read:

23 468.603 Definitions.--As used in this part:

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

3 (6) "Categories of building code inspectors" include
4 the following:

5 (a) "Building inspector" means a person who is
6 qualified to inspect and determine that buildings and
7 structures are constructed in accordance with the provisions
8 of the governing building codes and state accessibility laws.

9 (b) "Coastal construction inspector" means a person
10 who is qualified to inspect and determine that buildings and
11 structures are constructed to resist near-hurricane and
12 hurricane velocity winds in accordance with the provisions of
13 the governing building code.

14 (c) "Commercial electrical inspector" means a person
15 who is qualified to inspect and determine the electrical
16 safety of commercial buildings and structures by inspecting
17 for compliance with the provisions of the National Electrical
18 Code.

19 (d) "Residential electrical inspector" means a person
20 who is qualified to inspect and determine the electrical
21 safety of one and two family dwellings and accessory
22 structures by inspecting for compliance with the applicable
23 provisions of the governing electrical code.

24 (e) "Mechanical inspector" means a person who is
25 qualified to inspect and determine that the mechanical
26 installations and systems for buildings and structures are in
27 compliance with the provisions of the governing mechanical
28 code.

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

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

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 National Electrical Code.

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

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

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

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1 (a) The review of construction plans to ensure
2 compliance with all applicable codes. The construction plans
3 must be reviewed before the issuance of any building, system
4 installation, or other construction permit. The review of
5 construction plans must be done by the building code
6 administrator or building official or by a person having the
7 appropriate plans examiner license issued under this chapter.

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

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

28 (3) It is the responsibility of the plans examiner to
29 conduct review of construction plans submitted in the permit
30 application to assure compliance with all applicable codes
31 required by municipal code, county ordinance, or state law.

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

8 Section 3. Paragraph (c) of subsection (2) of section
9 468.605, Florida Statutes, is amended to read:

10 468.605 Florida Building Code Administrators and
11 Inspectors Board.--

12 (2) The board shall consist of nine members, as
13 follows:

14 (c) Two members serving as building code inspectors.
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16 None of the board members described in paragraph (a) or
17 paragraph (f) may be an employee of a municipal, county, or
18 state governmental agency.

19 Section 4. Section 468.607, Florida Statutes, is
20 amended to read:

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

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

3 468.609 Administration of this part; standards for
4 certification; additional categories of certification.--

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

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

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

13 (b) Is of good moral character; and

14 (c) Meets eligibility requirements according to one of
15 the following criteria:

16 1. Demonstrates 5 years' combined experience in the
17 field of construction or a related field, building code
18 inspection, or plans review corresponding to the certification
19 category sought;

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

25 3. Demonstrates a combination of technical education
26 in the field of construction or a related field and experience
27 which totals 4 years, with at least 1 year of such total being
28 experience in construction, building code inspection, or plans
29 review; or

30 4. Currently holds a standard certificate as issued by
31 the board and satisfactorily completes a building code ~~an~~

1 inspector or plans examiner training program of not less than
2 200 hours in the certification category sought. The board
3 shall establish by rule criteria for the development and
4 implementation of the training programs.

5 (d) Demonstrates successful completion of the core
6 curriculum and specialized or advanced module coursework
7 approved by the Florida Building Commission, as part of the
8 Building Code Training Program established pursuant to s.
9 553.841, appropriate to the licensing category sought or,
10 pursuant to authorization by the certifying authority,
11 provides proof of completion of such curriculum or coursework
12 within 6 months after such certification.

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

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

17 (b) Is of good moral character; and

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

20 1. Demonstrates 10 years' combined experience as an
21 architect, engineer, plans examiner, building code inspector,
22 registered or certified contractor, or construction
23 superintendent, with at least 5 years of such experience in
24 supervisory positions; or

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

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

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

15 (a) A standard certificate.

16 (b) A limited certificate.

17 (c) A provisional certificate.

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

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1 (b) A standard certificate shall be issued to each
2 applicant who successfully completes the examination, which
3 certificate authorizes the individual named thereon to
4 practice throughout the state as a building code
5 administrator, plans examiner, or building code inspector
6 within such class and level as is specified by the board.

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

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

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

26 (c) The limited certificate shall be valid only as an
27 authorization for the building code administrator, plans
28 examiner, or building code inspector to continue in the
29 position held, and to continue performing all functions
30 assigned to that position, on July 1, 1993.

