



1 requiring applicants for initial issuance of a  
2 certificate or registration as a contractor to  
3 submit to criminal history records checks;  
4 authorizing the board to deny licensure to  
5 certain applicants; specifying matters the  
6 board must consider concerning licensure;  
7 prohibiting the denial of licensure based  
8 solely on a felony conviction or the status of  
9 the civil rights of the applicant; specifying  
10 that guidelines for determining financial  
11 stability may include minimum requirements for  
12 net worth, cash, and bonding; providing that a  
13 portion of financial requirements may be met by  
14 completing specified coursework; providing an  
15 effective date.

16  
17 WHEREAS, the state licenses and regulates the  
18 construction industry for the benefit of its citizens in order  
19 to protect their health, safety, and welfare, and

20 WHEREAS, it is critical to the health, safety, and  
21 welfare of the public that the laws enacted by the Legislature  
22 relating to construction permitting enforcement of the Florida  
23 Building Code and licensing of the industry be implemented and  
24 enforced, and

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

28 WHEREAS, in order for enforcement officials, licensing  
29 investigators, local and state regulatory boards, and their  
30 supporting legal staff to perform licensing and disciplinary  
31

1 functions, they must have the enabling legislation and  
2 authority to do so, NOW, THEREFORE,

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Subsections (4) and (7) of section 468.385,  
7 Florida Statutes, are amended and present subsection (8) of  
8 that section is redesignated as subsection (9), and a new  
9 subsection (8) is added to that section, to read:

10 468.385 Licenses required; qualifications;  
11 examination.--

12 (4) Any person seeking a license as an auctioneer must  
13 pass a written examination approved by the board which tests  
14 his or her general knowledge of the laws of this state  
15 relating to provisions of the Uniform Commercial Code which  
16 ~~that~~ are relevant to auctions, the laws of agency, and the  
17 provisions of this act. Each applicant must also file a  
18 complete set of fingerprints taken by an authorized law  
19 enforcement officer. The department must submit the  
20 fingerprints to the Department of Law Enforcement for state  
21 processing and to the Federal Bureau of Investigation for  
22 federal processing. The cost of processing shall be borne by  
23 the applicant.

24 (7)(a) Any auction that is subject to the provisions  
25 of this part must be conducted by an auctioneer who has an  
26 active license or an apprentice who has an active apprentice  
27 auctioneer license and who has received prior written sponsor  
28 consent.

29 (b) A ~~No~~ business may not ~~shall~~ auction or offer to  
30 auction any property in this state unless it is licensed as an  
31 auction business by the board or is exempt from licensure

1 under this act. ~~Each application for licensure shall include~~  
2 ~~the names of the owner and the business, the business mailing~~  
3 ~~address and location, and any other information which the~~  
4 ~~board may require. The owner of an auction business shall~~  
5 ~~report to the board within 30 days of any change in this~~  
6 ~~required information.~~

7 (8)(a) If an applicant for licensure is a sole  
8 proprietorship, the application must identify the owner. If a  
9 fictitious name is used, the applicant must furnish evidence  
10 of compliance with fictitious-name provisions in s. 865.09.

11 (b) If an applicant is a partnership, corporation,  
12 business trust, or other legal entity other than a sole  
13 proprietorship, the application must provide the name of the  
14 partnership and its partners; the name of the corporation and  
15 its officers, directors, and stockholders who are also  
16 officers or directors; the name of the business trust and its  
17 trustees; or the name of any other form of legal entity and  
18 its members. If a fictitious name is used, the applicant must  
19 furnish evidence of compliance with fictitious-name  
20 provisions. If any information that is required to be stated  
21 on the application changes, the applicant must, within 45 days  
22 after any change, mail the correct information to the  
23 department.

24 (c) Any person licensed pursuant to this part whose  
25 license has been revoked may not be an owner, partner,  
26 officer, director, or trustee of an auction business for 5  
27 years following such revocation. The person is also ineligible  
28 to reapply for licensure for 5 years following such  
29 revocation.

