

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 860

INTRODUCER: Senator Brandes

SUBJECT: Building Code Administrators and Inspectors

DATE: March 13, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	<b>Pre-meeting</b>
2.			RI	
3.			RC	

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**I. Summary:**

SB 860 makes numerous changes to ch. 468, F.S., to address the shortage of building code inspectors and plans examiners.

Specifically, the bill creates an internship path for certification as a building code inspector or plans examiner.

The bill also requires the Florida Building Code Administrators and Inspectors Board (FBCAIB) to provide for the issuance of a provisional certificate to any building code inspector or plans examiner who meets certain eligibility requirements. Furthermore, a person may perform the duties of a plan examiners or building code inspector for 120 days if he or she submits a provisional certificate application and is under the direct supervision of a certified building code administrator. Under current law, the provisional certificate and the authorization to perform plan examiner and building code inspector duties are available for newly employed or promoted building code inspectors and plans examiners only.

The bill also requires the FBCAIB to establish by rule procedures for reciprocity for an International Code Council examination administered by another state and develop an electronic application for specified interns.

**II. Present Situation:**

**The Florida Building Code and the Florida Building Commission**

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code that would ensure minimum standards for the public's health and safety. Four separate model codes were available that local governments could consider and adopt. In that system, the state's role was limited to adopting all or relevant parts of new editions

of the four model codes. Local governments could amend and enforce their local codes as they desired.<sup>1</sup>

In 1996, a study commission was appointed to review the system of local codes and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Code) and that first edition replaced all local codes on March 1, 2002. In 2004, for the second edition of the Code, the state adopted the International Code Council's I-Codes.<sup>2</sup> All subsequent Codes have been adopted utilizing the International Code Council I-Codes as the base code. The most recent Code is the fifth edition which is referred to as the 2014 Code. The 2014 Code went into effect June 30, 2015.<sup>3</sup> The sixth edition of the Florida Building Code is tentatively expected to go into effect on December 31, 2017.<sup>4</sup>

The Legislature created the Florida Building Commission (FBC) to implement the Code. The FBC, which is housed within the Department of Business and Professional Regulation (DBPR), is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code.<sup>5</sup> Most substantive issues before the FBC are vetted through a workgroup process where consensus recommendations are developed and submitted by appointed representative stakeholder groups in an open process with several opportunities for public input. According to the FBC, through this participatory process, the members "strive for agreements which all of the members can accept, support, live with or agree not to oppose;" when the FBC finds that 100 percent acceptance or support is not achievable, "final decisions require at least 75 percent favorable vote of all members present and voting."<sup>6</sup>

## **Building Code Administrators, Plans Examiners, and Inspectors Certifications**

### ***Building Code Inspector and Plans Examiner***

In order to take the examination for building code inspector or plans examiner certification, s. 468.609(2), F.S., provides that a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:

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<sup>1</sup> The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited March 8, 2017).

<sup>2</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." The ICC publishes I-Codes: a complete set of model comprehensive, coordinated building safety and fire prevention codes, for all aspects of construction, that have been developed by ICC members. All 50 states have adopted the I-Codes.

<sup>3</sup> Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited March 8, 2017).

<sup>4</sup> 6<sup>th</sup> Edition (2017) *FBC Code Update Development Tasks*, available at [http://www.floridabuilding.org/fbc/thecode/2017\\_Code\\_Development/Timelines/FBC\\_WorkplanOption1-2015.pdf](http://www.floridabuilding.org/fbc/thecode/2017_Code_Development/Timelines/FBC_WorkplanOption1-2015.pdf) (last visited March 8, 2017).

<sup>5</sup> Section 553.74, F.S. See DBPR, *Florida Building Codes and Standards: Florida Building Commission*, available at <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html> (last visited March 8, 2017).

<sup>6</sup> FBC, *Consensus-Building Process*, available at [http://www.floridabuilding.org/fbc/commission/FBC\\_0608/Commission/FBC\\_Discussion\\_and\\_Public\\_Input\\_Processes.htm](http://www.floridabuilding.org/fbc/commission/FBC_0608/Commission/FBC_Discussion_and_Public_Input_Processes.htm) (last visited March 8, 2017).

- Option 1: Demonstrate 5 years of combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought.
- Option 2: Demonstrate 4 years of a combination of postsecondary education in the field of construction or a related field and experience, with at least 1 year of experience in construction, building code inspection, or plans review.
- Option 3: Demonstrate 4 years of a combination of technical education in the field of construction or a related field and experience, with at least 1 year of experience in construction, building code inspection, or plans review.
- Option 4: Currently hold a standard certificate as issued by the FBCAIB, or a fire safety inspector license issued pursuant to ch. 633, F.S.; have a minimum of 3 years of verifiable full-time experience in inspection or plan review; and satisfactorily complete an approved building code inspector or plans examiner training program of at least 100 hours but not more than 200 hours in the certification category sought.
- Option 5: Demonstrate a minimum of 2 years combined experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector, or construction; and the completion of an approved training program in the field of building code inspection or plan review of at least 200 hours but not more than 300 hours in the certification category sought, with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificate holder.
- Option 6: Currently hold a standard certificate issued by the FBCAIB or a firesafety inspector license if the person also:
  - Has at least 5 years of verifiable full-time experience as a building code inspector, plans examiner, or licensed firesafety inspector; and
  - Satisfactorily completes a building code inspector or plans examiner classroom training course or program that provides between 200 and 300 hours in the certification category sought, except for one-family and two-family dwelling training programs which are required to provide between 500 and 800 hours of training as prescribed by the FBCAIB.

