

By the Committee on Regulated Industries and Senator Mitchell

315-2017A-00

1                                   A bill to be entitled  
2           An act relating to construction; amending s.  
3           399.061, F.S.; revising requirements for  
4           elevator inspections and service maintenance  
5           contracts; amending s. 468.603, F.S.; providing  
6           for consistency in terminology; defining the  
7           term "building code enforcement official";  
8           amending s. 468.609, F.S.; revising intent with  
9           respect to the examination required for  
10          certification as a building code administrator,  
11          plans examiner, or building code inspector;  
12          increasing the validity period of a provisional  
13          certificate; clarifying to whom a provisional  
14          certificate may be issued; authorizing newly  
15          employed or hired persons applying for  
16          provisional certification to perform for a  
17          specified period the duties of a plans examiner  
18          or building code inspector under the direct  
19          supervision of a building code administrator  
20          holding limited or provisional certification in  
21          counties with populations below a specified  
22          level and the municipalities therein; deleting  
23          obsolete standard certificate equivalency  
24          provisions; amending ss. 112.3145, 125.56,  
25          212.08, 252.924, 404.056, 468.604, 468.605,  
26          468.607, 468.617, F.S.; providing for  
27          consistency; creating s. 468.619, F.S.;  
28          establishing special disciplinary procedures  
29          for enforcement officials; amending 468.621,  
30          468.627, 468.631, 468.633, 471.045, 481.222,  
31          489.103, F.S.; providing for consistency in

1 terminology; amending s. 489.105, F.S.;

2 revising the scope of work of commercial and

3 residential pool/spa contractors and swimming

4 pool/spa servicing contractors; amending s.

5 489.107, F.S.; requiring the offices of the

6 Construction Industry Licensing Board to be in

7 Leon County; amending s. 489.128, F.S.;

8 eliminating an exemption from a provision

9 invalidating contracts with unlicensed

10 contractors; amending s. 489.503, F.S.;

11 revising exemptions from regulation under pt.

12 II, ch. 489, F.S., relating to electrical and

13 alarm system contracting; amending s. 489.514,

14 F.S.; revising grandfathering provisions for

15 certification of registered electrical and

16 alarm system contractors; amending s. 489.5185,

17 F.S.; providing that persons who perform only

18 monitoring are not required to complete the

19 training required for fire alarm system agents;

20 amending s. 489.522, F.S.; providing

21 requirements when a qualifying agent ceases to

22 qualify a business; amending s. 489.531, F.S.;

23 providing penalties for violations by

24 unlicensed persons of acts prohibited under pt.

25 II, ch. 489, F.S., relating to electrical and

26 alarm system contracting; amending s. 489.532,

27 F.S.; eliminating an exemption from a provision

28 invalidating contracts with unlicensed

29 contractors; repealing s. 489.537(8), F.S.,

30 relating to obsolete provisions for the

31 registration of alarm system contractors;

1           amending ss. 489.505, 489.515, F.S.; deleting  
2           cross-references, to conform; providing an  
3           effective date.

4  
5 Be It Enacted by the Legislature of the State of Florida:

6  
7           Section 1. Subsection (1) of section 399.061, Florida  
8 Statutes, is amended to read:

9           399.061 Inspections; correction of deficiencies.--

10           (1)(a) All ~~For those~~ elevators subject to this chapter  
11 must be inspected pursuant to s. 399.13 by a third-party  
12 inspection service certified as a Qualified Elevator Inspector  
13 or maintained pursuant to a service maintenance contract  
14 continuously in force. A statement verifying the existence,  
15 performance, and cancellation of each service maintenance  
16 contract must be filed annually with the division as  
17 prescribed by rule. All elevators for which a service  
18 maintenance contract is not continuously in force, the  
19 division shall inspect such elevators at least once between  
20 July 1 of any year and June 30 of the next year, the state's  
21 fiscal year.

