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LEGISLATIVE ACTION

Senate

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House

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Floor: 1a/RE/2R

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05/04/2017 01:00 PM

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (416182) (with title**
2 **amendment)**

3
4 Delete lines 51 - 80

5 and insert:

6 Section 4. Section 468.603, Florida Statutes, is reordered
7 and amended to read:

8 468.603 Definitions.—As used in this part:

9 (2)~~(1)~~ "Building code administrator" or "building official"
10 means any of those employees of municipal or county governments,
11 or any person contracted, with building construction regulation



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12 responsibilities who are charged with the responsibility for
13 direct regulatory administration or supervision of plan review,
14 enforcement, or inspection of building construction, erection,
15 repair, addition, remodeling, demolition, or alteration projects
16 that require permitting indicating compliance with building,
17 plumbing, mechanical, electrical, gas, fire prevention, energy,
18 accessibility, and other construction codes as required by state
19 law or municipal or county ordinance. This term is synonymous
20 with "building official" as used in the ~~administrative chapter~~
21 ~~of the Standard Building Code and the South Florida Building~~
22 Code. One person employed or contracted by each municipal or
23 county government as a building code administrator or building
24 official and who is so certified under this part may be
25 authorized to perform any plan review or inspection for which
26 certification is required by this part, including performing any
27 plan review or inspection as a currently designated standard
28 certified building official under an interagency service
29 agreement with a jurisdiction having a population of 50,000 or
30 less.

31 (4)-(2) "Building code inspector" means any of those
32 employees of local governments or state agencies, or any person
33 contracted, with building construction regulation
34 responsibilities who themselves conduct inspections of building
35 construction, erection, repair, addition, or alteration projects
36 that require permitting indicating compliance with building,
37 plumbing, mechanical, electrical, gas, fire prevention, energy,
38 accessibility, and other construction codes as required by state
39 law or municipal or county ordinance.

40 (1)-(3) "Board" means the Florida Building Code



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41 Administrators and Inspectors Board.

42 ~~(7)~~~~(4)~~ "Department" means the Department of Business and
43 Professional Regulation.

44 ~~(6)~~~~(5)~~ "Certificate" means a certificate of qualification
45 issued by the department as provided in this part.

46 ~~(5)~~~~(6)~~ "Categories of building code inspectors" include the
47 following:

48 (a) "Building inspector" means a person who is qualified to
49 inspect and determine that buildings and structures are
50 constructed in accordance with the provisions of the governing
51 building codes and state accessibility laws.

52 (b) "Coastal construction inspector" means a person who is
53 qualified to inspect and determine that buildings and structures
54 are constructed to resist near-hurricane and hurricane velocity
55 winds in accordance with the provisions of the governing
56 building code.

57 (c) "Commercial electrical inspector" means a person who is
58 qualified to inspect and determine the electrical safety of
59 commercial buildings and structures by inspecting for compliance
60 with the provisions of the National Electrical Code.

61 ~~(h)~~~~(d)~~ "Residential electrical inspector" means a person
62 who is qualified to inspect and determine the electrical safety
63 of one and two family dwellings and accessory structures by
64 inspecting for compliance with the applicable provisions of the
65 governing electrical code.

66 (e) "Mechanical inspector" means a person who is qualified
67 to inspect and determine that the mechanical installations and
68 systems for buildings and structures are in compliance with the
69 provisions of the governing mechanical code.



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70 ~~(f)~~ (g) "Plumbing inspector" means a person who is qualified
71 to inspect and determine that the plumbing installations and
72 systems for buildings and structures are in compliance with the
73 provisions of the governing plumbing code.

74 ~~(g)~~ (f) "One and two family dwelling inspector" means a
75 person who is qualified to inspect and determine that one and
76 two family dwellings and accessory structures are constructed in
77 accordance with the provisions of the governing building,
78 plumbing, mechanical, accessibility, and electrical codes.

79 ~~(h)~~ (d) "Electrical inspector" means a person who is
80 qualified to inspect and determine the electrical safety of
81 commercial and residential buildings and accessory structures by
82 inspecting for compliance with the provisions of the National
83 Electrical Code.