The FBCAIB must accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program.<sup>7</sup>

Under s. 468.609(7), F.S., the FBCAIB is required to provide for the issuance of provisional 1-year certificates for certain newly employed or promoted building code inspectors or plans examiners; and to provide appropriate levels of such provisional certificates.

Additionally, a newly employed or hired person may perform the duties of the plans examiner or building code inspector for 120 days if a provisional certificate application has been submitted and the newly employed or hired person is under the direct supervision of a certified building code administrator who holds a standard certification and who has found the person qualified for a provisional certificate.<sup>8</sup>

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<sup>7</sup> Section 468.609(2), F.S.

<sup>8</sup> Section 468.609(7)(d), F.S.

### ***Building Code Administrator***

In order to take the examination for building code administrator certification, s. 468.609(3), F.S., provides that a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:

- Option 1: Demonstrate 10 years of combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least 5 years of experience in supervisory positions; or
- Option 2: Demonstrate 10 years of a combination of experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least 5 years of supervisory experience, and postsecondary education in the field of construction or related field, of which no more than 5 years may be applied. The individual must have also completed between 20 and 30 hours training in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificate holder.

### ***Private Providers***

Section 553.791(1)(i), F.S., defines “private provider” as a licensed engineer or a licensed architect who performs inspections on residential buildings in certain circumstances and, for additions and alterations under 1,000 square feet, the term also applies to individuals who hold a standard license under part XII of Chapter 468.

Private providers are authorized to contract with property owners and local building departments to conduct plans review and building code inspections.<sup>9</sup>

### **Construction Industry Workforce Task Force**

Single-family building permit activity, an indicator of new construction, reached its peak in Florida in 2005. During the recent recession, new construction declined significantly, bottoming out in 2009. New construction has increased in recent years, but there are anecdotal reports that contractors are having a hard time finding skilled labor.

Because of the skilled labor shortage, the Florida Legislature created the Construction Industry Workforce Task Force within the University of Florida M.E. Rinker, Sr., School of Construction Management in 2016.<sup>10</sup> The goals of the task force were to:

- Address the critical shortage of individuals trained in building construction and inspection.
- Develop a consensus path for training the next generation of construction workers in the state.
- Determine the causes for the current shortage of a trained construction industry work force and address the impact of the shortages on the recovery of the real estate market.
- Review current methods and resources available for construction training.
- Review the state of construction training available in K-12 schools.
- Address training issues relating to building code inspectors to increase the number of qualified inspectors.

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<sup>9</sup> DBPR, Legislative Bill Analysis for SB 860, pp. 2-3, (March 9, 2017)

<sup>10</sup> Chapter 2016-129, s. 31, Laws of Fla.

The task force consisted of 23 members, representing various construction industries and the Legislature. The task force elected a chair from among its members. The University of Florida M.E. Rinker, Sr., School of Construction Management was required to provide assistance to the task force in carrying out its responsibilities.

The task force submitted a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives in early 2017. The report stated that the construction and building profession is attracting fewer construction related workers.<sup>11</sup> Florida requires 5 years of construction trade experience in order to obtain an inspector license.<sup>12</sup> Given the stringent educational requirements, contractors often prefer working in the construction trades rather than becoming inspectors.

In its final report, the taskforce recommended the development of the following initiatives:

- Creating an Alternative Internship Certification Program to the current standard qualifications;
- Adding residential inspector and plan examiner categories for all trades;
- Expanding the provisional and 120-day periods beyond newly hired or promoted staff;
- Authorizing interagency service agreement inspections and plan examination for standard certified building officials of populations 50,000 or fewer;
- Having the FBCAIB streamline the application for certification process by providing for an electronic application process and combining the examination registration with the provisional application;
- Providing high school education guidance material for construction related careers;
- Supporting higher education code curriculum in engineering, architecture, and construction management degrees; and
- Comprehensively studying the compensation for building code compliance personnel.<sup>13</sup>

### III. Effect of Proposed Changes:

**Section 1** reorders and amends s. 468.603, F.S. Specifically, the section revises the terms “building code administrator” or “building official” to provide that one certified building code administrator or building official from each municipality or county is authorized to perform any plan review or inspection as a currently designated standard certified building official under an interagency service agreement with a jurisdiction of a population 50,000 or fewer.

Additionally, the section defines the term “residential plans examiner” to mean a person who is qualified to determine whether plans submitted for purposes of obtaining building and other permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other construction codes.

