

By the Committee on Business Regulation & Consumer Affairs  
and Representatives Ogles, Cantens, Futch, Greenstein, J.  
Miller and Brown

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

1           amending s. 489.105, F.S.; revising the scope  
2           of work of commercial and residential pool/spa  
3           contractors and swimming pool/spa servicing  
4           contractors; amending s. 489.107, F.S.;  
5           requiring the offices of the Construction  
6           Industry Licensing Board to be in Leon County;  
7           amending s. 489.128, F.S.; eliminating an  
8           exemption from a provision invalidating  
9           contracts with unlicensed contractors; amending  
10          s. 489.503, F.S.; revising exemptions from  
11          regulation under pt. II, ch. 489, F.S.,  
12          relating to electrical and alarm system  
13          contracting; amending s. 489.514, F.S.;  
14          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 and 489.515, F.S. ;  
2           deleting cross references, to conform;  
3           providing an effective date.

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

6  
7           Section 1. Section 468.619, Florida Statutes, is  
8 created to read:

9           468.619 Building code enforcement officials' bill of  
10 rights.--

11           (1) It is the finding of the Legislature that building  
12 code enforcement officials are employed by local jurisdictions  
13 to exercise police powers of the state in the course of their  
14 duties and are in that way similar to law enforcement  
15 personnel, correctional officers, and firefighters. It is the  
16 further finding of the Legislature that building code  
17 enforcement officials are thereby sufficiently distinguishable  
18 from other professionals regulated by the department so that  
19 their circumstances merit additional specific protections in  
20 the course of disciplinary investigations and proceedings  
21 against their licenses.

22           (2) All enforcement officials licensed under this part  
23 shall have the rights and privileges specified in this  
24 section. Such rights are not exclusive to other rights, and an  
25 enforcement official does not forfeit any rights otherwise  
26 held under federal, state, or local law. In any instance of a  
27 conflict between a provision of this section and a provision  
28 of chapter 455, the provision of this section shall supersede  
29 the provision of chapter 455.

30           (3) Whenever an enforcement official is subjected to  
31 an investigative interview for possible disciplinary action,

1 such interview shall be conducted pursuant to the requirements  
2 of this subsection.

3 (a) The interview shall take place at a reasonable  
4 hour. If the interview is taken in person, it shall take place  
5 not more than 30 miles from where the licensee works, or at  
6 any other mutually agreeable location or time.

7 (b) Prior to the investigation proceeding to the  
8 interview stage, or to any hearing, legal sufficiency must be  
9 found and asserted by the department.

10 (c) An enforcement official may not be subjected to an  
11 interview without first receiving written notice of sufficient  
12 details of the investigation in order to be reasonably  
13 apprised of the nature of the investigation and of the  
14 substance of the allegations made. The enforcement official  
15 shall be informed prior to the interview whether the complaint  
16 originated from the department or from a consumer.

17 (d) At his or her request, an enforcement official  
18 under investigation shall have the right to be represented by  
19 counsel or by any other representative of his or her choice,  
20 who shall be present at such time as the enforcement official  
21 wishes during the interview.

22 (e) During the interview, the enforcement official may  
23 not be subjected to offensive language. No promise may be made  
24 or reward offered to the enforcement official as an inducement  
25 to answer any question.

26 (f) The interview of an enforcement official,  
27 including notation of all recess periods, must be recorded on  
28 audio tape, or otherwise preserved in such a manner as to  
29 allow a transcript to be prepared, and there shall be no  
30 unrecorded questions or statements. Upon the request of the  
31 enforcement official, a copy of any such recording of the

1 interview must be made available to the enforcement official  
2 no later than 72 hours following the interview, excluding  
3 holidays and weekends.

