

By the Committees on Appropriations; Regulated Industries; and Community Affairs; and Senators Brandes and Lee

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1 A bill to be entitled
 2 An act relating to building code administrators and
 3 inspectors; amending s. 468.603, F.S.; revising
 4 definitions; amending s. 468.609, F.S.; revising
 5 eligibility requirements for the examination for
 6 certification as a building code inspector or plans
 7 examiner to include an internship certification
 8 program; removing an eligibility condition from
 9 provisions related to provisional certificates;
 10 requiring the Florida Building Code Administrators and
 11 Inspectors Board to establish rules; amending s.
 12 468.617, F.S.; authorizing specified entities to
 13 contract for the provision of building code
 14 administrator and building official services; amending
 15 s. 553.791, F.S.; conforming provisions to changes
 16 made by the act; revising a definition; amending ss.
 17 471.045 and 481.222; conforming cross-references;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 468.603, Florida Statutes, is amended to
 23 read:

24 468.603 Definitions.—As used in this part:

25 (2)~~(1)~~ "Building code administrator" or "building official"
 26 means any of those employees of municipal or county governments,
 27 or any person contracted, with building construction regulation
 28 responsibilities who are charged with the responsibility for
 29 direct regulatory administration or supervision of plan review,

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30 enforcement, or inspection of building construction, erection,
31 repair, addition, remodeling, demolition, or alteration projects
32 that require permitting indicating compliance with building,
33 plumbing, mechanical, electrical, gas, fire prevention, energy,
34 accessibility, and other construction codes as required by state
35 law or municipal or county ordinance. This term is synonymous
36 with "building official" as used in the ~~administrative chapter~~
37 ~~of the Standard Building Code and the South Florida Building~~
38 Code. One person employed or contracted by each municipal or
39 county government as a building code administrator or building
40 official and who is so certified under this part may be
41 authorized to perform any plan review or inspection for which
42 certification is required by this part, including performing any
43 plan review or inspection as a currently designated standard
44 certified building official under an interagency service
45 agreement with a jurisdiction having a population of 50,000 or
46 less.

47 (4)-(2) "Building code inspector" means any of those
48 employees of local governments or state agencies, or any person
49 contracted, with building construction regulation
50 responsibilities who themselves conduct inspections of building
51 construction, erection, repair, addition, or alteration projects
52 that require permitting indicating compliance with building,
53 plumbing, mechanical, electrical, gas, fire prevention, energy,
54 accessibility, and other construction codes as required by state
55 law or municipal or county ordinance.

56 (1)-(3) "Board" means the Florida Building Code
57 Administrators and Inspectors Board.

58 (7)-(4) "Department" means the Department of Business and

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59 Professional Regulation.

60 (6)~~(5)~~ "Certificate" means a certificate of qualification
61 issued by the department as provided in this part.

62 (5)~~(6)~~ "Categories of building code inspectors" include the
63 following:

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

68 (b) "Coastal construction inspector" means a person who is
69 qualified to inspect and determine that buildings and structures
70 are constructed to resist near-hurricane and hurricane velocity
71 winds in accordance with the provisions of the governing
72 building code.

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

77 (h)~~(d)~~ "Residential electrical inspector" means a person
78 who is qualified to inspect and determine the electrical safety
79 of one and two family dwellings and accessory structures by
80 inspecting for compliance with the applicable provisions of the
81 governing electrical code.

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

86 (g)~~(f)~~ "Plumbing inspector" means a person who is qualified
87 to inspect and determine that the plumbing installations and

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88 systems for buildings and structures are in compliance with the
89 provisions of the governing plumbing code.

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

95 ~~(d)(h)~~ "Electrical inspector" means a person who is
96 qualified to inspect and determine the electrical safety of
97 commercial and residential buildings and accessory structures by
98 inspecting for compliance with the provisions of the National
99 Electrical Code.

100 ~~(8)(7)~~ "Plans examiner" means a person who is qualified to
101 determine that plans submitted for purposes of obtaining
102 building and other permits comply with the applicable building,
103 plumbing, mechanical, electrical, gas, fire prevention, energy,
104 accessibility, and other applicable construction codes. The term
105 includes a residential plans examiner who is qualified to
106 determine that plans submitted for purposes of obtaining
107 building and other permits comply with the applicable
108 residential building, plumbing, mechanical, electrical, gas,
109 energy, accessibility, and other applicable construction codes.

110 Categories of plans examiners include:

- 111 (a) Building plans examiner.
- 112 (b) Plumbing plans examiner.
- 113 (c) Mechanical plans examiner.
- 114 (d) Electrical plans examiner.