22           ~~(b) When a service maintenance contract is~~  
23 ~~continuously maintained with an elevator company, the division~~  
24 ~~shall verify with the elevator company before the end of each~~  
25 ~~fiscal year that the contract is in force and is being~~  
26 ~~implemented. An elevator covered by such a service~~  
27 ~~maintenance contract shall be inspected by a~~  
28 certificate-of-competency holder ~~state elevator inspector~~ at  
29 least once every 2 ~~fiscal~~ years; however, if the elevator is  
30 not an escalator or a dumbwaiter and the elevator serves only  
31 two adjacent floors and is covered by a service maintenance

1 contract, no inspection shall be required so long as the  
2 service contract remains in effect.

3 (b)~~(c)~~ The division may inspect an elevator whenever  
4 necessary to ensure its safe operation.

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

8 468.603 Definitions.--As used in this part:

9 (2) "Building code inspector" ~~or "inspector"~~ means any  
10 of those employees of local governments or state agencies with  
11 building construction regulation responsibilities who  
12 themselves conduct inspections of building construction,  
13 erection, repair, addition, or alteration projects that  
14 require permitting indicating compliance with building,  
15 plumbing, mechanical, electrical, gas, fire prevention,  
16 energy, accessibility, and other construction codes as  
17 required by state law or municipal or county ordinance.

18 (6) "Categories of building code inspectors" include  
19 the following:

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

24 (b) "Coastal construction inspector" means a person  
25 who is qualified to inspect and determine that buildings and  
26 structures are constructed to resist near-hurricane and  
27 hurricane velocity winds in accordance with the provisions of  
28 the governing building code.

29 (c) "Commercial electrical inspector" means a person  
30 who is qualified to inspect and determine the electrical  
31 safety of commercial buildings and structures by inspecting

1 for compliance with the provisions of the National Electrical  
2 Code.

3 (d) "Residential electrical inspector" means a person  
4 who is qualified to inspect and determine the electrical  
5 safety of one and two family dwellings and accessory  
6 structures by inspecting for compliance with the applicable  
7 provisions of the governing electrical code.

8 (e) "Mechanical inspector" means a person who is  
9 qualified to inspect and determine that the mechanical  
10 installations and systems for buildings and structures are in  
11 compliance with the provisions of the governing mechanical  
12 code.

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

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

22 (h) "Electrical inspector" means a person who is  
23 qualified to inspect and determine the electrical safety of  
24 commercial and residential buildings and accessory structures  
25 by inspecting for compliance with the provisions of the  
26 National Electrical Code.

27 (8) "Building code enforcement official" or  
28 "enforcement official" means a licensed building code  
29 administrator, building code inspector, or plans examiner.

30 Section 3. Section 468.604, Florida Statutes, is  
31 amended to read:

1           468.604 Responsibilities of building code  
2 administrators, plans examiners, and building code  
3 inspectors.--

4           (1) It is the responsibility of the building code  
5 administrator or building official to administrate, supervise,  
6 direct, enforce, or perform the permitting and inspection of  
7 construction, alteration, repair, remodeling, or demolition of  
8 structures and the installation of building systems within the  
9 boundaries of their governmental jurisdiction, when permitting  
10 is required, to ensure compliance with building, plumbing,  
11 mechanical, electrical, gas fuel, energy conservation,  
12 accessibility, and other construction codes which are required  
13 or adopted by municipal code, county ordinance, or state law.  
14 The building code administrator or building official shall  
15 faithfully perform these responsibilities without interference  
16 from any person. These responsibilities include:

17           (a) The review of construction plans to ensure  
18 compliance with all applicable codes. The construction plans  
19 must be reviewed before the issuance of any building, system  
20 installation, or other construction permit. The review of  
21 construction plans must be done by the building code  
22 administrator or building official or by a person having the  
23 appropriate plans examiner license issued under this chapter.

24           (b) The inspection of each phase of construction where  
25 a building or other construction permit has been issued. The  
26 building code administrator or building official, or a person  
27 having the appropriate building code inspector license issued  
28 under this chapter, shall inspect the construction or  
29 installation to ensure that the work is performed in  
30 accordance with applicable codes.