84 ~~(7)~~ (8) "Plans examiner" means a person who is qualified to
85 determine that plans submitted for purposes of obtaining
86 building and other permits comply with the applicable building,
87 plumbing, mechanical, electrical, gas, fire prevention, energy,
88 accessibility, and other applicable construction codes. The term
89 includes a residential plans examiner who is qualified to
90 determine that plans submitted for purposes of obtaining
91 building and other permits comply with the applicable
92 residential building, plumbing, mechanical, electrical, gas,
93 energy, accessibility, and other applicable construction codes.

94 Categories of plans examiners include:

- 95 (a) Building plans examiner.
- 96 (b) Plumbing plans examiner.
- 97 (c) Mechanical plans examiner.
- 98 (d) Electrical plans examiner.



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99 (3)~~(8)~~ "Building code enforcement official" or "enforcement
100 official" means a licensed building code administrator, building
101 code inspector, or plans examiner.

102 Section 5. Paragraph (c) of subsection (2), paragraphs (a)
103 and (d) of subsection (7), and subsection (10) of section
104 468.609, Florida Statutes, are amended to read:

105 468.609 Administration of this part; standards for
106 certification; additional categories of certification.—

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

110 (c) Meets eligibility requirements according to one of the
111 following criteria:

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

115 2. Demonstrates a combination of postsecondary education in
116 the field of construction or a related field and experience
117 which totals 4 years, with at least 1 year of such total being
118 experience in construction, building code inspection, or plans
119 review;

120 3. Demonstrates a combination of technical education in the
121 field of construction or a related field and experience which
122 totals 4 years, with at least 1 year of such total being
123 experience in construction, building code inspection, or plans
124 review;

125 4. Currently holds a standard certificate issued by the
126 board or a firesafety inspector license issued pursuant to
127 chapter 633, has a minimum of 3 years' verifiable full-time



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128 experience in inspection or plan review, and has satisfactorily
129 completed a building code inspector or plans examiner training
130 program that provides at least 100 hours but not more than 200
131 hours of cross-training in the certification category sought.
132 The board shall establish by rule criteria for the development
133 and implementation of the training programs. The board shall
134 accept all classroom training offered by an approved provider if
135 the content substantially meets the intent of the classroom
136 component of the training program;

137 5. Demonstrates a combination of the completion of an
138 approved training program in the field of building code
139 inspection or plan review and a minimum of 2 years' experience
140 in the field of building code inspection, plan review, fire code
141 inspections and fire plans review of new buildings as a
142 firesafety inspector certified under s. 633.216, or
143 construction. The approved training portion of this requirement
144 shall include proof of satisfactory completion of a training
145 program that provides at least 200 hours but not more than 300
146 hours of cross-training that is approved by the board in the
147 chosen category of building code inspection or plan review in
148 the certification category sought with at least 20 hours but not
149 more than 30 hours of instruction in state laws, rules, and
150 ethics relating to professional standards of practice, duties,
151 and responsibilities of a certificateholder. The board shall
152 coordinate with the Building Officials Association of Florida,
153 Inc., to establish by rule the development and implementation of
154 the training program. However, the board shall accept all
155 classroom training offered by an approved provider if the
156 content substantially meets the intent of the classroom



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157 component of the training program; ~~or~~

158 6. Currently holds a standard certificate issued by the
159 board or a firesafety inspector license issued pursuant to
160 chapter 633 and:

161 a. Has at least 5 years' verifiable full-time experience as
162 an inspector or plans examiner in a standard certification
163 category currently held or has a minimum of 5 years' verifiable
164 full-time experience as a firesafety inspector licensed pursuant
165 to chapter 633.

166 b. Has satisfactorily completed a building code inspector
167 or plans examiner classroom training course or program that
168 provides at least 200 but not more than 300 hours in the
169 certification category sought, except for one-family and two-
170 family dwelling training programs, which must provide at least
171 500 but not more than 800 hours of training as prescribed by the
172 board. The board shall establish by rule criteria for the
173 development and implementation of classroom training courses and
174 programs in each certification category; or

175 7.a. Has completed a 4-year internship certification
176 program as a building code inspector or plans examiner while
177 employed full-time by a municipality, county, or other
178 governmental jurisdiction, under the direct supervision of a
179 certified building official. Proof of graduation with a related
180 vocational degree or college degree or of verifiable work
181 experience may be exchanged for the internship experience
182 requirement year-for-year, but may reduce the requirement to no
183 less than 1 year.

