

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 744

SPONSOR: Regulated Industries Committee & Senator Clary

SUBJECT: Commercial Buildings/ Plans Review

DATE: April 11, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	RI	Favorable/CS
2.	_____	_____	CA	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill creates the Building Construction Permitting and Inspection Task Force. The task force is to review the processes used by local building officials in conducting plans review, building permit approval, and building inspections and make recommendations on a procedure by which the public could elect to use an alternative plans review and inspection process and the appropriate role of local building officials in such an alternative process. Members serve on a voluntary basis without compensation or per diem and travel expenses. The Florida Building Commission is to provide logistical and staff support to the task force.

II. Present Situation:

Building code inspectors and building plans examiners are regulated by Part XII of chapter 468, Florida Statutes. A building code inspector is “any of those employees of local governments or state agencies with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.” s. 468.603(2), F.S. Section 468.603(6), F.S., establishes categories of building code inspectors as follows:

- “Building inspector” means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.
- “Coastal construction inspector” means a person who is qualified to inspect and determine that buildings and structures are constructed to resist near-hurricane and

- hurricane velocity winds in accordance with the provisions of the governing building code.
- “Commercial electrical inspector” means a person who is qualified to inspect and determine the electrical safety of commercial buildings and structures by inspecting for compliance with the provisions of the National Electrical Code.
 - “Residential electrical inspector” means a person who is qualified to inspect and determine the electrical safety of one and two family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.
 - “Mechanical inspector” means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.
 - “Plumbing inspector” means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.
 - “One and two family dwelling inspector” means a person who is qualified to inspect and determine that one and two family dwellings and accessory structures are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.
 - “Electrical inspector” means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National Electrical Code.

Building code inspectors are responsible for conducting inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes required by municipal code, county ordinance, or state law. s. 468.604(2), F.S. Each building code inspector must be licensed in the appropriate category as defined in s. 468.603, F.S. The building code inspector's responsibilities must be performed under the direction of the building code administrator or building official without interference from any unlicensed person.

Section 468.603(7), F.S., defines a plans examiner as a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. Categories of plans examiners include:

- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.

Plans examiners are responsible for conducting a review of construction plans submitted in the permit application to assure compliance with all applicable codes required by municipal code, county ordinance, or state law. The review of construction plans must be done by the building code administrator or building official or by a person licensed in the appropriate plans examiner category as defined in s. 468.603, F.S. The plans examiner's responsibilities must be performed

under the supervision and authority of the building code administrator or building official without interference from any unlicensed person.

Section 471.045, F.S., provides that a person who is currently licensed as a professional engineer may provide services as a building code inspector or a plans examiner to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. When performing these building code inspection services, the professional engineer is subject to the disciplinary guidelines of this chapter and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a professional engineer's performing building code inspection services shall be conducted by the Board of Professional Engineers rather than the Florida Building Code Administrators and Inspectors Board. A professional engineer may not perform plans review as an employee of a local government upon any job that the professional engineer or the professional engineer's company designed.

Section 481.222, F.S., contains the same provisions for licensed architects to perform building code inspection services, with discipline by the Board of Architecture and Interior Design.

III. Effect of Proposed Changes:

The bill creates the 11 member Building Construction Permitting and Inspection Task Force. The task force is to make recommendations on a procedure by which the public could elect to use an alternative plans review and inspection process and the appropriate role of local building officials in such an alternative process. The task force is to be comprised of:

- Four members designated by the Building Officials Association of Florida;
- One member designated by the Associated General Contractors of Florida;
- One member designated by the Florida Home Builders Association;
- One member designated by the Florida Engineering Society;
- One member designated by the Florida Association of the American Institute of Architects;
- One member designated by the Florida Insurance Council; and
- Two members designated by the Florida Building Commission.

The task force is to review the processes used by local building officials in conducting plans review, approving building permit applications, conducting building inspections, and issuing certificates of occupancy. The task force is to make recommendations on a procedure by which the public could elect to use an alternative plans review and inspection process and the appropriate role of local building officials in such an alternative process. The task force is to file a report with the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2002.

The task force is to meet at least four times prior to January 1, 2002. Participation in meetings may be by telephone conference.

Members serve on a voluntary basis without compensation or per diem and travel expenses. The Florida Building Commission is to provide logistical and staff support to the task force.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.