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1 (d) A building code administrator, plans examiner, or
2 building code inspector holding a limited certificate can be
3 promoted to a position requiring a higher level certificate
4 only upon issuance of a standard certificate or provisional
5 certificate appropriate for such new position.

6 (7)(a) The board may provide for the issuance of
7 provisional certificates valid for such period, not less than
8 3 years ~~1 year~~ nor more than 5 ~~3~~ years, as specified by board
9 rule, to any newly employed or promoted building code
10 inspector or plans examiner who meets the eligibility
11 requirements described in subsection (2) and any newly
12 employed or promoted building code administrator who meets the
13 eligibility requirements described in subsection (3)~~building~~
14 ~~code administrator, plans examiner, or inspector.~~

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

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

25 (d) A newly employed or hired person may perform the
26 duties of a plans examiner or building code inspector for 90
27 days if a provisional certificate application has been
28 submitted, provided such person is under the direct
29 supervision of a certified building code administrator who
30 holds a standard certification and who has found such person
31 qualified for a provisional certificate.

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

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

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

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

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

3 Section 6. Section 468.617, Florida Statutes, is
4 amended to read:

5 468.617 Joint building code inspection department;
6 other arrangements.--

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

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

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

28 Section 7. Subsection (3) of section 468.621, Florida
29 Statutes, is amended to read:

30 468.621 Disciplinary proceedings.--
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1 (3) Where a certificate is suspended, placed on
2 probation, or has conditions imposed, the board shall
3 reinstate the certificate of a disciplined building code
4 administrator, plans examiner, or building code inspector upon
5 proof the disciplined individual has complied with all terms
6 and conditions set forth in the final order.

7 Section 8. Subsections (2), (3), and (4) of section
8 468.627, Florida Statutes, are amended to read:

9 468.627 Application; examination; renewal; fees.--

10 (2) The initial application fee may not exceed \$25 for
11 building code administrators, plans examiners, or building
12 code inspectors.

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

16 (4) Employees of local government agencies having
17 responsibility for building code inspection, building
18 construction regulation, and enforcement of building,
19 plumbing, mechanical, electrical, gas, fire prevention,
20 energy, accessibility, and other construction codes shall pay
21 no application fees or examination fees.

22 Section 9. Section 468.631, Florida Statutes, is
23 amended to read:

24 468.631 Building Code Administrators and Inspectors
25 Fund.--The provisions of this part shall be funded through a
26 surcharge, to be assessed pursuant to s. 125.56(4) or s.
27 166.201 at the rate of one-half cent per square foot of
28 under-roof floor space permitted, including new construction,
29 renovations, alterations, and additions. The unit of
30 government responsible for collecting permit fees pursuant to
31 s. 125.56(4) or s. 166.201 shall collect such surcharge and

1 shall remit the funds to the department on a quarterly
2 calendar basis beginning not later than December 31, 1993, for
3 the preceding quarter, and continuing each third month
4 thereafter; and such unit of government may retain an amount
5 up to 10 percent of the surcharge collected to fund projects
6 and activities intended to improve the quality of building
7 code enforcement. There is created within the Professional
8 Regulation Trust Fund a separate account to be known as the
9 Building Code Administrators and Inspectors Fund, which shall
10 deposit and disburse funds as necessary for the implementation
11 of this part. The department shall annually establish the
12 amount needed to fund the certification and regulation of
13 building code administrators, plans examiners, and building
14 code inspectors. Any funds collected in excess of the amount
15 needed to adequately fund the certification and regulation of
16 building code administrators, plans examiners, and building
17 code inspectors shall be deposited into the Construction
18 Industries Recovery Fund established by s. 489.140. If the
19 Construction Industries Recovery Fund is fully funded as
20 provided by s. 489.140, any remaining funds shall be
21 distributed to the Construction Industry Licensing Board for
22 use in the regulation of certified and registered contractors.

23 Section 10. Subsection (1) of section 468.633, Florida
24 Statutes, is amended to read:

25 468.633 Authority of local government.--

26 (1) Nothing in this part may be construed to restrict
27 the authority of local governments to require as a condition
28 of employment that building code administrators, plans
29 examiners, and building code inspectors possess qualifications
30 beyond the requirements for certification contained in this
31 part.

