

Bill No. SB 1486

Barcode 732124

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (Posey) recommended the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 3 and 4,

insert:

Section 2. Subsection (2) and paragraph (a) of subsection (5) of section 468.609, Florida Statutes, are amended to read:

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

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

- (a) Is at least 18 years of age.
- (b) Is of good moral character.
- (c) Meets eligibility requirements according to one of

the following criteria:

- 1. Demonstrates 5 years' combined experience in the field of construction or a related field, building code

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1 inspection, or plans review corresponding to the certification
2 category sought;

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

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

13 4. Currently holds a standard certificate as issued by
14 the board and satisfactorily completes a building code
15 inspector or plans examiner training program of not less than
16 200 hours in the certification category sought. The board
17 shall establish by rule criteria for the development and
18 implementation of the training programs;-

19 5. Demonstrates a combination of technical education
20 in the field of building code inspection or plans review and
21 experience which totals 2 years, with at least 1 year of such
22 total being experience in construction, building code
23 inspection, or plans review. The technical education portion
24 of this requirement shall require proof of satisfactory
25 completion of a technical education program of not fewer than
26 400 hours in the chosen category of building code inspection
27 or plans review in the certification category sought with not
28 fewer than 20 hours of the technical education program
29 covering ethics and professional standards. The board shall
30 coordinate with the Building Officials Association of Florida,
31 Inc., to establish by rule the development and implementation

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1 of the technical education programs; or

2 6. Has completed, at a minimum, an associate degree
3 program in Construction Management from an accredited
4 institution with a major in Building Code Administration.

5 ~~(d) After the Building Code Training Program is~~
6 ~~established under s. 553.841, demonstrates successful~~
7 ~~completion of the core curriculum approved by the Florida~~
8 ~~Building Commission, appropriate to the licensing category~~
9 ~~sought.~~

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

22 Section 3. Subsection (4) is added to section 468.617,
23 Florida Statutes, to read:

24 468.617 Joint building code inspection department;
25 other arrangements.--

26 (4) Nothing in this part shall prohibit any building
27 code inspector, plans examiner, or building code administrator
28 holding a limited certificate who is employed by a
29 jurisdiction within a statutorily defined small county to
30 provide building code inspection, plans review, or building
31 code administration services to another jurisdiction within a

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1 statutorily defined small county.

2 Section 4. Subsection (10) is added to section
3 468.619, Florida Statutes, to read:

4 468.619 Building code enforcement officials' bill of
5 rights.--

6 (10) This bill of rights applies to disciplinary
7 investigations and proceedings against licenses issued under
8 this part and disciplinary investigations and proceedings
9 relating to the official duties of an enforcement official.

10 This bill of rights does not apply to disciplinary
11 investigations and proceedings against other licenses that the
12 enforcement official holds or disciplinary investigations and
13 proceedings unrelated to the enforcement official's official
14 duties.

15 Section 5. Subsection (1) of section 468.621, Florida
16 Statutes, is amended to read:

17 468.621 Disciplinary proceedings.--

18 (1) The following acts constitute grounds for which
19 the disciplinary actions in subsection (2) may be taken:

20 (a) Violating or failing to comply with any provision
21 of this part, or a valid rule or lawful order of the board or
22 department pursuant thereto.

23 (b) Obtaining certification through fraud, deceit, or
24 perjury.

25 (c) Knowingly assisting any person practicing contrary
26 to the provisions of:

27 1. This part; or

28 2. The building code adopted by the enforcement
29 authority of that person.

30 (d) Having been convicted of a felony against this
31 state or the United States, or of a felony in another state

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1 that would have been a felony had it been committed in this
2 state.

3 (e) Having been convicted of a crime in any
4 jurisdiction which directly relates to the practice of
5 building code administration or inspection.

