

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

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29 specifying matters the board must consider concerning
30 licensure; prohibiting the denial of licensure based
31 solely on a felony conviction or the status of the civil
32 rights of the applicant; specifying that guidelines for
33 determining financial stability may include minimum
34 requirements for net worth, cash, and bonding; providing
35 that a portion of financial requirements may be met by
36 completing specified coursework; providing an effective
37 date.

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39 Be It Enacted by the Legislature of the State of Florida:

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

43 468.609 Administration of this part; standards for
44 certification; additional categories of certification.--

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

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

49 (b) Is of good moral character.

50 (c) Meets eligibility requirements according to one of the
51 following criteria:

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

55 2. Demonstrates a combination of postsecondary education
56 in the field of construction or a related field and experience

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57 | which totals 4 years, with at least 1 year of such total being
58 | experience in construction, building code inspection, or plans
59 | review;

60 | 3. Demonstrates a combination of technical education in
61 | the field of construction or a related field and experience
62 | which totals 4 years, with at least 1 year of such total being
63 | experience in construction, building code inspection, or plans
64 | review; ~~or~~

65 | 4. Currently holds a standard certificate as issued by the
66 | board and satisfactorily completes a building code inspector or
67 | plans examiner training program of not less than 200 hours in
68 | the certification category sought. The board shall establish by
69 | rule criteria for the development and implementation of the
70 | training programs; or-

71 | 5. Demonstrates a combination of the completion of an
72 | approved training program in the field of building codes
73 | inspection or plan review and a minimum of 2 years' experience
74 | in the field of building codes inspection, plan review, or
75 | construction. The approved training portion of this requirement
76 | shall include proof of satisfactory completion of a training
77 | program of not less than 300 hours which is approved by the
78 | board in the chosen category of building codes inspection or
79 | plan review in the certification category sought with not less
80 | than 20 hours of instruction in state laws, rules, and ethics
81 | relating to professional standards of practice, duties, and
82 | responsibilities of a certificateholder. The board shall
83 | coordinate with the Building Officials Association of Florida,
84 | Inc., to establish by rule the development and implementation of

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85 the training program.

86 ~~(d) After the Building Code Training Program is~~
87 ~~established under s. 553.841, demonstrates successful completion~~
88 ~~of the core curriculum approved by the Florida Building~~
89 ~~Commission, appropriate to the licensing category sought.~~

90 (5) (a) To obtain a standard certificate, an individual
91 must pass an examination approved by the board which
92 demonstrates that the applicant has fundamental knowledge of the
93 state laws and codes relating to the construction of buildings
94 for which the applicant has building code administration, plans
95 examination, or building code inspection responsibilities. It is
96 the intent of the Legislature that the examination approved for
97 certification pursuant to this part be substantially equivalent
98 to the examinations administered by the International Code
99 Council ~~Southern Building Code Congress International and the~~
100 ~~Council of American Building Officials.~~

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

103 468.617 Joint building code inspection department; other
104 arrangements.--

105 (4) Nothing in this part prohibits any building code
106 inspector, plans examiner, or building code administrator
107 holding a limited certificate who is employed by a jurisdiction
108 within a small county as defined in s. 339.2818 from providing
109 building code inspection, plans review, or building code
110 administration services to another jurisdiction within a county.

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

113 468.619 Building code enforcement officials' bill of
 114 rights.--

115 (10) This bill of rights applies to disciplinary
 116 investigations and proceedings against licenses issued under
 117 this part and disciplinary investigations and proceedings
 118 relating to the official duties of an enforcement official. This
 119 bill of rights does not apply to disciplinary investigations and
 120 proceedings against other licenses that the enforcement official
 121 holds or disciplinary investigations and proceedings unrelated
 122 to the enforcement official's official duties.

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

126 468.621 Disciplinary proceedings.--

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

129 (f) Making or filing a report or record that ~~which~~ the
 130 certificateholder knows to be false, or knowingly inducing
 131 another to file a false report or record, or knowingly failing
 132 to file a report or record required by state or local law, or
 133 knowingly impeding or obstructing such filing, or knowingly
 134 inducing another person to impede or obstruct such filing.

