

Bill No. CS for CS for SB 1774

Barcode 572700

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Constantine moved the following amendment:

**Senate Amendment (with title amendment)**

On page 14, between lines 2 and 3,

insert:

Section 10. 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 inspection, or plans review corresponding to the certification

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1 category sought;

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

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

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

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

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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 the  
16 examination approved for certification pursuant to this part  
17 be substantially equivalent to the examinations administered  
18 by the International Code Council ~~Southern Building Code~~  
19 ~~Congress International and the Council of American Building~~  
20 ~~Officials.~~

21           Section 11. Subsection (4) is added to section  
22 468.617, Florida Statutes, to read:

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

25           (4) Nothing in this part shall prohibit any building  
26 code 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 to  
29 provide building code inspection, plans review, or building  
30 code administration services to another jurisdiction within a  
31 statutorily defined small county.

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1 Section 12. 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 13. 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 that would have been a felony had it been committed in this

1 state.

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

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

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

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

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

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

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

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

10           Section 14. Subsections (5) and (6) of section  
11 468.627, Florida Statutes, are amended to read:

12           468.627 Application; examination; renewal; fees.--

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

28           (6) Each certificateholder shall provide to the board  
29 proof of completion of the core curriculum courses, ~~or passing~~  
30 ~~the equivalency test~~ of the Building Code Training Program  
31 established by s. 553.841, ~~within 2 years after commencement~~

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1 ~~of the program. Each new certificateholder shall provide to~~  
 2 ~~the board proof of completion of the Building Code Training~~  
 3 ~~Program established by s. 553.841. Continuing education hours~~  
 4 ~~spent taking such core curriculum courses shall count toward~~  
 5 ~~the number required for license renewal. A licensee who passes~~  
 6 ~~the equivalency test in lieu of taking the core curriculum~~  
 7 ~~courses shall receive full credit for core curriculum course~~  
 8 ~~hours.~~

9           Section 15. Present subsection (6) of section 489.115,  
 10 Florida Statutes, is redesignated as subsection (7) and  
 11 amended, present subsection (7) of that section is  
 12 redesignated as subsection (8), and a new subsection (6) is  
 13 added to that section, to read:

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

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

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

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

16  
 17 (Redesignate subsequent sections.)  
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 19

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

21 And the title is amended as follows:

22 On page 2, lines 15-18, delete those lines

23  
 24 and insert:

25 boldly marked "nonfunctional"; amending s.  
 26 468.609, F.S.; providing eligibility  
 27 requirements for a person to take the  
 28 examination for certification as a building  
 29 code inspector or plans examiner; revising a  
 30 reference to the organization administering  
 31 certain examinations; amending s. 468.617,



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1 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; repealing s.  
 3           633.5391, F.S., relating to backflow prevention  
 4           assembly inspection; providing an effective  
 5           date.

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

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

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

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

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