184 b. Has passed an examination administered by the
185 International Code Council in the certification category sought.



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186 Such examination must be passed before beginning the internship
187 certification program.

188 c. Has passed the principles and practice examination
189 before completing the internship certification program.

190 d. Has passed a board-approved 40-hour code training course
191 in the certification category sought before completing the
192 internship certification program.

193 e. Has obtained a favorable recommendation from the
194 supervising building official after completion of the internship
195 certification program.

196 (7) (a) The board shall provide for the issuance of
197 provisional certificates valid for 1 year, as specified by board
198 rule, to any ~~newly employed or promoted~~ building code inspector
199 or plans examiner who meets the eligibility requirements
200 described in subsection (2) and any newly employed or promoted
201 building code administrator who meets the eligibility
202 requirements described in subsection (3). The provisional
203 license may be renewed by the board for just cause; however, a
204 provisional license is not valid for longer than 3 years.

205 (d) A ~~newly employed or hired~~ person may perform the duties
206 of a plans examiner or building code inspector for 120 days if a
207 provisional certificate application has been submitted if such
208 person is under the direct supervision of a certified building
209 code administrator who holds a standard certification and who
210 has found such person qualified for a provisional certificate.
211 Direct supervision and the determination of qualifications may
212 also be provided by a building code administrator who holds a
213 limited or provisional certificate in a county having a
214 population of fewer than 75,000 and in a municipality located



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215 within such county.

216 (10) (a) The board may by rule create categories of
217 certification in addition to those defined in s. 468.603(5) and
218 (8) ~~468.603(6) and (7)~~. Such certification categories shall not
219 be mandatory and shall not act to diminish the scope of any
220 certificate created by statute.

221 (b) The board shall by rule establish:

222 1. Reciprocity of certification with any other state that
223 requires an examination administered by the International Code
224 Council.

225 2. That an applicant for certification as a building code
226 inspector or plans examiner may apply for a provisional
227 certificate valid for the duration of the internship period.

228 3. That partial completion of an internship program may be
229 transferred between jurisdictions on a form prescribed by the
230 board.

231 4. That an applicant may apply for a standard certificate
232 on a form prescribed by the board upon successful completion of
233 an internship certification program.

234 5. That an applicant may apply for a standard certificate
235 at least 30 days and no more than 60 days before completing the
236 internship certification program.

237 6. That a building code inspector or plans examiner who has
238 standard certification may seek an additional certification in
239 another category by completing an additional nonconcurrent 1-
240 year internship program in the certification category sought and
241 passing an examination administered by the International Code
242 Council and a board-approved 40-hour code training course.

243 Section 6. Subsection (3) of section 468.617, Florida



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244 Statutes, is amended to read:

245 468.617 Joint building code inspection department; other
246 arrangements.—

247 (3) Nothing in this part shall prohibit any county or
248 municipal government, school board, community college board,
249 state university, or state agency from entering into any
250 contract with any person or entity for the provision of building
251 code administrator, building official, or building code
252 inspection services regulated under this part, and
253 notwithstanding any other statutory provision, such county or
254 municipal governments may enter into contracts.

255 Section 7. Paragraphs (d) and (i) of subsection (1) and
256 subsection (2) of section 553.791, Florida Statutes, are amended
257 to read:

258 553.791 Alternative plans review and inspection.—

259 (1) As used in this section, the term:

260 (d) "Building code inspection services" means those
261 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
262 involving the review of building plans to determine compliance
263 with applicable codes and those inspections required by law of
264 each phase of construction for which permitting by a local
265 enforcement agency is required to determine compliance with
266 applicable codes.

267 (i) "Private provider" means a person licensed as a
268 building code administrator under part XII of chapter 468, as an
269 engineer under chapter 471, or as an architect under chapter
270 481. For purposes of performing inspections under this section
271 for additions and alterations that are limited to 1,000 square
272 feet or less to residential buildings, the term "private



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273 provider" also includes a person who holds a standard
274 certificate under part XII of chapter 468.