135 (g) Failing to properly enforce applicable building codes
 136 or permit requirements within this state which the
 137 certificateholder knows are applicable or ~~by~~ committing willful
 138 misconduct, gross negligence, gross misconduct, repeated
 139 negligence, or negligence resulting in a significant danger to
 140 life or property.

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141 (k) Obstructing an investigation or providing or inducing
142 another to provide forged documents, false forensic evidence, or
143 false testimony to a local or state board or member thereof or
144 to a licensing investigator.

145 (l) Accepting labor, services, or materials at no charge
146 or at a noncompetitive rate from any person who performs work
147 that is under the enforcement authority of the enforcement
148 official and who is not an immediate family member of the
149 enforcement official. The term "immediate family member"
150 includes a spouse, child, parent, sibling, grandparent, aunt,
151 uncle, or first cousin of the person or the person's spouse or
152 any person who resides in the primary residence of the
153 enforcement official.

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

156 468.627 Application; examination; renewal; fees.--

157 (5) The certificateholder shall provide proof, in a form
158 established by board rule, that the certificateholder has
159 completed at least 14 classroom hours of at least 50 minutes
160 each of continuing education courses during each biennium since
161 the issuance or renewal of the certificate, including the
162 specialized or advanced coursework approved by the Florida
163 Building Commission, as part of the Building Code Training
164 Program established pursuant to s. 553.841, appropriate to the
165 licensing category sought. A minimum of 3 of the required 14
166 classroom hours must be on state law, rules, and ethics relating
167 to professional standards of practice, duties, and
168 responsibilities of the certificateholder. The board shall by

169 rule establish criteria for approval of continuing education
 170 courses and providers, and may by rule establish criteria for
 171 accepting alternative nonclassroom continuing education on an
 172 hour-for-hour basis.

173 (6) Each certificateholder shall provide to the board
 174 proof of completion of the core curriculum courses, ~~or passing~~
 175 ~~the equivalency test~~ of the Building Code Training Program
 176 established by s. 553.841, within 2 years after commencement of
 177 the program. Each new certificateholder shall provide proof of
 178 completion of the core curriculum courses of the building code
 179 training program established in s. 553.841 within the first 2-
 180 year period after initial licensure. Continuing education hours
 181 spent taking such core curriculum courses shall count toward the
 182 number required for license renewal. ~~A licensee who passes the~~
 183 ~~equivalency test in lieu of taking the core curriculum courses~~
 184 ~~shall receive full credit for core curriculum course hours.~~

185 Section 6. Present subsection (6) of section 489.115,
 186 Florida Statutes, is renumbered as subsection (7) and amended,
 187 present subsection (7) of that section is renumbered as
 188 subsection (8), and a new subsection (6) is added to that
 189 section, to read:

190 489.115 Certification and registration; endorsement;
 191 reciprocity; renewals; continuing education.--

192 (6) An applicant for initial issuance of a certificate or
 193 registration shall submit to a criminal history records check to
 194 determine moral character. If the applicant has been convicted
 195 of a felony, the board may deny licensure to the applicant based
 196 upon the severity of the crime, the relationship of the crime to

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197 contracting, or the potential for public harm. The board shall
198 also, in denying or approving licensure, consider the length of
199 time since the commission of the crime and the rehabilitation of
200 the applicant. The board may not deny licensure to an applicant
201 based solely upon a felony conviction or the applicant's failure
202 to provide proof of restoration of civil rights.

203 (7)~~(6)~~ An initial applicant shall, along with the
204 application, and a certificateholder or registrant shall, upon
205 requesting a change of status, submit to the board a credit
206 report from a nationally recognized credit agency that reflects
207 the financial responsibility of the applicant or
208 certificateholder or registrant. The credit report required for
209 the initial applicant shall be considered the minimum evidence
210 necessary to satisfy the board that he or she is financially
211 responsible to be certified, has the necessary credit and
212 business reputation to engage in contracting in the state, and
213 has the minimum financial stability necessary to avoid the
214 problem of financial mismanagement or misconduct. The board
215 shall, by rule, adopt guidelines for determination of financial
216 stability, which may include minimum requirements for net worth,
217 cash, and bonding for Division I certificateholders of no more
218 than \$20,000 and for Division II certificateholders of no more
219 than \$10,000. Fifty percent of the financial requirements may be
220 met by completing a 14-hour financial responsibility course
221 approved by the board.

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