

1 of a certificate or registration as a
2 contractor to submit to criminal history
3 records checks; requiring the Department of
4 Business and Professional Regulation to submit
5 the requests for criminal history records check
6 to the Department of Law Enforcement; requiring
7 the Department of Law Enforcement to return the
8 results to the department; authorizing the
9 Construction Industry Licensing Board to deny
10 licensure to certain applicants; specifying
11 matters the board must consider concerning
12 licensure; prohibiting the denial of licensure
13 based solely on a felony conviction or the
14 status of the civil rights of the applicant;
15 specifying that guidelines for determining
16 financial stability may include minimum
17 requirements for net worth, cash, and bonding;
18 providing that a portion of financial
19 requirements may be met by completing specified
20 coursework; creating s. 553.382, F.S.;
21 authorizing the placement of residential
22 manufactured buildings that are certified by
23 the Department of Community Affairs on certain
24 mobile home lots; providing for application of
25 state law governing mobile home park lot
26 tenancies to any such housing unit placed on a
27 mobile home lot; requiring the written approval
28 of the owner of a mobile home park before the
29 placement of any such housing unit on a mobile
30 home lot; providing for taxation of such
31 housing units as mobile homes; providing for

1 payments to the Florida Mobile Home Relocation
2 Trust Fund under certain circumstances;
3 providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Subsection (2) and paragraph (a) of
8 subsection (5) of section 468.609, Florida Statutes, are
9 amended to read:

10 468.609 Administration of this part; standards for
11 certification; additional categories of certification.--

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

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

16 (b) Is of good moral character.

17 (c) Meets eligibility requirements according to one of
18 the following criteria:

19 1. Demonstrates 5 years' combined experience in the
20 field of construction or a related field, building code
21 inspection, or plans review corresponding to the certification
22 category sought;

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

28 3. Demonstrates a combination of technical education
29 in the field of construction or a related field and experience
30 which totals 4 years, with at least 1 year of such total being
31

1 | experience in construction, building code inspection, or plans
2 | review; ~~or~~

3 | 4. Currently holds a standard certificate as issued by
4 | the board and satisfactorily completes a building code
5 | inspector or plans examiner training program of not less than
6 | 200 hours in the certification category sought. The board
7 | shall establish by rule criteria for the development and
8 | implementation of the training programs; ~~or-~~

9 | 5. Demonstrates a combination of the completion of an
10 | approved training program in the field of building codes
11 | inspection or plan review and a minimum of 2 years' experience
12 | in the field of building codes inspection, plan review, fire
13 | code inspections and fire plans review of new buildings as a
14 | fire safety inspector certified under s. 633.081(2), or
15 | construction. The approved training portion of this
16 | requirement shall include proof of satisfactory completion of
17 | a training program of not less than 300 hours which is
18 | approved by the board in the chosen category of building codes
19 | inspection or plan review in the certification category sought
20 | with not less than 20 hours of instruction in state laws,
21 | rules, and ethics relating to professional standards of
22 | practice, duties, and responsibilities of a certificateholder.
23 | The board shall coordinate with the Building Officials
24 | Association of Florida, Inc., to establish by rule the
25 | development and implementation of the training program.

26 | ~~(d) After the Building Code Training Program is~~
27 | ~~established under s. 553.841, demonstrates successful~~
28 | ~~completion of the core curriculum approved by the Florida~~
29 | ~~Building Commission, appropriate to the licensing category~~
30 | ~~sought.~~

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

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

15 468.617 Joint building code inspection department;
16 other arrangements.--

17 (4) Nothing in this part prohibits any building code
18 inspector, plans examiner, or building code administrator
19 holding a limited certificate who is employed by a
20 jurisdiction within a small county as defined in s. 339.2818
21 from providing building code inspection, plans review, or
22 building code administration services to another jurisdiction
23 within a small county.

24 Section 3. Subsection (10) is added to section
25 468.619, Florida Statutes, to read:

26 468.619 Building code enforcement officials' bill of
27 rights.--

28 (10) This bill of rights applies to disciplinary
29 investigations and proceedings against licenses issued under
30 this part and disciplinary investigations and proceedings
31 relating to the official duties of an enforcement official.

1 This bill of rights does not apply to disciplinary
2 investigations and proceedings against other licenses that the
3 enforcement official holds or disciplinary investigations and
4 proceedings unrelated to the enforcement official's official
5 duties.

