

1 A bill to be entitled
2 An act relating to the housing and construction
3 industry; amending s. 468.609, F.S.; providing
4 additional eligibility requirements for a
5 person to take the examination for
6 certification as a building code inspector or
7 plans examiner; revising a reference to the
8 organization administering certain
9 examinations; amending s. 468.617, F.S.;
10 authorizing certain limited certificateholders
11 to provide services to specified jurisdictions;
12 amending s. 468.619, F.S.; providing for the
13 application of the building code enforcement
14 officials' bill of rights to certain
15 disciplinary investigations and proceedings;
16 amending s. 468.621, F.S.; providing for
17 disciplinary proceedings for violations
18 involving failure to follow building code or
19 permit requirements, obstructing an
20 investigation, and accepting services at a
21 noncompetitive rate from any person whose work
22 is under the enforcement authority of the
23 official, under certain circumstances; amending
24 s. 468.627, F.S.; providing requirements for
25 continuing education in ethics; requiring a new
26 certificateholder to provide proof of
27 completion of certain curriculum courses;
28 removing provisions relating to an option of
29 taking an equivalency test in lieu of taking
30 core curriculum classes; amending s. 489.115,
31 F.S.; requiring applicants for initial issuance

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 | amending s. 489.113, F.S.; prohibiting the
4 | prevention of a licensed engineer or architect
5 | from contracting directly with a licensed
6 | contractor for the preparation of plans,
7 | specifications, or a master design manual when
8 | making an application for a building permit;
9 | prohibiting the requirement of site-specific
10 | drawings, specifications, or plans for certain
11 | structures; authorizing local code enforcement
12 | agencies to accept or reject plans prepared by
13 | certain persons; defining the term "master
14 | design manual"; providing requirements
15 | regarding the preparation of such manuals;
16 | requiring that a master design manual contain
17 | certain information; requiring that such
18 | manuals be peer reviewed by a licensed engineer
19 | or architect who meets certain criteria;
20 | requiring that the reviewer be identified in
21 | the manual; providing that a licensed engineer
22 | or architect is not required for the
23 | preparation or use of certain design guides;
24 | exempting certain existing warehouses from
25 | requirements in the Florida Building Code
26 | concerning fire protection under certain
27 | conditions; providing an effective date.

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29 | Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (2) and paragraph (a) of
2 subsection (5) of section 468.609, Florida Statutes, are
3 amended to read:

4 468.609 Administration of this part; standards for
5 certification; additional categories of certification.--

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

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

10 (b) Is of good moral character.

11 (c) Meets eligibility requirements according to one of
12 the following criteria:

13 1. Demonstrates 5 years' combined experience in the
14 field of construction or a related field, building code
15 inspection, or plans review corresponding to the certification
16 category sought;

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

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

27 4. Currently holds a standard certificate as issued by
28 the board and satisfactorily completes a building code
29 inspector or plans examiner training program of not less than
30 200 hours in the certification category sought. The board
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1 shall establish by rule criteria for the development and
2 implementation of the training programs; ~~or-~~

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

20 ~~(d) After the Building Code Training Program is~~
21 ~~established under s. 553.841, demonstrates successful~~
22 ~~completion of the core curriculum approved by the Florida~~
23 ~~Building Commission, appropriate to the licensing category~~
24 ~~sought.~~

25 (5)(a) To obtain a standard certificate, an individual
26 must pass an examination approved by the board which
27 demonstrates that the applicant has fundamental knowledge of
28 the state laws and codes relating to the construction of
29 buildings for which the applicant has building code
30 administration, plans examination, or building code inspection
31 responsibilities. It is the intent of the Legislature that

1 | the examination approved for certification pursuant to this
 2 | part be substantially equivalent to the examinations
 3 | administered by the International Code Council ~~Southern~~
 4 | ~~Building Code Congress International~~ and the Council of
 5 | ~~American Building Officials~~.

6 | Section 2. Subsection (4) is added to section 468.617,
 7 | Florida Statutes, to read:

8 | 468.617 Joint building code inspection department;
 9 | other arrangements.--

10 | (4) Nothing in this part prohibits any building code
 11 | inspector, plans examiner, or building code administrator
 12 | holding a limited certificate who is employed by a
 13 | jurisdiction within a small county as defined in s. 339.2818
 14 | from providing building code inspection, plans review, or
 15 | building code administration services to another jurisdiction
 16 | within a small county.

17 | Section 3. Subsection (10) is added to section
 18 | 468.619, Florida Statutes, to read:

19 | 468.619 Building code enforcement officials' bill of
 20 | rights.--

21 | (10) This bill of rights applies to disciplinary
 22 | investigations and proceedings against licenses issued under
 23 | this part and disciplinary investigations and proceedings
 24 | relating to the official duties of an enforcement official.
 25 | This bill of rights does not apply to disciplinary
 26 | investigations and proceedings against other licenses that the
 27 | enforcement official holds or disciplinary investigations and
 28 | proceedings unrelated to the enforcement official's official
 29 | duties.

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

4 468.621 Disciplinary proceedings.--

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

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

13 (g) Failing to properly enforce applicable building
14 codes or permit requirements within this state which the
15 certificateholder knows are 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 (k) Obstructing an investigation or providing or
20 inducing another to provide forged documents, false forensic
21 evidence, or false testimony to a local or state board or
22 member thereof or to a licensing investigator.

