

1                   A bill to be entitled  
2           An act relating to the housing and construction industry;  
3           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, 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, or engaging in contracting  
20          while employed by certain governmental entities as a code  
21          enforcement official; amending s. 468.627, F.S.; providing  
22          requirements for continuing education in ethics; requiring  
23          a new certificateholder to provide proof of completion of  
24          certain curriculum courses; removing provisions relating  
25          to an option of taking an equivalency test in lieu of  
26          taking core curriculum classes; amending s. 489.113, F.S.;  
27          prohibiting the prevention of a licensed engineer or  
28          architect from certain contracting activity; providing

29 requirements for local code enforcement agencies relating  
30 to plans prepared by certain persons; defining the term  
31 "master design manual"; providing requirements regarding  
32 the preparation of such manuals; amending s. 489.115,  
33 F.S.; requiring applicants for initial issuance of a  
34 certificate or registration as a contractor to submit to  
35 criminal history records checks; requiring the Department  
36 of Business and Professional Regulation to submit the  
37 requests for criminal history records check to the  
38 Department of Law Enforcement; requiring the Department of  
39 Law Enforcement to return the results to the Department of  
40 Business and Professional Regulation; authorizing the  
41 Construction Industry Licensing Board to deny licensure to  
42 certain applicants; specifying matters the board must  
43 consider concerning licensure; prohibiting the denial of  
44 licensure based solely on a felony conviction or the  
45 status of the civil rights of the applicant; specifying  
46 that guidelines for determining financial stability may  
47 include minimum requirements for net worth, cash, and  
48 bonding; providing that a portion of financial  
49 requirements may be met by completing specified  
50 coursework; creating s. 553.382, F.S.; authorizing the  
51 placement of residential manufactured buildings that are  
52 certified by the Department of Community Affairs on  
53 certain mobile home lots; providing requirements for such  
54 placement; providing for taxation of such housing units as  
55 mobile homes; providing for payments to the Florida Mobile  
56 Home Relocation Trust Fund under certain circumstances;

57 |       exempting certain existing warehouses from requirements in  
 58 |       the Florida Building Code concerning fire protection under  
 59 |       certain conditions; providing an effective date.

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61 | Be It Enacted by the Legislature of the State of Florida:

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

65 |       468.609 Administration of this part; standards for  
 66 |       certification; additional categories of certification.--

67 |       (2) A person may take the examination for certification as  
 68 |       a building code inspector or plans examiner pursuant to this  
 69 |       part if the person:

70 |       (a) Is at least 18 years of age.

71 |       (b) Is of good moral character.

72 |       (c) Meets eligibility requirements according to one of the  
 73 |       following criteria:

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

77 |       2. Demonstrates a combination of postsecondary education  
 78 |       in the field of construction or a related field and experience  
 79 |       which totals 4 years, with at least 1 year of such total being  
 80 |       experience in construction, building code inspection, or plans  
 81 |       review;

82 |       3. Demonstrates a combination of technical education in  
 83 |       the field of construction or a related field and experience  
 84 |       which totals 4 years, with at least 1 year of such total being

85 | experience in construction, building code inspection, or plans  
 86 | review; ~~or~~

87 | 4. Currently holds a standard certificate as issued by the  
 88 | board and satisfactorily completes a building code inspector or  
 89 | plans examiner training program of not less than 200 hours in  
 90 | the certification category sought. The board shall establish by  
 91 | rule criteria for the development and implementation of the  
 92 | training programs; or-

93 | 5. Demonstrates a combination of the completion of an  
 94 | approved training program in the field of building codes  
 95 | inspection or plans review and a minimum of 2 years' experience  
 96 | in the field of building codes inspection, plans review, fire  
 97 | code inspections and fire plans review of new buildings as a  
 98 | fire safety inspector certified under s. 633.081(2), or  
 99 | construction. The approved training portion of this requirement  
 100 | shall include proof of satisfactory completion of a training  
 101 | program of not less than 300 hours which is approved by the  
 102 | board in the chosen category of building codes inspection or  
 103 | plans review in the certification category sought with not less  
 104 | than 20 hours of instruction in state laws, rules, and ethics  
 105 | relating to professional standards of practice, duties, and  
 106 | responsibilities of a certificateholder. The board shall  
 107 | coordinate with the Building Officials Association of Florida,  
 108 | Inc., to establish by rule the development and implementation of  
 109 | the training program.

110 | ~~(d) After the Building Code Training Program is~~  
 111 | ~~established under s. 553.841, demonstrates successful completion~~  
 112 | ~~of the core curriculum approved by the Florida Building~~

113 ~~Commission, appropriate to the licensing category sought.~~

114 (5) (a) To obtain a standard certificate, an individual  
 115 must pass an examination approved by the board which  
 116 demonstrates that the applicant has fundamental knowledge of the  
 117 state laws and codes relating to the construction of buildings  
 118 for which the applicant has building code administration, plans  
 119 examination, or building code inspection responsibilities. It is  
 120 the intent of the Legislature that the examination approved for  
 121 certification pursuant to this part be substantially equivalent  
 122 to the examinations administered by the International Code  
 123 Council ~~Southern Building Code Congress International and the~~  
 124 ~~Council of American Building Officials.~~

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

127 468.617 Joint building code inspection department; other  
 128 arrangements.--

129 (4) Nothing in this part prohibits any building code  
 130 inspector, plans examiner, or building code administrator  
 131 holding a limited certificate who is employed by a jurisdiction  
 132 within a small county as defined in s. 339.2818 from providing  
 133 building code inspection, plans review, or building code  
 134 administration services to another jurisdiction within a small  
 135 county.