1 Section 11. Paragraph (a) of subsection (1) of section
2 112.3145, Florida Statutes, is amended to read:

3 112.3145 Disclosure of financial interests and clients
4 represented before agencies.--

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

7 (a) "Local officer" means:

8 1. Every person who is elected to office in any
9 political subdivision of the state, and every person who is
10 appointed to fill a vacancy for an unexpired term in such an
11 elective office.

12 2. Any appointed member of a board; commission;
13 authority, including any expressway authority or
14 transportation authority established by general law; community
15 college district board of trustees; or council of any
16 political subdivision of the state, excluding any member of an
17 advisory body. A governmental body with land-planning, zoning,
18 or natural resources responsibilities shall not be considered
19 an advisory body.

20 3. Any person holding one or more of the following
21 positions: mayor; county or city manager; chief administrative
22 employee of a county, municipality, or other political
23 subdivision; county or municipal attorney; chief county or
24 municipal building code inspector; county or municipal water
25 resources coordinator; county or municipal pollution control
26 director; county or municipal environmental control director;
27 county or municipal administrator, with power to grant or deny
28 a land development permit; chief of police; fire chief;
29 municipal clerk; district school superintendent; community
30 college president; district medical examiner; or purchasing
31 agent having the authority to make any purchase exceeding the

1 threshold amount provided for in s. 287.017 for CATEGORY ONE,
2 on behalf of any political subdivision of the state or any
3 entity thereof.

4 Section 12. Subsection (3) of section 125.56, Florida
5 Statutes, is amended to read:

6 125.56 Adoption or amendment of building code;
7 inspection fees; inspectors; etc.--

8 (3) The board of county commissioners of each of the
9 several counties may employ a building code inspector and such
10 other personnel as it deems necessary to carry out the
11 provisions of this act and may pay reasonable salaries for
12 such services.

13 Section 13. Paragraph (g) of subsection (5) of section
14 212.08, Florida Statutes, is amended to read:

15 212.08 Sales, rental, use, consumption, distribution,
16 and storage tax; specified exemptions.--The sale at retail,
17 the rental, the use, the consumption, the distribution, and
18 the storage to be used or consumed in this state of the
19 following are hereby specifically exempt from the tax imposed
20 by this chapter.

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

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

24 1. Beginning July 1, 1995, building materials used in
25 the rehabilitation of real property located in an enterprise
26 zone shall be exempt from the tax imposed by this chapter upon
27 an affirmative showing to the satisfaction of the department
28 that the items have been used for the rehabilitation of real
29 property located in an enterprise zone. Except as provided in
30 subparagraph 2., this exemption inures to the owner, lessee,
31 or lessor of the rehabilitated real property located in an

1 enterprise zone only through a refund of previously paid
2 taxes. To receive a refund pursuant to this paragraph, the
3 owner, lessee, or lessor of the rehabilitated real property
4 located in an enterprise zone must file an application under
5 oath with the governing body or enterprise zone development
6 agency having jurisdiction over the enterprise zone where the
7 business is located, as applicable, which includes:

8 a. The name and address of the person claiming the
9 refund.

10 b. An address and assessment roll parcel number of the
11 rehabilitated real property in an enterprise zone for which a
12 refund of previously paid taxes is being sought.

13 c. A description of the improvements made to
14 accomplish the rehabilitation of the real property.

15 d. A copy of the building permit issued for the
16 rehabilitation of the real property.

17 e. A sworn statement, under the penalty of perjury,
18 from the general contractor licensed in this state with whom
19 the applicant contracted to make the improvements necessary to
20 accomplish the rehabilitation of the real property, which
21 statement lists the building materials used in the
22 rehabilitation of the real property, the actual cost of the
23 building materials, and the amount of sales tax paid in this
24 state on the building materials. In the event that a general
25 contractor has not been used, the applicant shall provide this
26 information in a sworn statement, under the penalty of
27 perjury. Copies of the invoices which evidence the purchase of
28 the building materials used in such rehabilitation and the
29 payment of sales tax on the building materials shall be
30 attached to the sworn statement provided by the general
31 contractor or by the applicant. Unless the actual cost of

1 building materials used in the rehabilitation of real property
2 and the payment of sales taxes due thereon is documented by a
3 general contractor or by the applicant in this manner, the
4 cost of such building materials shall be an amount equal to 40
5 percent of the increase in assessed value for ad valorem tax
6 purposes.

