

By the Committee on Community Affairs; and Senator Brodeur

578-02324-22

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1 A bill to be entitled
2 An act relating to building inspections; amending s.
3 468.603, F.S.; defining the term "private provider";
4 amending s. 468.609, F.S.; revising eligibility
5 requirements for a person applying to become certified
6 as a building code inspector or plans examiner;
7 revising the special conditions or requirements that
8 the Florida Building Code Administrators and
9 Inspectors Board may impose on provisional
10 certificates; revising circumstances under which a
11 person may perform the duties of a plans examiner or
12 building code inspector for a specified period;
13 revising a requirement for the board's rules relating
14 to the transferability of a partial completion of an
15 internship program; amending s. 553.79, F.S.;
16 prohibiting local laws, ordinances, or regulations
17 that prohibit or restrict a private property owner's
18 ability to obtain a building permit to demolish a
19 single-family residential structure located in certain
20 flood zones if certain conditions are met; specifying
21 restrictions on a local government's review of such
22 demolition permits and on certain actions by the local
23 government relating to the demolition; providing
24 applicability; amending s. 553.791, F.S.; specifying
25 the required basis for a certain administrative fee
26 charged by local jurisdictions relating to building
27 inspections by private providers; requiring the local
28 jurisdiction to provide access to certain documents to
29 a private provider, owner, and contractor; providing

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30 that a certificate of occupancy or certificate of
31 completion is automatically granted and issued under
32 certain circumstances; requiring the local building
33 official to provide a written certificate of occupancy
34 or certificate of completion within a specified time;
35 providing construction; specifying and revising
36 procedures and requirements if the local building
37 official determines the applicant failed to adhere to
38 certain requirements; providing an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Subsection (9) is added to section 468.603,
43 Florida Statutes, to read:

44 468.603 Definitions.—As used in this part:

45 (9) "Private provider" has the same meaning as in s.
46 553.791(1)(n).

47 Section 2. Paragraph (c) of subsection (2), paragraphs (c)
48 and (d) of subsection (7), and paragraph (b) of subsection (10)
49 of section 468.609, Florida Statutes, are amended to read:

50 468.609 Administration of this part; standards for
51 certification; additional categories of certification.—

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

55 (c) Meets eligibility requirements according to one of the
56 following criteria:

57 1. Demonstrates 4 years' combined experience in the field
58 of construction or a related field, building code inspection, or

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59 plans review corresponding to the certification category sought;

60 2. Demonstrates a combination of postsecondary education in
61 the field of construction or a related field and experience
62 which totals 3 years, with at least 1 year of such total being
63 experience in construction, building code inspection, or plans
64 review;

65 3. Demonstrates a combination of technical education in the
66 field of construction or a related field and experience which
67 totals 3 years, with at least 1 year of such total being
68 experience in construction, building code inspection, or plans
69 review;

70 4. Currently holds a standard certificate issued by the
71 board or a firesafety inspector license issued under ~~pursuant to~~
72 chapter 633, with a minimum of 3 years' verifiable full-time
73 experience in firesafety inspection or firesafety plan review,
74 and has satisfactorily completed a building code inspector or
75 plans examiner training program that provides at least 100 hours
76 but not more than 200 hours of cross-training in the
77 certification category sought. The board shall establish by rule
78 criteria for the development and implementation of the training
79 programs. The board must ~~shall~~ accept all classroom training
80 offered by an approved provider if the content substantially
81 meets the intent of the classroom component of the training
82 program;

83 5. Demonstrates a combination of the completion of an
84 approved training program in the field of building code
85 inspection or plan review and a minimum of 2 years' experience
86 in the field of building code inspection, plan review, fire code
87 inspections and fire plans review of new buildings as a

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88 firesafety inspector certified under s. 633.216, or
89 construction. The approved training portion of this requirement
90 must ~~shall~~ include proof of satisfactory completion of a
91 training program that provides at least 200 hours but not more
92 than 300 hours of cross-training that is approved by the board
93 in the chosen category of building code inspection or plan
94 review in the certification category sought with at least 20
95 hours but not more than 30 hours of instruction in state laws,
96 rules, and ethics relating to professional standards of
97 practice, duties, and responsibilities of a certificateholder.
98 The board shall coordinate with the Building Officials
99 Association of Florida, Inc., to establish by rule the
100 development and implementation of the training program. However,
101 the board must ~~shall~~ accept all classroom training offered by an
102 approved provider if the content substantially meets the intent
103 of the classroom component of the training program;

