

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

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (2) and paragraph (a) of
19 subsection (5) of section 468.609, Florida Statutes, are
20 amended to read:

21 468.609 Administration of this part; standards for
22 certification; additional categories of certification.--

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

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

27 (b) Is of good moral character.

28 (c) Meets eligibility requirements according to one of
29 the following criteria:

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

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; ~~or-~~

19 5. Demonstrates a combination of the completion of an
20 approved training program in the field of building codes
21 inspection or plan review and a minimum of 2 years' experience
22 in the field of building codes inspection, plan review, or
23 construction. The approved training portion of this
24 requirement shall include proof of satisfactory completion of
25 a training program of not less than 300 hours which is
26 approved by the board in the chosen category of building codes
27 inspection or plan review in the certification category sought
28 with not less than 20 hours of instruction in state laws,
29 rules, and ethics relating to professional standards of
30 practice, duties, and responsibilities of a certificateholder.
31 The board shall coordinate with the Building Officials

1 Association of Florida, Inc., to establish by rule the
2 development and implementation of the training program.

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

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

20 Section 2. Subsection (4) is added to section 468.617,
21 Florida Statutes, to read:

22 468.617 Joint building code inspection department;
23 other arrangements.--

24 (4) Nothing in this part prohibits any building code
25 inspector, plans examiner, or building code administrator
26 holding a limited certificate who is employed by a
27 jurisdiction within a small county as defined in s. 339.2818
28 from providing building code inspection, plans review, or
29 building code administration services to another jurisdiction
30 within a small county.

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1 Section 3. 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 4. Paragraphs (f) and (g) of subsection (1) of
15 section 468.621, Florida Statutes, are amended, and paragraphs
16 (k) and (l) are added to that subsection, 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 (f) Making or filing a report or record ~~that~~ ~~which~~ the
21 certificateholder knows to be false, or knowingly inducing
22 another to file a false report or record, or knowingly failing
23 to file a report or record required by state or local law, or
24 knowingly impeding or obstructing such filing, or knowingly
25 inducing another person to impede or obstruct such filing.

26 (g) Failing to properly enforce applicable building
27 codes or permit requirements within this state which the
28 certificateholder knows are applicable or ~~by~~ committing
29 willful misconduct, gross negligence, gross misconduct,
30 repeated negligence, or negligence resulting in a significant
31 danger to life or property.

1 (k) Obstructing an investigation or providing or
2 inducing another to provide forged documents, false forensic
3 evidence, or false testimony to a local or state board or
4 member thereof or to a licensing investigator.

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

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

16 468.627 Application; examination; renewal; fees.--

17 (5) The certificateholder shall provide proof, in a
18 form established by board rule, that the certificateholder has
19 completed at least 14 classroom hours of at least 50 minutes
20 each of continuing education courses during each biennium
21 since the issuance or renewal of the certificate, including
22 the specialized or advanced coursework approved by the Florida
23 Building Commission, as part of the Building Code Training
24 Program established pursuant to s. 553.841, appropriate to the
25 licensing category sought. A minimum of 3 of the required 14
26 classroom hours must be on state law, rules, and ethics
27 relating to professional standards of practice, duties, and
28 responsibilities of the certificateholder. The board shall by
29 rule establish criteria for approval of continuing education
30 courses and providers, and may by rule establish criteria for
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1 accepting alternative nonclassroom continuing education on an
2 hour-for-hour basis.

3 (6) Each certificateholder shall provide to the board
4 proof of completion of the core curriculum courses, ~~or passing~~
5 ~~the equivalency test~~ of the Building Code Training Program
6 established by s. 553.841, within 2 years after commencement
7 of the program. Each new certificateholder shall provide proof
8 of completion of the core curriculum courses of the building
9 code training program established in s. 553.841 within the
10 first 2-year period after initial licensure. Continuing
11 education hours spent taking such core curriculum courses
12 shall count toward the number required for license renewal. ~~A~~
13 ~~licensee who passes the equivalency test in lieu of taking the~~
14 ~~core curriculum courses shall receive full credit for core~~
15 ~~curriculum course hours.~~

16 Section 6. Present subsection (6) of section 489.115,
17 Florida Statutes, is renumbered as subsection (7) and amended,
18 present subsection (7) of that section is renumbered as
19 subsection (8), and a new subsection (6) is added to that
20 section, to read:

21 489.115 Certification and registration; endorsement;
22 reciprocity; renewals; continuing education.--

23 (6) An applicant for initial issuance of a certificate
24 or registration shall submit to a criminal history records
25 check to determine moral character. If the applicant has been
26 convicted of a felony, the board may deny licensure to the
27 applicant based upon the severity of the crime, the
28 relationship of the crime to contracting, or the potential for
29 public harm. The board shall also, in denying or approving
30 licensure, consider the length of time since the commission of
31 the crime and the rehabilitation of the applicant. The board

1 may not deny licensure to an applicant based solely upon a
2 felony conviction or the applicant's failure to provide proof
3 of restoration of civil rights.

4 ~~(7)(6)~~ An initial applicant shall, along with the
5 application, and a certificateholder or registrant shall, upon
6 requesting a change of status, submit to the board a credit
7 report from a nationally recognized credit agency that
8 reflects the financial responsibility of the applicant or
9 certificateholder or registrant. The credit report required
10 for the initial applicant shall be considered the minimum
11 evidence necessary to satisfy the board that he or she is
12 financially responsible to be certified, has the necessary
13 credit and business reputation to engage in contracting in the
14 state, and has the minimum financial stability necessary to
15 avoid the problem of financial mismanagement or misconduct.
16 The board shall, by rule, adopt guidelines for determination
17 of financial stability, which may include minimum requirements
18 for net worth, cash, and bonding for Division I
19 certificateholders of no more than \$20,000 and for Division II
20 certificateholders of no more than \$10,000. Fifty percent of
21 the financial requirements may be met by completing a 14-hour
22 financial responsibility course approved by the board.

23 Section 7. This act shall take effect July 1, 2007.
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SENATE SUMMARY

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3 Provides additional eligibility requirements for a person
4 to take the examination for certification as a building
5 code inspector or plans examiner. Authorizes certain
6 limited certificateholders to provide services to
7 specified jurisdictions. Provides for the application of
8 the building code enforcement officials' bill of rights
9 to certain disciplinary investigations and proceedings.
10 Provides for disciplinary proceedings for violations
11 involving failure to follow building code or permit
12 requirements, obstructing an investigation, and accepting
13 services at a noncompetitive rate from any person whose
14 work is under the enforcement authority of the official,
15 under certain circumstances. Provides requirements for
16 continuing education in ethics. Removes provisions
17 relating to an option of taking an equivalency test in
18 lieu of taking core curriculum classes. Requires
19 applicants for initial issuance of a certificate or
20 registration as a contractor to submit to criminal
21 history records checks. Authorizes the board to deny
22 licensure to certain applicants. Specifies matters the
23 board must consider concerning licensure. Prohibits the
24 denial of licensure based solely on a felony conviction
25 or the status of the civil rights of the applicant.
26 Specifies that guidelines for determining financial
27 stability may include minimum requirements for net worth,
28 cash, and bonding. Provides that a portion of financial
29 requirements may be met by completing specified
30 coursework.
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