4 (g) If the testimony is transcribed, the transcript  
5 must be furnished to the enforcement official for examination,  
6 and shall be read to or by the enforcement official, unless  
7 waived by the parties involved. Any changes in form or  
8 substance that the enforcement official wants to make shall be  
9 listed in writing, with a statement of the reasons for making  
10 the changes. The changes shall be attached to the transcript.  
11 Any transcript of an interview with an enforcement official  
12 which is to be used in any proceeding against the enforcement  
13 official shall be sworn or affirmed to and acknowledged by the  
14 enforcement official.

15 (4) The investigation of a complaint against an  
16 enforcement official is subject to the time restrictions set  
17 forth in this subsection, and failure to comply with any time  
18 restriction set forth in this subsection shall result in  
19 dismissal of the complaint against the enforcement official.  
20 An investigation of a complaint against an enforcement  
21 official that was dismissed for failure to comply with a time  
22 restriction set forth in this subsection may not be reopened.  
23 However, in any instance of an additional complaint being made  
24 by a consumer, information or investigation related to the  
25 dismissed complaint may be used.

26 (a) The department must inform the enforcement  
27 official of any legally sufficient complaint received,  
28 including the substance of the allegation, within 10 days  
29 after receipt of the complaint by the department.  
30  
31

1           (b) The enforcement official shall be given a  
2 reasonable amount of time to respond to any legally sufficient  
3 complaint, but such time may not be less than 20 days.

4           (c) The department shall inform the enforcement  
5 official within 60 days after receipt of the complaint of its  
6 findings to date and of its preliminary intention to proceed  
7 to a probable cause hearing or to close the investigation  
8 without proceeding to a probable cause hearing.

9           (d) From the date of receipt of the complaint, the  
10 department may take no longer than 180 days to complete its  
11 investigation and either proceed to a probable cause hearing  
12 or close the investigation without proceeding to a probable  
13 cause hearing.

14           (5) The enforcement official shall have the right to  
15 obtain a copy of the investigative file at least 20 days prior  
16 to a probable cause hearing and shall be allowed to present  
17 written, audio, or video material to the department to be  
18 included in the probable cause hearing, so long as the  
19 submission is made at least 10 days prior to the date the  
20 probable cause panel convenes. Material provided less than 10  
21 days prior to the hearing may be provided to the probable  
22 cause panel if such provision is physically and  
23 administratively possible.

24           (6) The enforcement official shall be considered an  
25 agent of the governmental entity employing him or her and as  
26 such shall be defended by that entity in any action brought by  
27 the department or the board, provided the enforcement official  
28 is working within the scope of his or her employment.

29           (7) An enforcement official shall not be subject to  
30 disciplinary action in regard to his or her certification for  
31 exercising his or her rights under this section.

1       (8) If any action taken against the enforcement  
2 official by the department or the board is found to be without  
3 merit by a court of competent jurisdiction, or if judgment in  
4 such an action is awarded to the enforcement official, the  
5 department or the board, or the assignee of the department or  
6 board, shall reimburse the enforcement official or his or her  
7 employer, as appropriate, for all legal costs incurred.

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

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

19       468.603 Definitions.--As used in this part:

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

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

31

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

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

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

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

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

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

29           (g) "One and two family dwelling inspector" means a  
30 person who is qualified to inspect and determine that one and  
31 two family dwellings and accessory structures are constructed



1 in accordance with the provisions of the governing building,  
2 plumbing, mechanical, accessibility, and electrical codes.

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

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

11 Section 3. Section 468.604, Florida Statutes, is  
12 amended to read:

13 468.604 Responsibilities of building code  
14 administrators, plans examiners, and building code  
15 inspectors.--

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

29 (a) The review of construction plans to ensure  
30 compliance with all applicable codes. The construction plans  
31 must be reviewed before the issuance of any building, system

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

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

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

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

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

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

7 468.605 Florida Building Code Administrators and  
8 Inspectors Board.--

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

11 (c) Two members serving as building code inspectors.  
12

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

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

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

29 Section 6. Section 468.609, Florida Statutes, is  
30 amended to read:  
31

1           468.609 Administration of this part; standards for  
2 certification; additional categories of certification.--

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

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

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

11           (b) Is of good moral character; and

12           (c) Meets eligibility requirements according to one of  
13 the following criteria:

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

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

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

28           4. Currently holds a standard certificate as issued by  
29 the board and satisfactorily completes a building code ~~an~~  
30 inspector or plans examiner training program of not less than  
31 200 hours in the certification category sought. The board

1 shall establish by rule criteria for the development and  
2 implementation of the training programs.