31

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

14           (3) It is the responsibility of the plans examiner to  
15 conduct review of construction plans submitted in the permit  
16 application to assure compliance with all applicable codes  
17 required by municipal code, county ordinance, or state law.  
18 The review of construction plans must be done by the building  
19 code administrator or building official or by a person  
20 licensed in the appropriate plans examiner category as defined  
21 in s. 468.603. The plans examiner's responsibilities must be  
22 performed under the supervision and authority of the building  
23 code administrator or building official without interference  
24 from any unlicensed person.

25           Section 4. Paragraph (c) of subsection (2) of section  
26 468.605, Florida Statutes, is amended to read:

27           468.605 Florida Building Code Administrators and  
28 Inspectors Board.--

29           (2) The board shall consist of nine members, as  
30 follows:

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

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

5 Section 5. Section 468.607, Florida Statutes, is  
6 amended to read:

7 468.607 Certification of building code administration  
8 and inspection personnel.--The board shall issue a certificate  
9 to any individual whom the board determines to be qualified,  
10 within such class and level as provided in this part and with  
11 such limitations as the board may place upon it. No person  
12 may be employed by a state agency or local governmental  
13 authority to perform the duties of a building code  
14 administrator, plans examiner, or building code inspector  
15 after October 1, 1993, without possessing the proper valid  
16 certificate issued in accordance with the provisions of this  
17 part.

18 Section 6. Section 468.609, Florida Statutes, is  
19 amended to read:

20 468.609 Administration of this part; standards for  
21 certification; additional categories of certification.--

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

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

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

30 (b) Is of good moral character; and

31



1 (c) Meets eligibility requirements according to one of  
2 the following criteria:

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

7 2. Demonstrates a combination of postsecondary  
8 education in the field of construction or a related field and  
9 experience which totals 4 years, with at least 1 year of such  
10 total being experience in construction, building code  
11 inspection, or plans review;

12 3. Demonstrates a combination of technical education  
13 in the field of construction or a related field and experience  
14 which totals 4 years, with at least 1 year of such total being  
15 experience in construction, building code inspection, or plans  
16 review; or

17 4. Currently holds a standard certificate as issued by  
18 the board and satisfactorily completes a building code an  
19 inspector or plans examiner training program of not less than  
20 200 hours in the certification category sought. The board  
21 shall establish by rule criteria for the development and  
22 implementation of the training programs.

23 (d) Demonstrates successful completion of the core  
24 curriculum and specialized or advanced module coursework  
25 approved by the Florida Building Commission, as part of the  
26 Building Code Training Program established pursuant to s.  
27 553.841, appropriate to the licensing category sought or,  
28 pursuant to authorization by the certifying authority,  
29 provides proof of completion of such curriculum or coursework  
30 within 6 months after such certification.

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

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

5           (b) Is of good moral character; and

6           (c) Meets eligibility requirements according to one of  
7 the following criteria:

8           1. Demonstrates 10 years' combined experience as an  
9 architect, engineer, plans examiner, building code inspector,  
10 registered or certified contractor, or construction  
11 superintendent, with at least 5 years of such experience in  
12 supervisory positions; or

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

20           (d) Demonstrates successful completion of the core  
21 curriculum and specialized or advanced module coursework  
22 approved by the Florida Building Commission, as part of the  
23 Building Code Training Program established pursuant to s.  
24 553.841, appropriate to the licensing category sought or,  
25 pursuant to authorization by the certifying authority,  
26 provides proof of completion of such curriculum or coursework  
27 within 6 months after such certification.

28           (4) No person may engage in the duties of a building  
29 code administrator, plans examiner, or building code inspector  
30 pursuant to this part after October 1, 1993, unless such  
31 person possesses one of the following types of certificates,

1 currently valid, issued by the board attesting to the person's  
2 qualifications to hold such position:

3 (a) A standard certificate.

4 (b) A limited certificate.

5 (c) A provisional certificate.

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

20 (b) A standard certificate shall be issued to each  
21 applicant who successfully completes the examination, which  
22 certificate authorizes the individual named thereon to  
23 practice throughout the state as a building code  
24 administrator, plans examiner, or building code inspector  
25 within such class and level as is specified by the board.