6 Section 4. Paragraphs (f) and (g) of subsection (1) of
7 section 468.621, Florida Statutes, are amended, and paragraphs
8 (k) and (l) are added to that subsection, to read:

9 468.621 Disciplinary proceedings.--

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

12 (f) Making or filing a report or record ~~that~~ ~~which~~ the
13 certificateholder knows to be false, or knowingly inducing
14 another to file a false report or record, or knowingly failing
15 to file a report or record required by state or local law, or
16 knowingly impeding or obstructing such filing, or knowingly
17 inducing another person to impede or obstruct such filing.

18 (g) Failing to properly enforce applicable building
19 codes or permit requirements within this state which the
20 certificateholder knows are applicable or ~~by~~ committing
21 willful misconduct, gross negligence, gross misconduct,
22 repeated negligence, or negligence resulting in a significant
23 danger to life or property.

24 (k) Obstructing an investigation or providing or
25 inducing another to provide forged documents, false forensic
26 evidence, or false testimony to a local or state board or
27 member thereof or to a licensing investigator.

28 (l) Accepting labor, services, or materials at no
29 charge or at a noncompetitive rate from any person who
30 performs work that is under the enforcement authority of the
31 enforcement official and who is not an immediate family member

1 of the enforcement official. The term "immediate family
2 member" includes a spouse, child, parent, sibling,
3 grandparent, aunt, uncle, or first cousin of the person or the
4 person's spouse or any person who resides in the primary
5 residence of the enforcement official.

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

8 468.627 Application; examination; renewal; fees.--

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

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

1 553.841 within the first 2-year period after initial
2 licensure. Continuing education hours spent taking such core
3 curriculum courses shall count toward the number required for
4 license renewal. ~~A licensee who passes the equivalency test in~~
5 ~~lieu of taking the core curriculum courses shall receive full~~
6 ~~credit for core curriculum course hours.~~

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

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

14 (6) An applicant for initial issuance of a certificate
15 or registration shall submit to a statewide criminal history
16 records check through the Department of Law Enforcement. The
17 Department of Business and Professional Regulation shall
18 submit the requests for the criminal history records check to
19 the Department of Law Enforcement for state processing, and
20 the Department of Law Enforcement shall return the results to
21 the department to determine if the applicant meets
22 certification or registration requirements. If the applicant
23 has been convicted of a felony, the board may deny licensure
24 to the applicant based upon the severity of the crime, the
25 relationship of the crime to contracting, or the potential for
26 public harm. The board shall also, in denying or approving
27 licensure, consider the length of time since the commission of
28 the crime and the rehabilitation of the applicant. The board
29 may not deny licensure to an applicant based solely upon a
30 felony conviction or the applicant's failure to provide proof
31 of restoration of civil rights.

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

20 Section 7. Section 553.382, Florida Statutes, is
21 created to read:

22 553.382 Placement of certain housing.--Notwithstanding
23 any other law or ordinance to the contrary, in order to expand
24 the availability of affordable housing in this state, any
25 residential manufactured building that is certified under this
26 chapter by the Department of Community Affairs may be placed
27 on a mobile home lot in a mobile home park, recreational
28 vehicle park, or mobile home condominium, cooperative, or
29 subdivision. Any such housing unit placed on a mobile home lot
30 is a mobile home for purposes of chapter 723 and, therefore,
31 all rights, obligations, and duties under chapter 723 apply,

1 including the specifics of the prospectus. However, a housing
2 unit subject to this section may not be placed on a mobile
3 home lot without the prior written approval of the park owner.
4 Each housing unit subject to this section shall be taxed as a
5 mobile home under s. 320.08(11) and is subject to payments to
6 the Florida Mobile Home Relocation Fund under s. 723.06116.

7 Section 8. This act shall take effect July 1, 2007.

8
9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 404

12 The committee substitute expands the availability of
13 affordable housing by allowing the placement of residential
14 manufactured buildings on mobile home lots in mobile home
15 parks, recreational vehicle parks, or mobile home
16 condominiums, cooperatives, or subdivisions. Residential
17 manufactured housing units may not be placed on a mobile home
18 lot without the written consent of the mobile home park owner.
19 Each residential manufactured housing unit placed on a mobile
20 home lot must be taxed as a mobile home and may be subject to
21 payments to the Florida Mobile Home Relocation Fund.
22
23
24
25
26
27
28
29
30
31