104 6. Currently holds a standard certificate issued by the
105 board or a firesafety inspector license issued under ~~pursuant to~~
106 chapter 633 and:

107 a. Has at least 4 years' verifiable full-time experience as
108 an inspector or plans examiner in a standard certification
109 category currently held or has a minimum of 4 years' verifiable
110 full-time experience as a firesafety inspector licensed under
111 ~~pursuant to~~ chapter 633.

112 b. Has satisfactorily completed a building code inspector
113 or plans examiner classroom training course or program that
114 provides at least 200 but not more than 300 hours in the
115 certification category sought, except for residential ~~one-family~~
116 ~~and two-family dwelling~~ training programs, which must provide at

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117 least 500 but not more than 800 hours of training as prescribed
118 by the board. The board shall establish by rule criteria for the
119 development and implementation of classroom training courses and
120 programs in each certification category; or

121 7.a. Has completed a 4-year internship certification
122 program as a building code inspector or plans examiner while
123 also employed full-time by a municipality, county, or other
124 governmental jurisdiction, under the direct supervision of a
125 certified building official. A person may also complete the
126 internship certification program while employed full-time by a
127 private provider or a private provider's firm that performs the
128 services of a building code inspector or plans examiner, while
129 under the direct supervision of the private provider who must be
130 a certified building official or a person licensed as an
131 engineer under chapter 471 or an architect under chapter 481.

132 Proof of graduation with a related vocational degree or college
133 degree or of verifiable work experience may be exchanged for the
134 internship experience requirement year-for-year, but may reduce
135 the requirement to no less than 1 year.

136 b. Has passed an examination administered by the
137 International Code Council in the certification category sought.
138 Such examination must be passed before beginning the internship
139 certification program.

140 c. Has passed the principles and practice examination
141 before completing the internship certification program.

142 d. Has passed a board-approved 40-hour code training course
143 in the certification category sought before completing the
144 internship certification program.

145 e. Has obtained a favorable recommendation from the

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146 supervising building official, engineer, or architect after
147 completion of the internship certification program.

148 (7)

149 (c) The board shall provide for appropriate levels of
150 provisional certificates and may issue these certificates with
151 such special conditions or requirements ~~relating to the place of~~
152 ~~employment of the person holding the certificate, the~~
153 ~~supervision of such person on a consulting or advisory basis, or~~
154 ~~other matters~~ as the board deems ~~may deem~~ necessary to protect
155 the public safety and health. The board may not place a special
156 condition or requirement on a provisional certificate with
157 respect to the requirement of employment by a municipality,
158 county, or other local government agency.

159 (d) A person may perform the duties of a plans examiner or
160 building code inspector for 120 days if a provisional
161 certificate application has been submitted if such person is
162 under the direct supervision of a person licensed as a certified
163 building code administrator under this part ~~who holds a standard~~
164 ~~certification~~ and who has found such person qualified for a
165 provisional certificate. Direct supervision and the
166 determination of qualifications may also be provided by a
167 building code administrator who holds a limited or provisional
168 certificate in a county having a population of fewer than 75,000
169 and in a municipality located within such county.

170 (10)

171 (b) The board shall by rule establish:

172 1. Reciprocity of certification with any other state that
173 requires an examination administered by the International Code
174 Council.

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

178 3. That partial completion of an internship program is
179 transferable among jurisdictions, private providers, and firms
180 of private providers ~~may be transferred between jurisdictions~~ on
181 a form prescribed by the board.

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

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

188 6. That a building code inspector or plans examiner who has
189 standard certification may seek an additional certification in
190 another category by completing an additional nonconcurrent 1-
191 year internship program in the certification category sought and
192 passing an examination administered by the International Code
193 Council and a board-approved 40-hour code training course.