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

29 (6)(a) A building code administrator, plans examiner,  
30 or building code inspector holding office on July 1, 1993,  
31 shall not be required to possess a standard certificate as a

1 condition of tenure or continued employment, but shall be  
2 required to obtain a limited certificate as described in this  
3 subsection.

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

14 (c) The limited certificate shall be valid only as an  
15 authorization for the building code administrator, plans  
16 examiner, or building code inspector to continue in the  
17 position held, and to continue performing all functions  
18 assigned to that position, on July 1, 1993.

19 (d) A building code administrator, plans examiner, or  
20 building code inspector holding a limited certificate can be  
21 promoted to a position requiring a higher level certificate  
22 only upon issuance of a standard certificate or provisional  
23 certificate appropriate for such new position.

24 (7)(a) The board may provide for the issuance of  
25 provisional certificates valid for such period, not less than  
26 3 years ~~1 year~~ nor more than 5 ~~3~~ years, as specified by board  
27 rule, to any newly employed or promoted building code  
28 inspector or plans examiner who meets the eligibility  
29 requirements described in subsection (2) and any newly  
30 employed or promoted building code administrator who meets the  
31

1 eligibility requirements described in subsection (3)~~building~~  
2 ~~code administrator, plans examiner, or inspector.~~

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

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

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

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

30 ~~(b) Any individual who holds a valid certificate~~  
31 ~~issued by the Southern Building Code Congress International,~~

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

14 (8)~~(9)~~ Any individual applying to the board may be  
15 issued a certificate valid for multiple building code  
16 inspection classes, as deemed appropriate by the board.

17 (9)~~(10)~~ Certification and training classes may be  
18 developed in coordination with degree career education  
19 centers, community colleges, the State University System, or  
20 other entities offering certification and training classes.

21 (10)~~(11)~~ The board may by rule create categories of  
22 certification in addition to those defined in s. 468.603(6)  
23 and (7). Such certification categories shall not be mandatory  
24 and shall not act to diminish the scope of any certificate  
25 created by statute.

26 Section 7. Section 468.617, Florida Statutes, is  
27 amended to read:

28 468.617 Joint building code inspection department;  
29 other arrangements.--

30 (1) Nothing in this part shall prohibit any local  
31 jurisdiction from entering into and carrying out contracts

1 with any other local jurisdiction under which the parties  
2 agree to create and support a joint building code inspection  
3 department for conforming to the provisions of this part. In  
4 lieu of a joint building code inspection department, any local  
5 jurisdiction may designate a building code ~~an~~ inspector from  
6 another local jurisdiction to serve as a building code ~~an~~  
7 inspector for the purposes of this part.

8 (2) Nothing in this part shall prohibit local  
9 governments from contracting with persons certified pursuant  
10 to this part to perform building code inspections or plan  
11 reviews. An individual or entity may not inspect or examine  
12 plans on projects in which the individual or entity designed  
13 or permitted the projects.

14 (3) Nothing in this part shall prohibit any county or  
15 municipal government from entering into any contract with any  
16 person or entity for the provision of building code inspection  
17 services regulated under this part, and notwithstanding any  
18 other statutory provision, such county or municipal  
19 governments may enter into contracts.

20 Section 8. Section 468.619, Florida Statutes, is  
21 created to read:

22 468.619 Enforcement officials bill of rights.--

23 (1) It is the finding of this legislature that  
24 building administrators and officials, inspectors, and plans  
25 examiners are employed by local jurisdictions to exercise  
26 police powers of the state in the course of their duties, and  
27 are in that way similar to law enforcement personnel,  
28 corrections officers, and firemen. It is the further finding  
29 of this legislature that building officials, inspectors, and  
30 plans examiners are thereby sufficiently distinguished from  
31 other professionals regulated under the department that their

1 circumstances merit additional specific protections in the  
2 course of disciplinary investigation and proceedings against  
3 their licenses.

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

11 (3) Whenever an enforcement official is subjected to  
12 an investigative interview for possible disciplinary action by  
13 the department, the interview must be conducted pursuant to  
14 the terms of this subsection.