6 (f) Making or filing a report or record ~~that~~ ~~which~~ the
7 certificateholder ~~knew~~ ~~knows~~ to be false, or knowingly
8 inducing another to file a false report or record, or
9 knowingly failing to file a report or record required by state
10 or local law, or knowingly impeding or obstructing such
11 filing, or knowingly inducing another person to impede or
12 obstruct such filing.

13 (g) Failing to properly enforce applicable building
14 codes or permit requirements within this state which the
15 certificateholder knew were applicable, or ~~by~~ committing
16 willful misconduct, gross negligence, gross misconduct,
17 repeated negligence, or negligence resulting in a significant
18 danger to life or property.

19 (h) Issuing a building permit to a contractor, or any
20 person representing himself or herself as a contractor,
21 without obtaining the contractor's certificate or registration
22 number, where ~~such~~ a certificate or registration is required.

23 (i) Failing to lawfully execute the duties and
24 responsibilities specified in this part and ss. 553.73,
25 553.781, 553.79, and 553.791.

26 (j) Performing building code inspection services under
27 s. 553.791 without satisfying the insurance requirements of
28 that section.

29 (k) Obstructing an investigation or providing or
30 inducing another to provide forged documents, false forensic
31 evidence, or false testimony to a local or state board or

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1 member thereof or to a licensing investigator.

2 (1) Accepting labor, services, or materials at no
3 charge or at a noncompetitive rate from any person who
4 performs work that is under the enforcement authority of the
5 enforcement official who is not an immediate family member of
6 the enforcement official. "Immediate family member" includes a
7 spouse, child, parent, sibling, grandparent, aunt, uncle, or
8 first cousin of the person or the person's spouse, or any
9 person who resides in the primary residence of the enforcement
10 official.

11 Section 6. Subsections (5) and (6) of section 468.627,
12 Florida Statutes, are amended to read:

13 468.627 Application; examination; renewal; fees.--

14 (5) The certificateholder shall provide proof, in a
15 form established by board rule, that the certificateholder has
16 completed at least 14 classroom hours of at least 50 minutes
17 each of continuing education courses during each biennium
18 since the issuance or renewal of the certificate, including
19 the specialized or advanced coursework approved by the Florida
20 Building Commission, as part of the Building Code Training
21 Program established pursuant to s. 553.841, appropriate to the
22 licensing category sought. A minimum of 2 of the required 14
23 classroom hours shall be on ethics relating to professional
24 standards of practice, duties, and responsibilities of the
25 certificateholder. The board shall by rule establish criteria
26 for approval of continuing education courses and providers,
27 and may by rule establish criteria for accepting alternative
28 nonclassroom continuing education on an hour-for-hour basis.

29 (6) Each certificateholder shall provide to the board
30 proof of completion of the core curriculum courses, ~~or passing~~
31 ~~the equivalency test~~ of the Building Code Training Program

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1 established by s. 553.841~~7~~ within 2 years after commencement
 2 of the program. Continuing education hours spent taking such
 3 core curriculum courses shall count toward the number required
 4 for license renewal. ~~A licensee who passes the equivalency~~
 5 ~~test in lieu of taking the core curriculum courses shall~~
 6 ~~receive full credit for core curriculum course hours.~~

7 Section 7. Subsection (6) of section 489.115, Florida
 8 Statutes, is amended and renumbered as subsection (7), present
 9 subsection (7) is renumbered as subsection (8), and a new
 10 subsection (6) is added to that section, to read:

11 489.115 Certification and registration; endorsement;
 12 reciprocity; renewals; continuing education.--

13 (6) An applicant for initial issuance of a certificate
 14 or registration shall submit to a criminal history records
 15 check to determine moral character. If the applicant has been
 16 convicted of a felony, the board may deny licensure to the
 17 applicant based upon the severity of the crime, the
 18 relationship of the crime to contracting, or the potential for
 19 public harm. The board shall also, in denying or approving
 20 licensure, consider the length of time since the commission of
 21 the crime and the rehabilitation of the applicant. The board
 22 may not deny licensure to an applicant based solely upon a
 23 felony conviction or the applicant's failure to provide proof
 24 of restoration of civil rights.