115 ~~(3)(8)~~ "Building code enforcement official" or "enforcement
116 official" means a licensed building code administrator, building

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117 code inspector, or plans examiner.

118 Section 2. Paragraph (c) of subsection (2), paragraphs (a)
119 and (d) of subsection (7), and subsection (10) of section
120 468.609, Florida Statutes, are amended to read:

121 468.609 Administration of this part; standards for
122 certification; additional categories of certification.—

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

126 (c) Meets eligibility requirements according to one of the
127 following criteria:

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

131 2. Demonstrates a combination of postsecondary education in
132 the field of construction or a related field and experience
133 which totals 4 years, with at least 1 year of such total being
134 experience in construction, building code inspection, or plans
135 review;

136 3. Demonstrates a combination of technical education in the
137 field of construction or a related field and experience which
138 totals 4 years, with at least 1 year of such total being
139 experience in construction, building code inspection, or plans
140 review;

141 4. Currently holds a standard certificate issued by the
142 board or a firesafety inspector license issued pursuant to
143 chapter 633, has a minimum of 3 years' verifiable full-time
144 experience in inspection or plan review, and has satisfactorily
145 completed a building code inspector or plans examiner training

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146 program that provides at least 100 hours but not more than 200
147 hours of cross-training in the certification category sought.
148 The board shall establish by rule criteria for the development
149 and implementation of the training programs. The board shall
150 accept all classroom training offered by an approved provider if
151 the content substantially meets the intent of the classroom
152 component of the training program;

153 5. Demonstrates a combination of the completion of an
154 approved training program in the field of building code
155 inspection or plan review and a minimum of 2 years' experience
156 in the field of building code inspection, plan review, fire code
157 inspections and fire plans review of new buildings as a
158 firesafety inspector certified under s. 633.216, or
159 construction. The approved training portion of this requirement
160 shall include proof of satisfactory completion of a training
161 program that provides at least 200 hours but not more than 300
162 hours of cross-training that is approved by the board in the
163 chosen category of building code inspection or plan review in
164 the certification category sought with at least 20 hours but not
165 more than 30 hours of instruction in state laws, rules, and
166 ethics relating to professional standards of practice, duties,
167 and responsibilities of a certificateholder. The board shall
168 coordinate with the Building Officials Association of Florida,
169 Inc., to establish by rule the development and implementation of
170 the training program. However, the board shall accept all
171 classroom training offered by an approved provider if the
172 content substantially meets the intent of the classroom
173 component of the training program; ~~or~~

174 6. Currently holds a standard certificate issued by the

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175 board or a firesafety inspector license issued pursuant to
176 chapter 633 and:

177 a. Has at least 5 years' verifiable full-time experience as
178 an inspector or plans examiner in a standard certification
179 category currently held or has a minimum of 5 years' verifiable
180 full-time experience as a firesafety inspector licensed pursuant
181 to chapter 633.

182 b. Has satisfactorily completed a building code inspector
183 or plans examiner classroom training course or program that
184 provides at least 200 but not more than 300 hours in the
185 certification category sought, except for one-family and two-
186 family dwelling training programs, which must provide at least
187 500 but not more than 800 hours of training as prescribed by the
188 board. The board shall establish by rule criteria for the
189 development and implementation of classroom training courses and
190 programs in each certification category; or

191 7.a. Has completed a 4-year internship certification
192 program as a building code inspector or plans examiner while
193 employed full-time by a municipality, county, or other
194 governmental jurisdiction, under the direct supervision of a
195 certified building official. Proof of graduation with a related
196 vocational degree or college degree or of verifiable work
197 experience may be exchanged for the internship experience
198 requirement year-for-year, but may reduce the requirement to no
199 less than 1 year.

200 b. Has passed an examination administered by the
201 International Code Council in the certification category sought.
202 Such examination must be passed before beginning the internship
203 certification program.

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204 c. Has passed the principles and practice examination
205 before completing the internship certification program.

206 d. Has passed a board-approved 40-hour code training course
207 in the certification category sought before completing the
208 internship certification program.

209 e. Has obtained a favorable recommendation from the
210 supervising building official after completion of the internship
211 certification program.

212 (7) (a) The board shall provide for the issuance of
213 provisional certificates valid for 1 year, as specified by board
214 rule, to any ~~newly employed or promoted~~ building code inspector
215 or plans examiner who meets the eligibility requirements
216 described in subsection (2) and any newly employed or promoted
217 building code administrator who meets the eligibility
218 requirements described in subsection (3). The provisional
219 license may be renewed by the board for just cause; however, a
220 provisional license is not valid for longer than 3 years.