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

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

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

15 (b) Is of good moral character; and

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

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

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

30 (d) Demonstrates successful completion of the core  
31 curriculum and specialized or advanced module coursework

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

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

13 (a) A standard certificate.

14 (b) A limited certificate.

15 (c) A provisional certificate.

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

30 (b) A standard certificate shall be issued to each  
31 applicant who successfully completes the examination, which

1 certificate authorizes the individual named thereon to  
2 practice throughout the state as a building code  
3 administrator, plans examiner, or building code inspector  
4 within such class and level as is specified by the board.

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

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

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

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

29 (d) A building code administrator, plans examiner, or  
30 building code inspector holding a limited certificate can be  
31 promoted to a position requiring a higher level certificate

1 only upon issuance of a standard certificate or provisional  
2 certificate appropriate for such new position.

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

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

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

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



1 a population of less than 75,000 and in any municipality  
2 located within such a county.

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

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

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

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

30 (10)(11) The board may by rule create categories of  
31 certification in addition to those defined in s. 468.603(6)

1 and (7). Such certification categories shall not be mandatory  
2 and shall not act to diminish the scope of any certificate  
3 created by statute.

4 Section 7. Section 468.617, Florida Statutes, is  
5 amended to read:

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

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

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

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

29 Section 8. Subsection (3) of section 468.621, Florida  
30 Statutes, is amended to read:

31 468.621 Disciplinary proceedings.--

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 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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 20. Paragraphs (j), (k), and (l) of subsection  
20 (3) of section 489.105, Florida Statutes, are amended to read:

21 489.105 Definitions.--As used in this part:

22 (3) "Contractor" means the person who is qualified  
23 for, and shall only be responsible for, the project contracted  
24 for and means, except as exempted in this part, the person  
25 who, for compensation, undertakes to, submits a bid to, or  
26 does himself or herself or by others construct, repair, alter,  
27 remodel, add to, demolish, subtract from, or improve any  
28 building or structure, including related improvements to real  
29 estate, for others or for resale to others; and whose job  
30 scope is substantially similar to the job scope described in  
31 one of the subsequent paragraphs of this subsection. For the

1 purposes of regulation under this part, "demolish" applies  
2 only to demolition of steel tanks over 50 feet in height;  
3 towers over 50 feet in height; other structures over 50 feet  
4 in height, other than buildings or residences over three  
5 stories tall; and buildings or residences over three stories  
6 tall. Contractors are subdivided into two divisions, Division  
7 I, consisting of those contractors defined in paragraphs  
8 (a)-(c), and Division II, consisting of those contractors  
9 defined in paragraphs (d)-(q):

10 (j) "Commercial pool/spa contractor" means a  
11 contractor whose scope of work involves, but is not limited  
12 to, the construction, repair, and servicing of any swimming  
13 pool, or hot tub or spa, whether public, private, or  
14 otherwise, regardless of use. The scope of work includes,  
15 ~~including the installation, repair, or replacement of existing~~  
16 ~~equipment, any cleaning or equipment sanitizing which requires~~  
17 ~~at least a partial disassembling, excluding filter changes,~~  
18 ~~and or the installation of new pool/spa equipment, interior~~  
19 ~~finishes, the installation of package pool heaters, the~~  
20 ~~installation of all perimeter piping and filter piping, and~~  
21 ~~the construction of equipment rooms or housing for pool/spa~~  
22 ~~equipment, as necessary. The scope of such work includes~~  
23 ~~layout, excavation, operation of construction pumps for~~  
24 ~~dewatering purposes, steelwork, installation of light niches,~~  
25 ~~construction of floors, guniting, fibreglassing, installation~~  
26 ~~of tile and coping, installation of all perimeter and filter~~  
27 ~~piping, installation of all filter equipment and chemical~~  
28 ~~feeders of any type, plastering of the interior, construction~~  
29 ~~of decks, construction of equipment rooms or housing for pool~~  
30 ~~equipment, and installation of package pool heaters and also~~  
31 includes the scope of work of a swimming pool/spa servicing

