



223016

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/10/2022	.	
	.	
	.	
	.	

The Committee on Rules (Brodeur) recommended the following:

1 **Senate Substitute for Amendment (719540) (with title**
2 **amendment)**

3
4 Delete lines 129 - 288

5 and insert:

6 under the direct supervision of a certified building official.

7 Proof of graduation with a related vocational degree or college
8 degree or of verifiable work experience may be exchanged for the
9 internship experience requirement year-for-year, but may reduce
10 the requirement to no less than 1 year.

11 b. Has passed an examination administered by the



223016

12 International Code Council in the certification category sought.
13 Such examination must be passed before beginning the internship
14 certification program.

15 c. Has passed the principles and practice examination
16 before completing the internship certification program.

17 d. Has passed a board-approved 40-hour code training course
18 in the certification category sought before completing the
19 internship certification program.

20 e. Has obtained a favorable recommendation from the
21 supervising building official after completion of the internship
22 certification program.

23 (7)

24 (c) The board shall provide for appropriate levels of
25 provisional certificates and may issue these certificates with
26 such special conditions or requirements ~~relating to the place of~~
27 ~~employment of the person holding the certificate, the~~
28 ~~supervision of such person on a consulting or advisory basis, or~~
29 ~~other matters~~ as the board deems ~~may deem~~ necessary to protect
30 the public safety and health. The board may not place a special
31 condition or requirement on a provisional certificate with
32 respect to the requirement of employment by a municipality,
33 county, or other local governmental agency.

34 (d) A person may perform the duties of a plans examiner or
35 building code inspector for 120 days if a provisional
36 certificate application has been submitted and if such person is
37 under the direct supervision of a person licensed as a certified
38 building code administrator under this part ~~who holds a standard~~
39 ~~certification and~~ who has found such person qualified for a
40 provisional certificate. Direct supervision and the



223016

41 determination of qualifications may also be provided by a
42 building code administrator who holds a limited or provisional
43 certificate in a county having a population of fewer than 75,000
44 and in a municipality located within such county.

45 (10)

46 (b) The board shall by rule establish:

47 1. Reciprocity of certification with any other state that
48 requires an examination administered by the International Code
49 Council.

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

53 3. That partial completion of an internship program is
54 transferable among jurisdictions, private providers, and firms
55 of private providers ~~may be transferred between jurisdictions~~ on
56 a form prescribed by the board.

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

60 5. That an applicant may apply for a standard certificate
61 at least 30 days but ~~and~~ no more than 60 days before completing
62 the internship certification program.

63 6. That a building code inspector or plans examiner who has
64 standard certification may seek an additional certification in
65 another category by completing an additional nonconcurrent 1-
66 year internship program in the certification category sought and
67 passing an examination administered by the International Code
68 Council and a board-approved 40-hour code training course.

69 Section 3. Subsection (25) is added to section 553.79,



223016

70 Florida Statutes, to read:

71 553.79 Permits; applications; issuance; inspections.—

72 (25) (a) A local law, ordinance, or regulation may not
73 prohibit or otherwise restrict the ability of a private property
74 owner to obtain a building permit to demolish any single-family
75 residential structure located in a coastal high hazard area,
76 moderate flood zone, or special flood hazard area according to
77 Flood Insurance Rate Maps produced by the Federal Emergency
78 Management Agency in support of the National Flood Insurance
79 Program if the lowest finished floor elevation of such structure
80 is at or below base flood elevation as established by the
81 Florida Building Code, as amended, or a higher base flood
82 elevation as may be required by local ordinance, whichever is
83 higher, provided that such permit otherwise complies with all
84 applicable Florida Building Code requirements.

85 (b) Demolition permits sought pursuant to this subsection
86 may be reviewed only administratively for compliance with the
87 Florida Building Code and may not be subject to any additional
88 land development regulations or a public hearing as a requisite
89 to issuance. In the event of such demolition, a local government
90 may not impose additional regulatory requirements on the new
91 single-family residential structure constructed in place of the
92 demolished structure which would not otherwise be applicable to
93 a similarly situated, vacant parcel; nor may the local
94 government otherwise penalize the owner for such demolition.

95 (c) This subsection does not apply to any structure
96 designated on the National Register of Historic Places; to any
97 privately owned single-family residential structure designated
98 historic by a local, state, or federal governmental agency on or



223016

99 before January 1, 2022; or to any privately owned single-family
100 residential structure designated historic with the consent of
101 its owner subsequent to such date.