23 (l) Accepting labor, services, or materials at no
24 charge or at a noncompetitive rate from any person who
25 performs work that is under the enforcement authority of the
26 enforcement official and who is not an immediate family member
27 of the enforcement official. The term "immediate family
28 member" includes a spouse, child, parent, sibling,
29 grandparent, aunt, uncle, or first cousin of the person or the
30 person's spouse or any person who resides in the primary
31 residence of the enforcement official.

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

3 468.627 Application; examination; renewal; fees.--

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

20 (6) Each certificateholder shall provide to the board
21 proof of completion of the core curriculum courses, ~~or passing~~
22 ~~the equivalency test~~ of the Building Code Training Program
23 established by s. 553.841, within 2 years after commencement
24 of the program. Each new certificateholder shall provide to
25 the board proof of completion of the core curriculum courses
26 of the building code training program established in s.
27 553.841 within the first 2-year period after initial
28 licensure. Continuing education hours spent taking such core
29 curriculum courses shall count toward the number required for
30 license renewal. ~~A licensee who passes the equivalency test in~~
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1 ~~lieu of taking the core curriculum courses shall receive full~~
2 ~~credit for core curriculum course hours.~~

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

8 489.115 Certification and registration; endorsement;
9 reciprocity; renewals; continuing education.--

10 (6) An applicant for initial issuance of a certificate
11 or registration shall submit to a statewide criminal history
12 records check through the Department of Law Enforcement. The
13 Department of Business and Professional Regulation shall
14 submit the requests for the criminal history records check to
15 the Department of Law Enforcement for state processing, and
16 the Department of Law Enforcement shall return the results to
17 the department to determine if the applicant meets
18 certification or registration requirements. If the applicant
19 has been convicted of a felony, the board may deny licensure
20 to the 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

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

18 553.382 Placement of certain housing.--Notwithstanding
19 any other law or ordinance to the contrary, in order to expand
20 the availability of affordable housing in this state, any
21 residential manufactured building that is certified under this
22 chapter by the Department of Community Affairs may be placed
23 on a mobile home lot in a mobile home park, recreational
24 vehicle park, or mobile home condominium, cooperative, or
25 subdivision. Any such housing unit placed on a mobile home lot
26 is a mobile home for purposes of chapter 723 and, therefore,
27 all rights, obligations, and duties under chapter 723 apply,
28 including the specifics of the prospectus. However, a housing
29 unit subject to this section may not be placed on a mobile
30 home lot without the prior written approval of the park owner.
31 Each housing unit subject to this section shall be taxed as a

1 mobile home under s. 320.08(11) and is subject to payments to
2 the Florida Mobile Home Relocation Fund under s. 723.06116.

3 Section 8. Subsection (9) of section 489.113, Florida
4 Statutes, is amended to read:

5 489.113 Qualifications for practice; restrictions.--

6 (9)(a) ~~Nothing in~~ This part does not ~~shall be~~
7 ~~construed to~~ prevent any contractor from acting as a prime
8 contractor where the majority of the work to be performed
9 under the contract is within the scope of his or her license
10 or and from subcontracting to other licensed contractors that
11 remaining work which is part of the project contracted.

12 (b) This part, chapter 471, chapter 481, or any other
13 provision of law does not:

14 1. Prevent any licensed engineer or architect from
15 contracting directly with a licensed contractor for the
16 preparation of plans, specifications, or a master design
17 manual addressing structural designs used to make an
18 application for building permits.

19 2. Require a licensed engineer or architect, when
20 preparing drawings, specifications, plans, or master design
21 manuals for use by any licensed contractor, to prepare
22 site-specific drawings, specifications, or plans for the
23 design and construction of single-family and two-family
24 dwelling; swimming pools, spas, or screened enclosures; or
25 any other structure not exceeding 1,200 square feet or one
26 story in height. For the purpose of issuing building permits,
27 local building officials shall accept such drawings,
28 specifications, or plans when submitted by any licensed
29 contractor. Upon good cause shown, local government code
30 enforcement agencies may accept or reject plans prepared by

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1 persons licensed under chapter 471, chapter 481, or this
2 chapter.

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4 As used in this section, the term "master design manual" means
5 a restrictive design manual intended to be used to design,
6 permit, and construct structures as described in this section.

7 Any such manual must be prepared by a licensed engineer or
8 architect and specifically detail the limits of its use,
9 including, but not limited to, the structure type, size,
10 materials, loading conditions, time limits, applicable codes,
11 and associated criteria. The manual must also detail the
12 required training for the contractor, engineer, or architect
13 using the manual. All master design manuals must be peer
14 reviewed by an independent licensed engineer or architect
15 having no financial interest in the development of the manual
16 or the construction of structures pursuant to the manual. The
17 engineer or architect conducting the peer review must be
18 identified in the manual.

19 (c) Notwithstanding anything in this chapter or any
20 other provision of law, a licensed engineer or architect is
21 not required for the preparation or use of any design guide
22 adopted by the Florida Building Commission as part of the
23 building code pursuant to s. 553.73.

24 Section 9. If an existing warehouse is expanded, the
25 addition must comply with the requirements in chapter 9 of the
26 Florida Building Code; however, the existing warehouse need
27 not be updated to meet those requirements so long as it is in
28 compliance with the Florida Building Code, 2001 edition, and
29 with requirements concerning automatic sprinkler systems in
30 section 903 of the Florida Building Code.

31 Section 10. This act shall take effect July 1, 2007.