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

15 (k) "Residential pool/spa contractor" means a  
16 contractor whose scope of work involves, but is not limited  
17 to, the construction, repair, and servicing of any residential  
18 swimming pool, or hot tub or spa, regardless of use. The scope  
19 of work includes, including the installation, repair, or  
20 replacement of existing equipment, any cleaning or equipment  
21 sanitizing which requires at least a partial disassembling,  
22 excluding filter changes, and or the installation of new  
23 pool/spa equipment, interior finishes, the installation of  
24 package pool heaters, the installation of all perimeter piping  
25 and filter piping, and the construction of equipment rooms or  
26 housing for pool/spa equipment, as necessary. The scope of  
27 such work includes layout, excavation, operation of  
28 construction pumps for dewatering purposes, steelwork,  
29 installation of light niches, construction of floors,  
30 guniting, fibreglassing, installation of tile and coping,  
31 installation of all perimeter and filter piping, installation



1 ~~of all filter equipment and chemical feeders of any type,~~  
2 ~~plastering of the interior, construction of decks,~~  
3 ~~installation of housing for pool equipment, and installation~~  
4 ~~of package pool heaters~~ and also includes the scope of work of  
5 a swimming pool/spa servicing contractor. ~~However,~~The scope  
6 of such work does not include direct connections to a sanitary  
7 sewer system or to potable water lines. The installation,  
8 construction, modification, or replacement of equipment  
9 permanently attached to and associated with the pool or spa  
10 for the purpose of water treatment or cleaning of the pool or  
11 spa requires licensure; however, the usage of such equipment  
12 for the purposes of water treatment or cleaning shall not  
13 require licensure unless the usage involves construction,  
14 modification, or replacement of such equipment. Water  
15 treatment that does not require such equipment does not  
16 require a license. In addition, a license shall not be  
17 required for the cleaning of the pool or spa in any way that  
18 does not affect the structural integrity of the pool or spa or  
19 its associated equipment.

20 (1) "Swimming pool/spa servicing contractor" means a  
21 contractor whose scope of work involves, but is not limited  
22 to, the repair and the servicing and repair of any swimming  
23 pool, or hot tub or spa, whether public or private, or  
24 otherwise, regardless of use. The scope of ~~such~~ work includes  
25 the repair or may include any necessary piping and repairs,  
26 replacement and repair of existing equipment, any cleaning or  
27 equipment sanitizing which requires at least a partial  
28 disassembling, excluding filter changes, and the or  
29 installation of new pool/spa additional equipment, interior  
30 refinishing, the reinstallation or addition of pool heaters,  
31 the as necessary. ~~The scope of such work includes the~~

1 ~~reinstallation of tile and coping, repair or~~ and replacement  
2 of all perimeter piping and filter piping, the repair of  
3 equipment rooms or housing for pool/spa equipment, and the  
4 substantial or complete draining of a swimming pool, or hot  
5 tub or spa, for the purpose of any repair or renovation. The  
6 scope of such work does not include direct connections to a  
7 sanitary sewer system or to potable water lines filter  
8 ~~equipment, and chemical feeders of any type, replastering,~~  
9 ~~reconstruction of decks, and reinstallation or addition of~~  
10 ~~pool heaters.~~ The installation, construction, modification,  
11 substantial or complete disassembly, or replacement of  
12 equipment permanently attached to and associated with the pool  
13 or spa for the purpose of water treatment or cleaning of the  
14 pool or spa requires licensure; however, the usage of such  
15 equipment for the purposes of water treatment or cleaning  
16 shall not require licensure unless the usage involves  
17 construction, modification, substantial or complete  
18 disassembly, or replacement of such equipment. Water treatment  
19 that does not require such equipment does not require a  
20 license. In addition, a license shall not be required for the  
21 cleaning of the pool or spa in any way that does not affect  
22 the structural integrity of the pool or spa or its associated  
23 equipment.