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

19 (b) An enforcement official may not be subjected to an  
20 interview without first receiving written notice of sufficient  
21 details of the complaint in order to reasonably apprise the  
22 enforcement official of the nature of the investigation,  
23 including the substance of the allegations made. The  
24 enforcement official must be informed before the interview of  
25 the origin of the complaint.

26 (c) At the request of the enforcement official under  
27 investigation, he or she has the right to be represented by  
28 counsel or by any other representative of his or her choice,  
29 who shall be present at such time as the enforcement official  
30 wishes during the interview.

31



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

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

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

26           (4) Failure to comply with this subsection shall mean  
27 that no action may be taken against the enforcement official  
28 pursuant to the complaint. An investigation by the department  
29 may not be reopened against an enforcement official on the  
30 basis of a complaint dismissed for the reasons outlined in  
31 this subsection. However, in any instance of an additional

1 complaint being initiated, information or investigation  
2 related to the dismissed complaint may be used.

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

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

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

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

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

25 (7) Any action taken against the enforcement official  
26 by the department or the board found to be without merit by a  
27 court of competent jurisdiction, or when judgement is awarded  
28 to the enforcement official, the department or board or their  
29 assignees shall reimburse the enforcement official or his or  
30 her employer, as appropriate, for reasonable legal costs

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1 incurred. The amounts awarded may not exceed the limits  
2 provided in s. 120.595.

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

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

14 Section 9. Subsection (3) of section 468.621, Florida  
15 Statutes, is amended to read:

16 468.621 Disciplinary proceedings.--

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

23 Section 10. Subsections (2), (3), and (4) of section  
24 468.627, Florida Statutes, are amended to read:

25 468.627 Application; examination; renewal; fees.--

26 (2) The initial application fee may not exceed \$25 for  
27 building code administrators, plans examiners, or building  
28 code inspectors.

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

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

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

9           468.631 Building Code Administrators and Inspectors  
10 Fund.--The provisions of this part shall be funded through a  
11 surcharge, to be assessed pursuant to s. 125.56(4) or s.  
12 166.201 at the rate of one-half cent per square foot of  
13 under-roof floor space permitted, including new construction,  
14 renovations, alterations, and additions. The unit of  
15 government responsible for collecting permit fees pursuant to  
16 s. 125.56(4) or s. 166.201 shall collect such surcharge and  
17 shall remit the funds to the department on a quarterly  
18 calendar basis beginning not later than December 31, 1993, for  
19 the preceding quarter, and continuing each third month  
20 thereafter; and such unit of government may retain an amount  
21 up to 10 percent of the surcharge collected to fund projects  
22 and activities intended to improve the quality of building  
23 code enforcement. There is created within the Professional  
24 Regulation Trust Fund a separate account to be known as the  
25 Building Code Administrators and Inspectors Fund, which shall  
26 deposit and disburse funds as necessary for the implementation  
27 of this part. The department shall annually establish the  
28 amount needed to fund the certification and regulation of  
29 building code administrators, plans examiners, and building  
30 code inspectors. Any funds collected in excess of the amount  
31 needed to adequately fund the certification and regulation of

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

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

10 468.633 Authority of local government.--

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

17 Section 13. Paragraph (a) of subsection (1) of section  
18 112.3145, Florida Statutes, is amended to read:

19 112.3145 Disclosure of financial interests and clients  
20 represented before agencies.--

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

23 (a) "Local officer" means:

24 1. Every person who is elected to office in any  
25 political subdivision of the state, and every person who is  
26 appointed to fill a vacancy for an unexpired term in such an  
27 elective office.

28 2. Any appointed member of a board; commission;  
29 authority, including any expressway authority or  
30 transportation authority established by general law; community  
31 college district board of trustees; or council of any

1 political subdivision of the state, excluding any member of an  
2 advisory body. A governmental body with land-planning, zoning,  
3 or natural resources responsibilities shall not be considered  
4 an advisory body.