221 (d) A ~~newly employed or hired~~ person may perform the duties
222 of a plans examiner or building code inspector for 120 days if a
223 provisional certificate application has been submitted if such
224 person is under the direct supervision of a certified building
225 code administrator who holds a standard certification and who
226 has found such person qualified for a provisional certificate.
227 Direct supervision and the determination of qualifications may
228 also be provided by a building code administrator who holds a
229 limited or provisional certificate in a county having a
230 population of fewer than 75,000 and in a municipality located
231 within such county.

232 (10) (a) The board may by rule create categories of

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233 certification in addition to those defined in s. 468.603(5) and
234 (8) ~~468.603(6) and (7)~~. Such certification categories shall not
235 be mandatory and shall not act to diminish the scope of any
236 certificate created by statute.

237 (b) The board shall by rule establish:

238 1. Reciprocity of certification with any other state that
239 requires an examination administered by the International Code
240 Council.

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

244 3. That partial completion of an internship program may be
245 transferred between jurisdictions on a form prescribed by the
246 board.

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

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

253 6. That a building code inspector or plans examiner who has
254 standard certification may seek an additional certification in
255 another category by completing an additional nonconcurrent 1-
256 year internship program in the certification category sought and
257 passing an examination administered by the International Code
258 Council and a board-approved 40-hour code training course.

259 Section 3. Subsection (3) of section 468.617, Florida
260 Statutes, is amended to read:

261 468.617 Joint building code inspection department; other

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262 arrangements.—

263 (3) Nothing in this part shall prohibit any county or
264 municipal government, school board, community college board,
265 state university, or state agency from entering into any
266 contract with any person or entity for the provision of building
267 code administrator, building official, or building code
268 inspection services regulated under this part, and
269 notwithstanding any other statutory provision, such county or
270 municipal governments may enter into contracts.

271 Section 4. Paragraphs (d) and (i) of subsection (1) of
272 section 553.791, Florida Statutes, are amended to read:

273 553.791 Alternative plans review and inspection.—

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

275 (d) "Building code inspection services" means those
276 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
277 involving the review of building plans to determine compliance
278 with applicable codes and those inspections required by law of
279 each phase of construction for which permitting by a local
280 enforcement agency is required to determine compliance with
281 applicable codes.

282 (i) "Private provider" means a person licensed as a
283 building code administrator under part XII of chapter 468, as an
284 engineer under chapter 471, or as an architect under chapter
285 481. For purposes of performing inspections under this section
286 for additions and alterations that are limited to 1,000 square
287 feet or less to residential buildings, the term "private
288 provider" also includes a person who holds a standard
289 certificate under part XII of chapter 468.

290 Section 5. Section 471.045, Florida Statutes, is amended to

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291 read:

292 471.045 Professional engineers performing building code
293 inspector duties.—Notwithstanding any other provision of law, a
294 person who is currently licensed under this chapter to practice
295 as a professional engineer may provide building code inspection
296 services described in s. 468.603(5) and (8) ~~468.603(6) and (7)~~
297 to a local government or state agency upon its request, without
298 being certified by the Florida Building Code Administrators and
299 Inspectors Board under part XII of chapter 468. When performing
300 these building code inspection services, the professional
301 engineer is subject to the disciplinary guidelines of this
302 chapter and s. 468.621(1)(c)-(h). Any complaint processing,
303 investigation, and discipline that arise out of a professional
304 engineer's performing building code inspection services shall be
305 conducted by the Board of Professional Engineers rather than the
306 Florida Building Code Administrators and Inspectors Board. A
307 professional engineer may not perform plans review as an
308 employee of a local government upon any job that the
309 professional engineer or the professional engineer's company
310 designed.

311 Section 6. Section 481.222, Florida Statutes, is amended to
312 read:

313 481.222 Architects performing building code inspection
314 services.—Notwithstanding any other provision of law, a person
315 who is currently licensed to practice as an architect under this
316 part may provide building code inspection services described in
317 s. 468.603(5) and (8) ~~468.603(6) and (7)~~ to a local government
318 or state agency upon its request, without being certified by the
319 Florida Building Code Administrators and Inspectors Board under

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320 part XII of chapter 468. With respect to the performance of such
321 building code inspection services, the architect is subject to
322 the disciplinary guidelines of this part and s. 468.621(1)(c)-
323 (h). Any complaint processing, investigation, and discipline
324 that arise out of an architect's performance of building code
325 inspection services shall be conducted by the Board of
326 Architecture and Interior Design rather than the Florida
327 Building Code Administrators and Inspectors Board. An architect
328 may not perform plans review as an employee of a local
329 government upon any job that the architect or the architect's
330 company designed.

331 Section 7. This act shall take effect July 1, 2017.