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<sup>11</sup> Florida Workforce Taskforce Report, prepared by the University of Florida, p. 12, available at <http://www.cce.ufl.edu/wp-content/uploads/2016/12/6-Florida-Construction-Workforce-Taskforce-Address-training-issues-among-building-code-inspectors-to-increase-the-number-qualified-1.pdf> (last visited March 8, 2017).

<sup>12</sup> Section 468.609(2)(c)1., F.S.

<sup>13</sup> *Id.* at p. 14.

According to the Department of Business and Professional Regulation, the bill will replace the existing voluntary category 1 and 2 family dwelling plans examiner license contained in Rule 61G19-6.016(6), Florida Administrative Code, with a residential plans examiner license.<sup>14</sup> The DBPR anticipates that the majority of residential plans examiner licenses will be issued to individuals working for governments.<sup>15</sup>

**Section 2** amends s. 468.609, F.S., to provide an additional internship path for persons to become eligible to take the examination for certification as a building code inspector or plans examiner. A person who completes an inspector or plans examiner internship certification program that includes all of the following requirements is now eligible to take the examination:

- Passing an International Code Council administered examination in the category sought before beginning a 4-year internship while employed full time by a Florida municipality, county, or other governmental jurisdiction under the direct supervision of a standard certified, government employed, sponsoring building official. A related vocational or college degree attained or verifiable on-the-job experience may reduce the required internship period year-for-year, but it may not be reduced to less than 1 year.
- Passing the State of Florida Principles and Practice exam before completing the internship period.
- Passing a Building Code Administrator and Inspectors approved 40-hour code training in the category sought before completing the internship period.
- Obtaining a favorable recommendation from the sponsoring building official after completing the internship period.

The bill also requires the FCAIB to provide for the issuance of a provisional certificate to any building code inspector or plans examiner who meets the eligibility requirements in s. 468.609(2), F.S. Furthermore, a person may perform the duties of a plan examiners or building code inspector for 120 days if the person submits a provisional certificate application and is under the direct supervision of a certified building code administrator. In this circumstance, the supervising building code administrator must hold a standard certification and find the person qualified for a provisional certificate. Under current law, the provisional certificate is available for newly employed or promoted building code inspectors and plans examiners only.

The FCAIB must by rule:

- Establish a procedure to determine reciprocity for an International Code Council examination administered by another state. According to DBPR, the FCAIB already recognizes ICC administered examinations regardless of where they were taken and passed.<sup>16</sup>
- Authorize candidates for the inspector or plans examiner internship program under s. 468.609(2)(c)7., F.S., to:
  - Perform duties during the first 120 days after initial application submittal to the FCAIB.
  - Apply for a 1-year provisional certificate before completing the internship period if the candidate has not passed the principles and practice exam or 40-hour code training course.

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<sup>14</sup> DBPR, Legislative Bill Analysis for SB 860, p. 5 (March 9, 2017).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

- Apply for a standard certification at least 30 days but not more than 60 days before completing the internship period.
- Develop a form to authorize candidates for the inspector or plans examiner internship program to transfer approved partial internship periods completed in other jurisdictions.
- Develop an electronic application for standard certification of interns who successfully complete the inspector or plans examiner internship program.

After achieving initial standard certification, a person may seek additional certifications in other categories by completing additional noncurrent internship programs when passing an International Code Council examination, passing a Building Code Administrators and Inspectors Board approved 40-hour code training, and completing an additional 1-year, full-time internship in the respective category sought. Any person holding a standard certification may seek additional certifications.

**Section 3** amends s. 553.791, F.S., to expand the definition of the term “private provider” to include a person licensed as a building code administrator under part XII of chapter 468.

**Sections 4 and 5** amend ss. 471.045 and 481.222, F.S., respectively, to conform cross-references.

**Section 6** provides an effective date of July 1, 2017.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill would require the DBPR to make several modifications to its Versa: Regulation and Versa: Online systems in order to implement the internship programs for building code inspectors and plans examiners.<sup>17</sup> The bill may also require changes to OnBase routing. However, the DBPR states that these changes can be made using existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Section 468.603(3), F.S., defines “board” as the Florida Building Code Administrators and Inspectors Board. It is unclear if the Building Code Administrator and Inspectors Board (BCAIB) in lines 212 and 262 is referring to a board as defined in s. 468.603(3), F.S., or a different board. Additionally, it is unclear if the State of Florida Principles and Practice exam in lines 209-210 is the same as the principles and practice exam (not capitalized and does not mention the State of Florida) in line 249.

In its analysis, the DBPR also points out that the bill does not provide rulemaking authority for the FCAIB to develop rules related to internship programs.<sup>18</sup> It is also unclear who would prescreen applicants attempting to enter an internship program. Furthermore, the DBPR states that it will be difficult to implement this legislation on or before July 1, 2017, because of the new licensure requirements, the creation of forms, and the rulemaking process.

**VIII. Statutes Affected:**

This bill substantially amends sections 468.603, 468.609, 553.791, 471.045, and 481.222 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*