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

138 468.619 Building code enforcement officials' bill of  
 139 rights.--

140 (10) This bill of rights applies to disciplinary

141 investigations and proceedings against licenses issued under  
142 this part and disciplinary investigations and proceedings  
143 relating to the official duties of an enforcement official. This  
144 bill of rights does not apply to disciplinary investigations and  
145 proceedings against other licenses that the enforcement official  
146 holds or disciplinary investigations and proceedings unrelated  
147 to the enforcement official's official duties.

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

151 468.621 Disciplinary proceedings.--

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

154 (f) Making or filing a report or record that ~~which~~ the  
155 certificateholder knows to be false, or knowingly inducing  
156 another to file a false report or record, or knowingly failing  
157 to file a report or record required by state or local law, or  
158 knowingly impeding or obstructing such filing, or knowingly  
159 inducing another person to impede or obstruct such filing.

160 (g) Failing to properly enforce applicable building codes  
161 or permit requirements within this state which the  
162 certificateholder knows are applicable or ~~by~~ committing willful  
163 misconduct, gross negligence, gross misconduct, repeated  
164 negligence, or negligence resulting in a significant danger to  
165 life or property.

166 (k) Obstructing an investigation or providing or inducing  
167 another to provide forged documents, false forensic evidence, or  
168 false testimony to a local or state board or member thereof or

169 to a licensing investigator.

170 (l) Accepting labor, services, or materials at no charge  
 171 or at a noncompetitive rate from any person who performs work  
 172 that is under the enforcement authority of the enforcement  
 173 official and who is not an immediate family member of the  
 174 enforcement official. The term "immediate family member"  
 175 includes a spouse, child, parent, sibling, grandparent, aunt,  
 176 uncle, or first cousin of the person or the person's spouse or  
 177 any person who resides in the primary residence of the  
 178 enforcement official.

179 (m) Engaging in contracting as defined in s. 489.105(6)  
 180 while employed by a state agency or local government as a  
 181 building code enforcement official or enforcement official as  
 182 defined in s. 468.603(8).

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

185 468.627 Application; examination; renewal; fees.--

186 (5) The certificateholder shall provide proof, in a form  
 187 established by board rule, that the certificateholder has  
 188 completed at least 14 classroom hours of at least 50 minutes  
 189 each of continuing education courses during each biennium since  
 190 the issuance or renewal of the certificate, including the  
 191 specialized or advanced coursework approved by the Florida  
 192 Building Commission, as part of the Building Code Training  
 193 Program established pursuant to s. 553.841, appropriate to the  
 194 licensing category sought. A minimum of 3 of the required 14  
 195 classroom hours must be on state law, rules, and ethics relating  
 196 to professional standards of practice, duties, and

197 responsibilities of the certificateholder. The board shall by  
 198 rule establish criteria for approval of continuing education  
 199 courses and providers, and may by rule establish criteria for  
 200 accepting alternative nonclassroom continuing education on an  
 201 hour-for-hour basis.

202 (6) Each certificateholder shall provide to the board  
 203 proof of completion of the core curriculum courses, ~~or passing~~  
 204 ~~the equivalency test~~ of the Building Code Training Program  
 205 established by s. 553.841, within 2 years after commencement of  
 206 the program. Each new certificateholder shall provide to the  
 207 board proof of completion of the core curriculum courses of the  
 208 building code training program established in s. 553.841 within  
 209 the first 2-year period after initial licensure. Continuing  
 210 education hours spent taking such core curriculum courses shall  
 211 count toward the number required for license renewal. ~~A licensee~~  
 212 ~~who passes the equivalency test in lieu of taking the core~~  
 213 ~~curriculum courses shall receive full credit for core curriculum~~  
 214 ~~course hours.~~

215 Section 6. Subsection (9) of section 489.113, Florida  
 216 Statutes, is amended to read:

217 489.113 Qualifications for practice; restrictions.--

218 (9) (a) ~~Nothing in This part shall not shall be construed~~  
 219 ~~to~~ prevent any contractor from acting as a prime contractor  
 220 where the majority of the work to be performed under the  
 221 contract is within the scope of his or her license or ~~and~~ from  
 222 subcontracting to other licensed contractors that remaining work  
 223 which is part of the project contracted.

224 (b)1. This part, chapter 471, chapter 481, or any other



225 provision of law shall not:

226 a. Prevent any licensed engineer or architect from  
227 contracting directly with a licensed contractor for the  
228 preparation of plans, specifications, or a master design manual  
229 addressing structural designs used to make an application for  
230 building permits.