25 ~~(7)(6)~~ An initial applicant shall, along with the
 26 application, and a certificateholder or registrant shall, upon
 27 requesting a change of status, submit to the board a credit
 28 report from a nationally recognized credit agency that
 29 reflects the financial responsibility of the applicant or
 30 certificateholder or registrant. The credit report required
 31 for the initial applicant shall be considered the minimum

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1 evidence necessary to satisfy the board that he or she is
2 financially responsible to be certified, has the necessary
3 credit and business reputation to engage in contracting in the
4 state, and has the minimum financial stability necessary to
5 avoid the problem of financial mismanagement or misconduct.
6 The board shall, by rule, adopt guidelines for determination
7 of financial stability, which may include minimum requirements
8 for net worth, cash, and bonding for Division I
9 certificateholders of no more than \$20,000 and for Division II
10 certificateholders of no more than \$10,000. Fifty percent of
11 the financial requirements may be met by completing a 14-hour
12 financial responsibility course approved by the board.

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

16 And the title is amended as follows:

17 Delete everything before the enacting clause

18

19 and insert:

20 A bill to be entitled
21 An act relating to professional regulation by
22 the Department of Business and Professional
23 Regulation; amending s. 468.385, F.S.;
24 requiring an applicant for an auctioneer
25 license to submit fingerprints with the
26 application; amending s. 468.609, F.S.;
27 providing eligibility requirements for a person
28 to take the examination for certification as a
29 building code inspector or plans examiner;
30 revising a reference to the organization
31 administering certain examinations; amending s.

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1 468.617, F.S.; authorizing certain limited
2 certificateholders to provide services to
3 specified jurisdictions; amending s. 468.619,
4 F.S.; providing for the application of the
5 building code enforcement officials' bill of
6 rights to certain disciplinary investigations
7 and proceedings; amending s. 468.621, F.S.;
8 providing for disciplinary proceedings for
9 violations involving failure to follow building
10 code or permit requirements, obstructing an
11 investigation, and accepting services at a
12 noncompetitive rate from any person whose work
13 is under the enforcement authority of the
14 official, under certain circumstances; amending
15 s. 468.627, F.S.; providing requirements for
16 continuing education in ethics; removing
17 provisions relating to an option of taking an
18 equivalency test in lieu of taking core
19 curriculum classes; amending s. 489.115, F.S.;
20 requiring applicants for initial issuance of a
21 certificate or registration as a contractor to
22 submit to criminal history records checks;
23 authorizing the board to deny licensure to
24 certain applicants; specifying matters the
25 board must consider concerning licensure;
26 prohibiting the denial of licensure based
27 solely on a felony conviction or the status of
28 the civil rights of the applicant; specifying
29 that guidelines for determining financial
30 stability may include minimum requirements for
31 net worth, cash, and bonding; providing that a

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1 portion of financial requirements may be met by
 2 completing specified coursework; providing an
 3 effective date.

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 5 WHEREAS, the state licenses and regulates the
 6 construction industry for the benefit of its citizens in order
 7 to protect their health, safety, and welfare, and

8 WHEREAS, it is critical to the health, safety, and
 9 welfare of the public that the laws enacted by the Legislature
 10 relating to construction permitting enforcement of the Florida
 11 Building Code and licensing of the industry be implemented and
 12 enforced, and

13 WHEREAS, it is critical that the public be able to
 14 place their trust in the public officials who are charged with
 15 enforcement of those laws and codes, and

16 WHEREAS, in order for enforcement officials, licensing
 17 investigators, local and state regulatory boards, and their
 18 supporting legal staff to perform licensing and disciplinary
 19 functions, they must have the enabling legislation and
 20 authority to do so, NOW, THEREFORE,

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