102 Section 4. Paragraph (b) of subsection (2) and subsection
103 (13) of section 553.791, Florida Statutes, are amended, and
104 paragraph (c) is added to subsection (2) of that section, to
105 read:

106 553.791 Alternative plans review and inspection.—

107 (2)

108 (b) If an owner or contractor retains a private provider
109 for purposes of plans review or building inspection services,
110 the local jurisdiction must reduce the permit fee by the amount
111 of cost savings realized by the local enforcement agency for not
112 having to perform such services. Such reduction may be
113 calculated on a flat fee or percentage basis, or any other
114 reasonable means by which a local enforcement agency assesses
115 the cost for its plans review or inspection services. The local
116 jurisdiction may not charge fees for building inspections if the
117 fee owner or contractor hires a private provider to perform such
118 services; however, the local jurisdiction may charge a
119 reasonable administrative fee, which shall be based on the cost
120 that is actually incurred, including the labor cost of the
121 personnel providing the service, by the local jurisdiction or
122 attributable to the local jurisdiction for the clerical and
123 supervisory assistance required, or both.

124 (c) If an owner or a contractor retains a private provider
125 for purposes of plans review or building inspection services,
126 the local jurisdiction must provide equal access to all
127 permitting and inspection documents and reports to the private



223016

128 provider, owner, and contractor if such access is provided by
129 software that protects exempt records from disclosure.

130 (13) (a) No more than 2 business days After receipt of a
131 request for a certificate of occupancy or certificate of
132 completion and the applicant's presentation of a certificate of
133 compliance or upon and approval of all other government
134 approvals required by law, and after the completion of the local
135 building official's review of all compliance documents and the
136 payment of all outstanding fees, the local building official
137 shall issue the certificate of occupancy or certificate of
138 completion or provide a notice to the applicant identifying the
139 specific deficiencies, as well as the specific code chapters and
140 sections, no later than:

141 1. Two business days for permits related to single-family
142 or two-family dwellings.

143 2. Ten business days for all other permits.

144 (b) If the local building official does not provide notice
145 of the deficiencies within the applicable prescribed 2-day
146 period under subparagraph (a)1. or subparagraph (a)2., the
147 request for a certificate of occupancy or certificate of
148 completion is automatically shall be deemed granted and deemed
149 the certificate of occupancy or certificate of completion shall
150 be issued as of by the local building official on the next
151 business day. The local building official must provide the
152 applicant with the written certificate of occupancy or
153 certificate of completion within 10 days after it is
154 automatically granted and issued. To resolve any identified
155 deficiencies, the applicant may elect to dispute the
156 deficiencies pursuant to subsection (14) or to submit a



157 corrected request for a certificate of occupancy or certificate
158 of completion.

159 Section 5. (1) Before January 1, 2023, the Florida Building
160 Commission shall adopt within the Florida Building Code
161 regulations for the design and construction of, and the
162 Department of Health shall adopt rules for the sanitation and
163 safety of, swim-up bars at public swimming pools in this state.
164 The department and commission shall work with swimming pool
165 industry representatives to develop such regulations and rules
166 to position this state as a national leader on design
167 specifications, safety, operation, and public health relating to
168 swim-up bars.

169 (2) This section shall take effect upon this act becoming a
170 law.

171 Section 6. Except as otherwise expressly provided in this
172 act and except for this section, which shall take effect upon
173 this act becoming a law, this act shall take effect July 1,
174 2022.

175
176 ===== T I T L E A M E N D M E N T =====

177 And the title is amended as follows:

178 Delete lines 28 - 38

179 and insert:

180 jurisdiction to provide equal access under certain
181 circumstances to certain documents to a private
182 provider, owner, and contractor; revising conditions
183 that must be met before a local building official must
184 issue a certificate of occupancy, a certificate of
185 completion, or a certain notice; revising the



223016

186 timeframe for issuing such certificate or notice for
187 certain permits; providing that a certificate of
188 occupancy or certificate of completion is
189 automatically granted and issued under certain
190 circumstances; requiring the local building official
191 to provide a written certificate of occupancy or
192 certificate of completion within a specified timeframe
193 after such certificate is automatically granted and
194 issued; requiring the Florida Building Commission to
195 adopt certain regulations within the Florida Building
196 Code, and the Department of Health to adopt certain
197 rules, relating to swim-up bars at public swimming
198 pools; requiring the department and commission to work
199 with swimming pool industry representatives when
200 developing such regulations and rules; providing
201 effective dates.