30 (d) An applicant must furnish evidence of financial  
31 responsibility, credit history, and business reputation in the

1 auction business. The board shall adopt rules that specify the  
2 financial-responsibility grounds upon which the board may deny  
3 licensure and that define financial responsibility based upon  
4 the applicant's credit history, ability to be bonded, and any  
5 history of bankruptcy, insolvency proceedings, or assignment  
6 of receivers.

7 (e) The board may deny licensure to an applicant if  
8 any owner, partner, officer, director, trustee, or member of  
9 the applicant has committed an act or offense in any  
10 jurisdiction which would constitute a basis for disciplinary  
11 action under s. 468.389.

12 ~~(9)(8)~~ A license issued by the department to an  
13 auctioneer, apprentice, or auction business is not  
14 transferable.

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

18 468.609 Administration of this part; standards for  
19 certification; additional categories of certification.--

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

23 (a) Is at least 18 years of age.

24 (b) Is of good moral character.

25 (c) Meets eligibility requirements according to one of  
26 the following criteria:

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

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

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

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

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

1           6. Has completed, at a minimum, an associate degree  
2 program in construction management from an accredited  
3 institution with a major in building code administration.

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

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

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

23           468.617 Joint building code inspection department;  
24 other arrangements.--

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

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

3           468.619 Building code enforcement officials' bill of  
4 rights.--

5           (10) This bill of rights applies to disciplinary  
6 investigations and proceedings against licenses issued under  
7 this part and disciplinary investigations and proceedings  
8 relating to the official duties of an enforcement official.  
9 This bill of rights does not apply to disciplinary  
10 investigations and proceedings against other licenses that the  
11 enforcement official holds or disciplinary investigations and  
12 proceedings unrelated to the enforcement official's official  
13 duties.

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

16           468.621 Disciplinary proceedings.--

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

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

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

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

- 26           1. This part; or  
27           2. The building code adopted by the enforcement  
28 authority of that person.

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



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, by committing willful  
16 misconduct, gross negligence, gross misconduct, repeated  
17 negligence, or negligence resulting in a significant danger to  
18 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

1 evidence, or false testimony to a local or state board or  
2 member thereof or to a licensing investigator.

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

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

14 468.627 Application; examination; renewal; fees.--

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

30 (6) Each certificateholder shall provide to the board  
31 proof of completion of the core curriculum courses, ~~or passing~~

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

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

13 489.115 Certification and registration; endorsement;  
14 reciprocity; renewals; continuing education.--

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

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

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

15 Section 8. This act shall take effect July 1, 2006.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3                                   Senate Bill 1486  
4                   The CS amends s. 468.385(8)(a), F.S., to reference s. 865.09,  
5                   F.S.  
6                   The CS amends s. 468.609, F.S, to provide for qualifications  
7                   for taking the licensing examination to be a building code  
8                   inspector or plans examiner.  
9                   The CS deletes s. 468.609(2)(d), which requires that an  
10                  applicant for certification as a building inspector or plans  
11                  examiner successfully complete the core curriculum in the  
12                  building code training program.  
13                  The CS requires that certification examinations must be  
14                  substantially similar to the examinations administered by the  
15                  International Code Council instead of the Southern Building  
16                  Code Congress and the Council of American Building Officials.  
17                  The CS amends s. 468.617(4), F.S., to permit building code  
18                  enforcement officials employed by small counties to provide  
19                  services to other small counties.  
20                  The CS amends s. 468.619, F.S., pertaining to the building  
21                  code enforcement official's bill of rights.  
22                  The CS amends s. 468.621, F.S., to provide disciplinary  
23                  provisions.  
24                  The CS amends s. 468.627, F.S., to require a minimum of two  
25                  hours of continuing education in ethics for building code  
26                  enforcement officials, and to delete the certificateholder's  
27                  option to provide proof of passing the equivalency test in  
28                  lieu of taking the core curriculum courses.  
29                  The CS amends s. 489.115, F.S., to provide for criminal  
30                  records background checks on applicants by the Construction  
31                  Industry Licensing Board (CILB), and to provide minimum  
                  requirements for the boards rules pertaining to financial  
                  stability.