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

20           Section 14. Subsection (3) of section 125.56, Florida  
21 Statutes, is amended to read:

22           125.56 Adoption or amendment of building code;  
23 inspection fees; inspectors; etc.--

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

29           Section 15. Paragraph (g) of subsection (5) of section  
30 212.08, Florida Statutes, is amended to read:

31

1           212.08 Sales, rental, use, consumption, distribution,  
2 and storage tax; specified exemptions.--The sale at retail,  
3 the rental, the use, the consumption, the distribution, and  
4 the storage to be used or consumed in this state of the  
5 following are hereby specifically exempt from the tax imposed  
6 by this chapter.

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

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

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

25           a. The name and address of the person claiming the  
26 refund.

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

30           c. A description of the improvements made to  
31 accomplish the rehabilitation of the real property.

1           d. A copy of the building permit issued for the  
2 rehabilitation of the real property.

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

24           f. The identifying number assigned pursuant to s.  
25 290.0065 to the enterprise zone in which the rehabilitated  
26 real property is located.

27           g. A certification by the local building code  
28 inspector that the improvements necessary to accomplish the  
29 rehabilitation of the real property are substantially  
30 completed.

31



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

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

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

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

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

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

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

1 days of formal approval by the department of the application  
2 for the refund.

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

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

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

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

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

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

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

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

28           Section 16. Paragraph (a) of subsection (2) of section  
29 252.924, Florida Statutes, is amended to read:

30           252.924 Party state responsibilities.--

31

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 17. 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

1           3. The analysis of measurement devices by proficient  
2 analytical service providers.

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

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

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

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

13          8. Requirements for maintaining radon records.

14          9. The operation of branch office locations.

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

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

20          12. Prescribing conditions of mitigation measurements.

21          Section 18. Section 471.045, Florida Statutes, is  
22 amended to read:

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

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

11 Section 19. Section 481.222, Florida Statutes, is  
12 amended to read:

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

31

1           Section 20. Paragraph (b) of subsection (18) of  
2 section 489.103, Florida Statutes, is amended to read:

3           489.103 Exemptions.--This part does not apply to:

4           (18) Any one-family, two-family, or three-family  
5 residence constructed by Habitat for Humanity International,  
6 Inc., or its local affiliates. Habitat for Humanity  
7 International, Inc., or its local affiliates, must:

8           (b) Obtain all required building code inspections.

9           Section 21. Paragraphs (j), (k), and (l) of subsection  
10 (3) of section 489.105, Florida Statutes, are amended to read:

11           489.105 Definitions.--As used in this part:

12           (3) "Contractor" means the person who is qualified  
13 for, and shall only be responsible for, the project contracted  
14 for and means, except as exempted in this part, the person  
15 who, for compensation, undertakes to, submits a bid to, or  
16 does himself or herself or by others construct, repair, alter,  
17 remodel, add to, demolish, subtract from, or improve any  
18 building or structure, including related improvements to real  
19 estate, for others or for resale to others; and whose job  
20 scope is substantially similar to the job scope described in  
21 one of the subsequent paragraphs of this subsection. For the  
22 purposes of regulation under this part, "demolish" applies  
23 only to demolition of steel tanks over 50 feet in height;  
24 towers over 50 feet in height; other structures over 50 feet  
25 in height, other than buildings or residences over three  
26 stories tall; and buildings or residences over three stories  
27 tall. Contractors are subdivided into two divisions, Division  
28 I, consisting of those contractors defined in paragraphs  
29 (a)-(c), and Division II, consisting of those contractors  
30 defined in paragraphs (d)-(q):

31

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



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

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

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

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

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

15 Section 22. Subsection (7) is added to section  
16 489.107, Florida Statutes, to read:

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

21 Section 23. Section 489.128, Florida Statutes, is  
22 amended to read:

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

31

1 Section 24. Subsections (12) and (15) of section  
2 489.503, Florida Statutes, are amended to read:

3 489.503 Exemptions.--This part does not apply to:

4 (12) Any person as defined and licensed under chapter  
5 527 while engaged in work regulated under that chapter.

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

10 (a) Is an employee of, or a volunteer supervised by an  
11 employee of, a health care facility licensed by the Agency for  
12 Health Care Administration;

13 (b) Performs services for the Department of Elderly  
14 Affairs;

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

17 (d) Is an employee of or an authorized representative  
18 or distributor for the producer of the personal emergency  
19 response system being monitored.