7 f. The identifying number assigned pursuant to s.
8 290.0065 to the enterprise zone in which the rehabilitated
9 real property is located.

10 g. A certification by the local building code
11 inspector that the improvements necessary to accomplish the
12 rehabilitation of the real property are substantially
13 completed.

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

16 i. If applicable, the name and address of each
17 permanent employee of the business, including, for each
18 employee who is a resident of an enterprise zone, the
19 identifying number assigned pursuant to s. 290.0065 to the
20 enterprise zone in which the employee resides.

21 2. This exemption inures to a city, county, or other
22 governmental agency through a refund of previously paid taxes
23 if the building materials used in the rehabilitation of real
24 property located in an enterprise zone are paid for from the
25 funds of a community development block grant or similar grant
26 or loan program. To receive a refund pursuant to this
27 paragraph, a city, county, or other governmental agency must
28 file an application which includes the same information
29 required to be provided in subparagraph 1. by an owner,
30 lessee, or lessor of rehabilitated real property. In addition,
31 the application must include a sworn statement signed by the

1 chief executive officer of the city, county, or other
2 governmental agency seeking a refund which states that the
3 building materials for which a refund is sought were paid for
4 from the funds of a community development block grant or
5 similar grant or loan program.

6 3. Within 10 working days after receipt of an
7 application, the governing body or enterprise zone development
8 agency shall review the application to determine if it
9 contains all the information required pursuant to subparagraph
10 1. or subparagraph 2. and meets the criteria set out in this
11 paragraph. The governing body or agency shall certify all
12 applications that contain the information required pursuant to
13 subparagraph 1. or subparagraph 2. and meet the criteria set
14 out in this paragraph as eligible to receive a refund. If
15 applicable, the governing body or agency shall also certify if
16 20 percent of the employees of the business are residents of
17 an enterprise zone, excluding temporary and part-time
18 employees. The certification shall be in writing, and a copy
19 of the certification shall be transmitted to the executive
20 director of the Department of Revenue. The applicant shall be
21 responsible for forwarding a certified application to the
22 department within the time specified in subparagraph 4.

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

27 5. The provisions of s. 212.095 do not apply to any
28 refund application made pursuant to this paragraph. No more
29 than one exemption through a refund of previously paid taxes
30 for the rehabilitation of real property shall be permitted for
31 any one parcel of real property. No refund shall be granted

1 pursuant to this paragraph unless the amount to be refunded
2 exceeds \$500. No refund granted pursuant to this paragraph
3 shall exceed the lesser of 97 percent of the Florida sales or
4 use tax paid on the cost of the building materials used in the
5 rehabilitation of the real property as determined pursuant to
6 sub-subparagraph 1.e. or \$5,000, or, if no less than 20
7 percent of the employees of the business are residents of an
8 enterprise zone, excluding temporary and part-time employees,
9 the amount of refund granted pursuant to this paragraph shall
10 not exceed the lesser of 97 percent of the sales tax paid on
11 the cost of such building materials or \$10,000. A refund
12 approved pursuant to this paragraph shall be made within 30
13 days of formal approval by the department of the application
14 for the refund.

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

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

26 8. For the purposes of the exemption provided in this
27 paragraph:

28 a. "Building materials" means tangible personal
29 property which becomes a component part of improvements to
30 real property.

31

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

3 c. "Rehabilitation of real property" means the
4 reconstruction, renovation, restoration, rehabilitation,
5 construction, or expansion of improvements to real property.

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

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

10 Section 14. Paragraph (a) of subsection (2) of section
11 252.924, Florida Statutes, is amended to read:

12 252.924 Party state responsibilities.--

13 (2) The authorized representative of a party state may
14 request assistance of another party state by contacting the
15 authorizing representative of that state. The provisions of
16 this agreement shall only apply to requests for assistance
17 made by and to authorized representatives. Requests may be
18 verbal or in writing. If verbal, the request shall be
19 confirmed in writing within 90 days of the verbal request.
20 Requests shall provide the following information:

21 (a) A description of the emergency service function
22 for which assistance is needed, such as, but not limited to,
23 fire services, law enforcement, emergency medical,
24 transportation, communications, public works and engineering,
25 building code inspection, planning and information assistance,
26 mass care, resource support, health and medical services, and
27 search and rescue.