24 Section 21. Subsection (7) is added to section  
25 489.107, Florida Statutes, to read:

26 489.107 Construction Industry Licensing Board.--  
27 (7) Notwithstanding the provisions of s. 20.165(7),  
28 the physical offices of the board shall be located in Leon  
29 County.

30 Section 22. Section 489.128, Florida Statutes, is  
31 amended to read:

1           489.128 Contracts performed by unlicensed contractors  
2 unenforceable.--As a matter of public policy, contracts  
3 entered into on or after October 1, 1990, and performed in  
4 full or in part by any contractor who fails to obtain or  
5 maintain a license in accordance with this part shall be  
6 unenforceable in law or in equity. ~~However, in the event the~~  
7 ~~contractor obtains or reinstates his or her license, the~~  
8 ~~provisions of this section shall no longer apply.~~

9           Section 23. Subsections (12) and (15) of section  
10 489.503, Florida Statutes, are amended to read:

11           489.503 Exemptions.--This part does not apply to:

12           (12) Any person as defined and licensed under chapter  
13 527 while engaged in work regulated under that chapter.

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

18           (a) Is an employee of, or a volunteer supervised by an  
19 employee of, a health care facility licensed by the Agency for  
20 Health Care Administration;

21           (b) Performs services for the Department of Elderly  
22 Affairs;

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

25           (d) Is an employee of or an authorized representative  
26 or distributor for the producer of the personal emergency  
27 response system being monitored.

28           Section 24. Section 489.514, Florida Statutes, is  
29 amended to read:

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

1           489.514 Certification for registered contractors;  
2 grandfathering provisions.--

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

6           (a) Issue a certification as an electrical contractor,  
7 as defined in s. 489.505(12), to any applying registered  
8 electrical contractor; or

9           (b) Issue a certification as an alarm system  
10 contractor, as defined in s. 489.505(21), (22), or (23), as  
11 appropriate, to any applying registered alarm system  
12 contractor.

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

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

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

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

23           2. An examination produced by the National Assessment  
24 Institute, Block and Associates, or NAI/Block, or an  
25 examination substantially similar to one of these three  
26 examinations. The board may not impose or make any  
27 requirements regarding the nature or content of the National  
28 Assessment Institute, Block and Associates, or NAI/Block  
29 examination, except that it shall require that the examination  
30 passed was a written, proctored examination.

31

1       (c) Has at least 5 years of experience as a registered  
2 electrical or alarm system contractor, or as an inspector or  
3 building administrator with oversight over electrical or alarm  
4 system contracting, or a combination of the two, at the time  
5 of application. For contractors, only time periods in which  
6 the contractor license is active and the contractor is not on  
7 probation shall count toward the 5 years of experience  
8 required under this paragraph.

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

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

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

21       Section 25. Paragraph (e) is added to subsection (2)  
22 of section 489.5185, Florida Statutes, to read:

23       489.5185 Fire alarm system agents.--

24       (2)

25       (e) Persons who perform only monitoring are not  
26 required to complete the training required for fire alarm  
27 system agents.

28       Section 26. Subsection (1) of section 489.522, Florida  
29 Statutes, is amended to read:

30       489.522 Qualifying agents; responsibilities.--

31

1           (1)(a) A qualifying agent is a primary qualifying  
2 agent unless he or she is a secondary qualifying agent under  
3 this section. All primary qualifying agents for a business  
4 organization are jointly and equally responsible for  
5 supervision of all operations of the business organization;  
6 for all field work at all sites; and for financial matters,  
7 both for the organization in general and for each specific  
8 job.