20 Section 25. Section 489.514, Florida Statutes, is  
21 amended to read:

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

24 489.514 Certification for registered contractors;  
25 grandfathering provisions.--

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

29 (a) Issue a certification as an electrical contractor,  
30 as defined in s. 489.505(12), to any applying registered  
31 electrical contractor; or

1           **(b) Issue a certification as an alarm system**  
2 **contractor, as defined in s. 489.505(21), (22), or (23), as**  
3 **appropriate, to any applying registered alarm system**  
4 **contractor.**

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

9           **(a) Currently holds a valid registered local license**  
10 **in the category of electrical or alarm system contractor.**

11           **(b) Has passed a written, proctored examination that**  
12 **the board finds to be either:**

13           **1. Substantially similar to the examination required**  
14 **to be licensed as a certified contractor under this part; or**

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

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

31

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

5           (e) Is in compliance with the insurance and financial  
6 responsibility requirements in s. 489.515(1)(b).

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

13           Section 26. Paragraph (e) is added to subsection (2)  
14 of section 489.5185, Florida Statutes, to read:

15           489.5185 Fire alarm system agents.--

16           (2)

17           (e) Persons who perform only monitoring are not  
18 required to complete the training required for fire alarm  
19 system agents.

20           Section 27. Subsection (1) of section 489.522, Florida  
21 Statutes, is amended to read:

22           489.522 Qualifying agents; responsibilities.--

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

31

1           (b) When a qualifying agent ceases to qualify a  
2 business, the qualifying agent must transfer the license to  
3 another business, qualify himself or herself as an individual,  
4 or place the license in an inactive status within 60 days  
5 after termination of the qualifying status with the business.

6           Section 28. Subsection (1) of section 489.531, Florida  
7 Statutes, is amended, present subsection (5) of that section  
8 is renumbered as subsection (6) and amended, present  
9 subsections (3), (4), (6), and (7) of that section are  
10 renumbered as subsections (4), (5), (7), and (8),  
11 respectively, and a new subsection (3) is added to that  
12 section, to read:

13           489.531 Prohibitions; penalties.--

14           (1) A person may not:

15           (a) Practice contracting unless the person is  
16 certified or registered;

17           (b) Use the name or title "electrical contractor" or  
18 "alarm system contractor" or words to that effect, or  
19 advertise himself or herself or a business organization as  
20 available to practice electrical or alarm system contracting,  
21 when the person is not then the holder of a valid  
22 certification or registration issued pursuant to this part;

23           (c) Present as his or her own the certificate or  
24 registration of another;

25           (d) Use or attempt to use a certificate or  
26 registration that has been suspended, revoked, or placed on  
27 inactive or delinquent status;

28           (e) Employ persons who are not certified or registered  
29 to practice contracting;

30           (f) Knowingly give false or forged evidence to the  
31 department, the board, or a member thereof;

1 (g) Operate a business organization engaged in  
2 contracting after 60 days following the termination of its  
3 only qualifying agent without designating another primary  
4 qualifying agent;

5 (h) Conceal information relative to violations of this  
6 part;

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

10 (j) Willfully or deliberately disregard or violate any  
11 municipal or county ordinance relating to uncertified or  
12 unregistered contractors.

13 (3)(a) Any unlicensed person who violates any of the  
14 provisions of subsection (1) commits a misdemeanor of the  
15 first degree, punishable as provided in s. 775.082 or s.  
16 775.083.

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

21 (c) Any unlicensed person who commits a violation of  
22 subsection (1) during the existence of a state of emergency  
23 declared by executive order of the Governor commits a felony  
24 of the third degree, punishable as provided in s. 775.082 or  
25 s. 775.083.

26  
27 The remedies set forth in this subsection are not exclusive  
28 and may be imposed in addition to the remedies set forth in s.  
29 489.533(2).