231 b. Require a licensed engineer or architect, when  
232 preparing drawings, specifications, plans, or master design  
233 manuals for use by any licensed contractor, to prepare site-  
234 specific drawings, specifications, or plans for the design and  
235 construction of single-family and two-family dwellings; swimming  
236 pools, spas, or screened enclosures; or any other structure not  
237 exceeding 1,200 square feet or one story in height. For the  
238 purpose of issuing building permits, local building officials  
239 shall accept such drawings, specifications, or plans when  
240 submitted by any licensed contractor. Upon good cause shown,  
241 local government code enforcement agencies may accept or reject  
242 plans prepared by persons licensed under chapter 471, chapter  
243 481, or this chapter.

244 2. As used in this paragraph, the term "master design  
245 manual" means a restrictive design manual intended to be used to  
246 design, permit, and construct structures as described in this  
247 section. Any such manual must be prepared by a licensed engineer  
248 or architect and specifically detail the limits of its use,  
249 including, but not limited to, the structure type, size,  
250 materials, loading conditions, time limits, applicable codes,  
251 and associated criteria. The manual must also detail the  
252 required training for the contractor, engineer, or architect

253 using the manual. All master design manuals must be peer  
254 reviewed by an independent licensed engineer or architect having  
255 no financial interest in the development of the manual or the  
256 construction of structures pursuant to the manual. The engineer  
257 or architect conducting the peer review must be identified in  
258 the manual.

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

264 Section 7. Present subsection (6) of section 489.115,  
265 Florida Statutes, is renumbered as subsection (7) and amended,  
266 present subsection (7) of that section is renumbered as  
267 subsection (8), and a new subsection (6) is added to that  
268 section, to read:

269 489.115 Certification and registration; endorsement;  
270 reciprocity; renewals; continuing education.--

271 (6) An applicant for initial issuance of a certificate or  
272 registration shall submit to a statewide criminal history  
273 records check through the Department of Law Enforcement. The  
274 Department of Business and Professional Regulation shall submit  
275 the requests for the criminal history records check to the  
276 Department of Law Enforcement for state processing, and the  
277 Department of Law Enforcement shall return the results to the  
278 Department of Business and Professional Regulation to determine  
279 whether the applicant meets certification or registration  
280 requirements. If the applicant has been convicted of a felony,

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281 the board may deny licensure to the applicant based upon the  
282 severity of the crime, the relationship of the crime to  
283 contracting, or the potential for public harm. The board shall  
284 also, in denying or approving licensure, consider the length of  
285 time since the commission of the crime and the rehabilitation of  
286 the applicant. The board may not deny licensure to an applicant  
287 based solely upon a felony conviction or the applicant's failure  
288 to provide proof of restoration of civil rights.

289 (7)(6) An initial applicant shall, along with the  
290 application, and a certificateholder or registrant shall, upon  
291 requesting a change of status, submit to the board a credit  
292 report from a nationally recognized credit agency that reflects  
293 the financial responsibility of the applicant or  
294 certificateholder or registrant. The credit report required for  
295 the initial applicant shall be considered the minimum evidence  
296 necessary to satisfy the board that he or she is financially  
297 responsible to be certified, has the necessary credit and  
298 business reputation to engage in contracting in the state, and  
299 has the minimum financial stability necessary to avoid the  
300 problem of financial mismanagement or misconduct. The board  
301 shall, by rule, adopt guidelines for determination of financial  
302 stability, which may include minimum requirements for net worth,  
303 cash, and bonding for Division I certificateholders of no more  
304 than \$20,000 and for Division II certificateholders of no more  
305 than \$10,000. Fifty percent of the financial requirements may be  
306 met by completing a 14-hour financial responsibility course  
307 approved by the board.

308 Section 8. Section 553.382, Florida Statutes, is created

309 to read:

310 553.382 Placement of certain housing.--Notwithstanding any  
311 other law or ordinance to the contrary, in order to expand the  
312 availability of affordable housing in this state, any  
313 residential manufactured building that is certified under this  
314 chapter by the Department of Community Affairs may be placed on  
315 a mobile home lot in a mobile home park, recreational vehicle  
316 park, or mobile home condominium, cooperative, or subdivision.  
317 Any such housing unit placed on a mobile home lot is a mobile  
318 home for purposes of chapter 723 and, therefore, all rights,  
319 obligations, and duties under chapter 723 apply, including the  
320 specifics of the prospectus. However, a housing unit subject to  
321 this section may not be placed on a mobile home lot without the  
322 prior written approval of the park owner. Each housing unit  
323 subject to this section shall be taxed as a mobile home under s.  
324 320.08(11) and is subject to payments to the Florida Mobile Home  
325 Relocation Fund under s. 723.06116.

326 Section 9. If a warehouse existing in this state on the  
327 effective date of this act is expanded, the addition must comply  
328 with the requirements in chapter 9 of the Florida Building Code;  
329 however, the existing warehouse need not be updated to meet  
330 those requirements so long as it is in compliance with the  
331 Florida Building Code, 2001 edition, and with requirements  
332 concerning automatic sprinkler systems in section 903 of the  
333 Florida Building Code.

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