9           (b) When a qualifying agent ceases to qualify a  
10 business, the qualifying agent must transfer the license to  
11 another business, qualify himself or herself as an individual,  
12 or place the license in an inactive status within 60 days  
13 after termination of the qualifying status with the business.

14           Section 27. Subsection (5) of section 489.531, Florida  
15 Statutes, is renumbered as subsection (6) and amended, present  
16 subsections (3), (4), (6), and (7) are renumbered as  
17 subsections (4), (5), (7), and (8), respectively, and a new  
18 subsection (3) is added to said section, to read:

19           489.531 Prohibitions; penalties.--

20           (1) A person may not:

21           (a) Practice contracting unless the person is  
22 certified or registered;

23           (b) Use the name or title "electrical contractor" or  
24 "alarm system contractor" or words to that effect, or  
25 advertise himself or herself or a business organization as  
26 available to practice electrical or alarm system contracting,  
27 when the person is not then the holder of a valid  
28 certification or registration issued pursuant to this part;

29           (c) Present as his or her own the certificate or  
30 registration of another;

31

1 (d) Use or attempt to use a certificate or  
2 registration that has been suspended, revoked, or placed on  
3 inactive or delinquent status;

4 (e) Employ persons who are not certified or registered  
5 to practice contracting;

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

8 (g) Operate a business organization engaged in  
9 contracting after 60 days following the termination of its  
10 only qualifying agent without designating another primary  
11 qualifying agent;

12 (h) Conceal information relative to violations of this  
13 part;

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

17 (j) Willfully or deliberately disregard or violate any  
18 municipal or county ordinance relating to uncertified or  
19 unregistered contractors.

20 (3)(a) Any unlicensed person who violates any of the  
21 provisions of subsection (1) commits a misdemeanor of the  
22 first degree, punishable as provided in s. 775.082 or s.  
23 775.083.

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

28 (c) Any unlicensed person who commits a violation of  
29 subsection (1) during the existence of a state of emergency  
30 declared by executive order of the Governor commits a felony  
31

1 of the third degree, punishable as provided in s. 775.082 or  
2 s. 775.083.

3  
4 The remedies set forth in this subsection are not exclusive  
5 and may be imposed in addition to the remedies set forth in s.  
6 489.533(2).

7 (6)(5)(a) The local governing body of a county or  
8 municipality, or its local enforcement body, is authorized to  
9 enforce the provisions of this part as well as its local  
10 ordinances against ~~locally licensed or~~ registered contractors,  
11 as appropriate. The local jurisdiction enforcement body may  
12 conduct disciplinary proceedings against a ~~locally licensed or~~  
13 registered contractor and may require restitution or impose a  
14 suspension or revocation of the local license or a fine not to  
15 exceed \$5,000, or a combination thereof, against the ~~locally~~  
16 ~~licensed or~~ registered contractor, according to ordinances  
17 which a local jurisdiction may enact. In addition, the local  
18 jurisdiction may assess reasonable investigative and legal  
19 costs for the prosecution of the violation against the  
20 registered contractor ~~violation~~, according to such ordinances  
21 as the local jurisdiction may enact.

22 (b) In addition to any action the local jurisdiction  
23 enforcement body may take against the individual's local  
24 license, and any fine the local jurisdiction may impose, the  
25 local jurisdiction enforcement body shall issue a recommended  
26 penalty for board action. This recommended penalty may  
27 include a recommendation for no further action or a  
28 recommendation for suspension, revocation, or restriction of  
29 the registration or imposition of a fine to be levied by the  
30 board, or a combination thereof. The local jurisdiction  
31 enforcement body shall inform the disciplined registered



1 contractor and the complainant of the local ~~license~~ penalty  
2 imposed, the board penalty recommended, the rights to appeal,  
3 and the consequences should the registered contractor decide  
4 not to appeal. The local jurisdiction enforcement body shall,  
5 upon having reached adjudication or having accepted a plea of  
6 nolo contendere, immediately inform the board of its action  
7 and the recommended board penalty.