30 (6)(5)(a) The local governing body of a county or  
31 municipality, or its local enforcement body, is authorized to



1 enforce the provisions of this part as well as its local  
2 ordinances against ~~locally licensed or~~ registered contractors,  
3 as appropriate. The local jurisdiction enforcement body may  
4 conduct disciplinary proceedings against a ~~locally licensed or~~  
5 registered contractor and may require restitution or impose a  
6 suspension or revocation of the local license or a fine not to  
7 exceed \$5,000, or a combination thereof, against the ~~locally~~  
8 ~~licensed or~~ registered contractor, according to ordinances  
9 which a local jurisdiction may enact. In addition, the local  
10 jurisdiction may assess reasonable investigative and legal  
11 costs for the prosecution of the violation against the  
12 registered contractor ~~violation~~, according to such ordinances  
13 as the local jurisdiction may enact.

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

31

1           (c) The department, the disciplined registered  
2 contractor, or the complainant may challenge the local  
3 jurisdiction enforcement body's recommended penalty for board  
4 action to the Electrical Contractors' Licensing Board. A  
5 challenge shall be filed within 60 days after the issuance of  
6 the recommended penalty to the board. If challenged, there is  
7 a presumptive finding of probable cause and the case may  
8 proceed without the need for a probable cause hearing.

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

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

29           (f) Nothing in this subsection shall be construed to  
30 allow local jurisdictions to exercise disciplinary authority  
31 over certified contractors.

1           Section 29. Section 489.532, Florida Statutes, is  
2 amended to read:

3           489.532 Contracts performed by unlicensed contractors  
4 unenforceable.--As a matter of public policy, contracts  
5 entered into on or after October 1, 1990, and performed in  
6 full or in part by any contractor who fails to obtain or  
7 maintain his or her license in accordance with this part shall  
8 be unenforceable in law, and the court in its discretion may  
9 extend this provision to equitable remedies. ~~However, in the~~  
10 ~~event the contractor obtains or reinstates the license the~~  
11 ~~provisions of this section shall no longer apply.~~

12           Section 30. Subsection (8) of section 489.537, Florida  
13 Statutes, is repealed.

14           Section 31. Subsections (21), (22), and (23) of  
15 section 489.505, Florida Statutes, are amended to read:

16           489.505 Definitions.--As used in this part:

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

23           (22) "Registered alarm system contractor II" means an  
24 alarm system contractor whose business includes all types of  
25 alarm systems, other than fire, for all purposes and who is  
26 registered with the department pursuant to s. 489.513 ~~or s.~~  
27 ~~489.537(8)~~. A registered alarm system contractor II may  
28 contract only in the jurisdiction for which his or her  
29 registration is issued.

30           (23) "Registered residential alarm system contractor"  
31 means an alarm system contractor whose business is limited to

1 burglar alarm systems in single-family residential, quadruplex  
2 housing, and mobile homes of a residential occupancy class and  
3 who is registered with the department pursuant to s. 489.513  
4 ~~or s. 489.537(8)~~. The board shall define "residential  
5 occupancy class" by rule. A registered residential alarm  
6 system contractor may contract only in the jurisdiction for  
7 which his or her registration is issued.

8 Section 32. Subsection (2) of section 489.515, Florida  
9 Statutes, is amended to read:

10 489.515 Issuance of certificates; registrations.--

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

15 Section 33. This act shall take effect July 1, 2000.

16

17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
18 COMMITTEE SUBSTITUTE FOR  
19 Senate Bill 1800

19

20 The Proposed Committee Substitute for Senate Bill 1800:

- 21 - Privatizes inspection of elevators.
- 22 - Adds procedural requirements for investigations of  
23 building administrators and officials, inspectors, and  
24 plans examiners by the Department of Business and  
25 Professional Regulation.
- 26 - Broadens the job scope of pool contractors to include  
27 modern materials and to include cleaning that requires  
28 disassembly.
- 29 - Moves the Construction Industry Licensing Board from  
30 Jacksonville to Leon County.
- 31 - Repeals statute that grandfathered certain registered  
electrical contractors and locally licensed alarm system  
contractors to do alarm system work.
- 32 - Eliminates a requirement that persons who monitor fire  
alarm systems obtain technical training.