275 (2) (a) Notwithstanding any other law or local government
276 ordinance or local policy, the fee owner of a building or
277 structure, or the fee owner's contractor upon written
278 authorization from the fee owner, may choose to use a private
279 provider to provide building code inspection services with
280 regard to such building or structure and may make payment
281 directly to the private provider for the provision of such
282 services. All such services shall be the subject of a written
283 contract between the private provider, or the private provider's
284 firm, and the fee owner or the fee owner's contractor, upon
285 written authorization of the fee owner. The fee owner may elect
286 to use a private provider to provide plans review or required
287 building inspections, or both. However, if the fee owner or the
288 fee owner's contractor uses a private provider to provide plans
289 review, the local building official, in his or her discretion
290 and pursuant to duly adopted policies of the local enforcement
291 agency, may require the fee owner or the fee owner's contractor
292 to use a private provider to also provide required building
293 inspections.

294 (b) It is the intent of the Legislature that owners and
295 contractors not be required to pay extra costs related to
296 building permitting requirements when hiring a private provider
297 for plans review and building inspections. A local jurisdiction
298 must calculate the cost savings to the local enforcement agency,
299 based on a fee owner or contractor hiring a private provider to
300 perform plans reviews and building inspections in lieu of the
301 local building official, and reduce the permit fees accordingly.



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302 Section 8. Section 471.045, Florida Statutes, is amended to
303 read:

304 471.045 Professional engineers performing building code
305 inspector duties.—Notwithstanding any other provision of law, a
306 person who is currently licensed under this chapter to practice
307 as a professional engineer may provide building code inspection
308 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
309 to a local government or state agency upon its request, without
310 being certified by the Florida Building Code Administrators and
311 Inspectors Board under part XII of chapter 468. When performing
312 these building code inspection services, the professional
313 engineer is subject to the disciplinary guidelines of this
314 chapter and s. 468.621(1)(c)-(h). Any complaint processing,
315 investigation, and discipline that arise out of a professional
316 engineer's performing building code inspection services shall be
317 conducted by the Board of Professional Engineers rather than the
318 Florida Building Code Administrators and Inspectors Board. A
319 professional engineer may not perform plans review as an
320 employee of a local government upon any job that the
321 professional engineer or the professional engineer's company
322 designed.

323 Section 9. Section 481.222, Florida Statutes, is amended to
324 read:

325 481.222 Architects performing building code inspection
326 services.—Notwithstanding any other provision of law, a person
327 who is currently licensed to practice as an architect under this
328 part may provide building code inspection services described in
329 s. 468.603(5) and (8) ~~468.603(6) and (7)~~ to a local government
330 or state agency upon its request, without being certified by the



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331 Florida Building Code Administrators and Inspectors Board under
332 part XII of chapter 468. With respect to the performance of such
333 building code inspection services, the architect is subject to
334 the disciplinary guidelines of this part and s. 468.621(1)(c)-
335 (h). Any complaint processing, investigation, and discipline
336 that arise out of an architect's performance of building code
337 inspection services shall be conducted by the Board of
338 Architecture and Interior Design rather than the Florida
339 Building Code Administrators and Inspectors Board. An architect
340 may not perform plans review as an employee of a local
341 government upon any job that the architect or the architect's
342 company designed.

343
344 ===== T I T L E A M E N D M E N T =====

345 And the title is amended as follows:
346 Delete lines 484 - 485
347 and insert:
348 exception; 468.603, F.S.; revising definitions;
349 amending s. 468.609, F.S.; revising eligibility
350 requirements for the examination for certification as
351 a building code inspector or plans examiner to include
352 an internship certification program; removing an
353 eligibility condition from provisions related to
354 provisional certificates; requiring the Florida
355 Building Code Administrators and Inspectors Board to
356 establish rules; amending s. 468.617, F.S.;
357 authorizing specified entities to contract for the
358 provision of building code administrator and building
359 official services; amending s. 553.791, F.S.;



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360 conforming provisions to changes made by the act;
361 revising a definition; requiring local jurisdictions
362 to reduce certain permit fees; amending ss. 471.045
363 and 481.222; conforming cross-references; amending