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

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

27 (e) The department may investigate any complaint which  
28 is made with the department. However, if the department  
29 determines that the complaint against a registered contractor  
30 is for an action which a local jurisdiction enforcement body  
31 has investigated and reached adjudication or accepted a plea

1 of nolo contendere, including a recommended penalty to the  
2 board, the department shall not initiate prosecution for that  
3 action, unless the secretary has initiated summary procedures  
4 pursuant to s. 455.225(8).

5 (f) Nothing in this subsection shall be construed to  
6 allow local jurisdictions to exercise disciplinary authority  
7 over certified contractors.

8 Section 28. Section 489.532, Florida Statutes, is  
9 amended to read:

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

19 Section 29. Subsection (8) of section 489.537, Florida  
20 Statutes, is repealed.

21 Section 30. Subsections (21), (22), and (23) of  
22 section 489.505, Florida Statutes, are amended to read:

23 489.505 Definitions.--As used in this part:

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

30 (22) "Registered alarm system contractor II" means an  
31 alarm system contractor whose business includes all types of

1 alarm systems, other than fire, for all purposes and who is  
2 registered with the department pursuant to s. 489.513 ~~or s.~~  
3 ~~489.537(8)~~. A registered alarm system contractor II may  
4 contract only in the jurisdiction for which his or her  
5 registration is issued.

6 (23) "Registered residential alarm system contractor"  
7 means an alarm system contractor whose business is limited to  
8 burglar alarm systems in single-family residential, quadruplex  
9 housing, and mobile homes of a residential occupancy class and  
10 who is registered with the department pursuant to s. 489.513  
11 ~~or s. 489.537(8)~~. The board shall define "residential  
12 occupancy class" by rule. A registered residential alarm  
13 system contractor may contract only in the jurisdiction for  
14 which his or her registration is issued.

15 Section 31. Subsection (2) of section 489.515, Florida  
16 Statutes, is amended to read:

17 489.515 Issuance of certificates; registrations.--

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

22 Section 32. This act shall take effect July 1, 2000.  
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HOUSE SUMMARY

Revises various provisions of law relating to the construction industry.

Establishes a building code enforcement officials' bill of rights to provide special procedures for the investigation of complaints against such officials. Revises intent with respect to the examination required for certification as a building code administrator, plans examiner, or building code inspector. Increases the validity period of a provisional certificate. Clarifies to whom a provisional certificate may be issued. Authorizes newly employed or hired persons applying for provisional certification to perform for a specified period the duties of a plans examiner or building code inspector under the direct supervision of a building code administrator holding limited or provisional certification in counties with populations below a specified level and the municipalities therein. Deletes obsolete standard certificate equivalency provisions. Provides for consistency in terminology relating to building code administration and inspection.

Revises the scope of work of commercial and residential pool/spa contractors and swimming pool/spa servicing contractors. Requires the offices of the Construction Industry Licensing Board to be in Leon County. Eliminates an exemption from a provision invalidating contracts with unlicensed contractors.

Revises exemptions from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting, to exempt persons licensed under ch. 527, F.S., relating to the sale of liquefied petroleum gas, only when such persons are engaged in the work for which licensed under such chapter and authorized representatives and distributors for producers of personal emergency response systems. Revises grandfathering provisions for certification of registered electrical and alarm system contractors. Provides that persons who perform only monitoring are not required to complete the training required for fire alarm system agents. Provides requirements when a qualifying agent ceases to qualify a business. Provides penalties for violations by unlicensed persons of acts prohibited under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting. Eliminates an exemption from a provision invalidating contracts with unlicensed contractors. Repeals obsolete provisions for the registration of alarm system contractors.

See bill for details.