28 Section 15. Paragraph (j) of subsection (3) of section
29 404.056, Florida Statutes, is amended to read:

30 404.056 Environmental radiation standards and
31 programs; radon protection.--

- 1 (3) CERTIFICATION.--
- 2 (j) The department may set criteria and requirements
- 3 for the application, certification, and annual renewal of
- 4 certification for radon measurement and mitigation businesses,
- 5 which may include:
- 6 1. Requirements for measurement devices and
- 7 measurement procedures, including the disclosure of mitigation
- 8 materials, systems, and other mitigation services offered.
- 9 2. The identification of certified specialists and
- 10 technicians employed by the business and requirements for
- 11 specialist staffing and duties.
- 12 3. The analysis of measurement devices by proficient
- 13 analytical service providers.
- 14 4. Requirements for a quality assurance and quality
- 15 control program.
- 16 5. The disclosure of client measurement reporting
- 17 forms and warranties and operating instructions for mitigation
- 18 systems.
- 19 6. Requirements for radon services publications and
- 20 the identification of the radon business certification number
- 21 in advertisements.
- 22 7. Requirements for a worker health and safety
- 23 program.
- 24 8. Requirements for maintaining radon records.
- 25 9. The operation of branch office locations.
- 26 10. Requirements for supervising subcontractors who
- 27 install mitigation systems.
- 28 11. Requirements for building code inspections and
- 29 evaluation and standards for the design and installation of
- 30 mitigation systems.
- 31 12. Prescribing conditions of mitigation measurements.

1 Section 16. Section 471.045, Florida Statutes, is
2 amended to read:

3 471.045 Professional engineers performing building
4 code inspector duties.--Notwithstanding any other provision of
5 law, a person who is currently licensed under this chapter to
6 practice as a professional engineer may provide building code
7 inspection services described in s. 468.603(6) and (7) to a
8 local government or state agency upon its request, without
9 being certified by the Florida Building Code Administrators
10 and Inspectors Board under part XII of chapter 468. When
11 performing these building code inspection services, the
12 professional engineer is subject to the disciplinary
13 guidelines of this chapter and s. 468.621(1)(c)-(h). Any
14 complaint processing, investigation, and discipline that arise
15 out of a professional engineer's performing building code
16 inspection services shall be conducted by the Board of
17 Professional Engineers rather than the Florida Building Code
18 Administrators and Inspectors Board. A professional engineer
19 may not perform plans review as an employee of a local
20 government upon any job that the professional engineer or the
21 professional engineer's company designed.

22 Section 17. Section 481.222, Florida Statutes, is
23 amended to read:

24 481.222 Architects performing building code inspector
25 duties.--Notwithstanding any other provision of law, a person
26 who is currently licensed to practice as an architect under
27 this part may provide building code inspection services
28 described in s. 468.603(6) and (7) to a local government or
29 state agency upon its request, without being certified by the
30 Florida Building Code Administrators and Inspectors Board
31 under part XII of chapter 468. With respect to the performance

1 of such building code inspection services, the architect is
2 subject to the disciplinary guidelines of this part and s.
3 468.621(1)(c)-(h). Any complaint processing, investigation,
4 and discipline that arise out of an architect's performance of
5 building code inspection services shall be conducted by the
6 Board of Architecture and Interior Design rather than the
7 Florida Building Code Administrators and Inspectors Board. An
8 architect may not perform plans review as an employee of a
9 local government upon any job that the architect or the
10 architect's company designed.

11 Section 18. Paragraph (b) of subsection (18) of
12 section 489.103, Florida Statutes, is amended to read:

13 489.103 Exemptions.--This part does not apply to:

14 (18) Any one-family, two-family, or three-family
15 residence constructed by Habitat for Humanity International,
16 Inc., or its local affiliates. Habitat for Humanity
17 International, Inc., or its local affiliates, must:

18 (b) Obtain all required building code inspections.

19 Section 19. This act shall take effect July 1, 2000.
20

21 *****

22 LEGISLATIVE SUMMARY

23
24 Revises intent with respect to the examination required
25 for certification as a building code administrator, plans
26 examiner, or building code inspector. Increases the
27 validity period of a provisional certificate. Clarifies
28 to whom a provisional certificate may be issued. Deletes
29 obsolete standard certificate equivalency provisions.
30 Provides for consistency in terminology relating to
31 building code administration and inspection. (See bill
for details.)