194 Section 3. Subsection (25) is added to section 553.79,
195 Florida Statutes, to read:

196 553.79 Permits; applications; issuance; inspections.-

197 (25) (a) A local law, ordinance, or regulation may not
198 prohibit or otherwise restrict the ability of a private property
199 owner to obtain a building permit to demolish any single-family
200 residential structure located in a coastal high hazard area,
201 moderate flood zone, or special flood hazard area according to
202 Flood Insurance Rate Maps produced by the Federal Emergency
203 Management Agency in support of the National Flood Insurance

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204 Program if the lowest finished floor elevation of such structure
205 is at or below base flood elevation as established by the
206 Florida Building Code, as amended, or a higher base flood
207 elevation as may be required by local ordinance, whichever is
208 higher, provided that such permit otherwise complies with all
209 applicable Florida Building Code requirements.

210 (b) Demolition permits sought pursuant to this subsection
211 may be reviewed only administratively for compliance with the
212 Florida Building Code and may not be subject to any additional
213 land development regulations or a public hearing as a requisite
214 to issuance. In the event of such demolition, a local government
215 may not impose additional regulatory requirements on the new
216 single-family residential structure constructed in place of the
217 demolished structure which would not otherwise be applicable to
218 a similarly situated, vacant parcel; nor may the local
219 government otherwise penalize the owner for such demolition.

220 (c) This subsection does not apply to any structure
221 designated on the National Register of Historic Places; to any
222 privately owned single-family residential structure designated
223 historic by a local, state, or federal governmental agency on or
224 before January 1, 2022; or to any privately owned single-family
225 residential structure designated historic with the consent of
226 its owner subsequent to such date.

227 Section 4. Paragraph (b) of subsection (2) and subsection
228 (13) of section 553.791, Florida Statutes, are amended, and
229 paragraph (c) is added to subsection (2) of that section, to
230 read:

231 553.791 Alternative plans review and inspection.—

232 (2)

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233 (b) If an owner or contractor retains a private provider
234 for purposes of plans review or building inspection services,
235 the local jurisdiction must reduce the permit fee by the amount
236 of cost savings realized by the local enforcement agency for not
237 having to perform such services. Such reduction may be
238 calculated on a flat fee or percentage basis, or any other
239 reasonable means by which a local enforcement agency assesses
240 the cost for its plans review or inspection services. The local
241 jurisdiction may not charge fees for building inspections if the
242 fee owner or contractor hires a private provider to perform such
243 services; however, the local jurisdiction may charge a
244 reasonable administrative fee, which shall be based on the cost
245 that is actually incurred, including the labor cost of the
246 personnel providing the service, by the local jurisdiction or
247 attributable to the local jurisdiction for the clerical and
248 supervisory assistance required, or both.

249 (c) If an owner or contractor retains a private provider
250 for purposes of plans review or building inspection services,
251 the local jurisdiction must provide equal access to all
252 permitting and inspection documents and reports to the private
253 provider, owner, and contractor.

254 (13) No more than 2 business days after receipt of a
255 request for a certificate of occupancy or certificate of
256 completion and the applicant's presentation of a certificate of
257 compliance and approval of all other government approvals
258 required by law, the local building official shall issue the
259 certificate of occupancy or certificate of completion or provide
260 a notice to the applicant identifying the specific deficiencies,
261 as well as the specific code chapters and sections. If the local

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262 building official does not provide notice of the deficiencies
263 within the prescribed 2-day period, the request for a
264 certificate of occupancy or certificate of completion is
265 automatically shall be deemed granted and deemed the certificate
266 of occupancy or certificate of completion shall be issued as of
267 by the local building official on the next business day. The
268 local building official must provide the applicant with the
269 written certificate of occupancy or certificate of completion
270 within 10 days after it is automatically granted and issued.
271 After the expiration of the 10-day period, the permit is deemed
272 closed. If the local building official determines the applicant
273 failed to adhere to this subsection, the local building official
274 may rescind the certificate of occupancy or certificate of
275 completion within 30 days after its issuance and must provide
276 written notice to the permit applicant and private provider, as
277 applicable, as well as the fee owner of the rescinded
278 certificate. The notice must include specific reasons for
279 rescinding the certificate and detail how the certificate can be
280 reinstated. The permit must then be reopened, and the private
281 provider shall have the opportunity to cure any deficiencies and
282 resubmit the application for certificate of occupancy or
283 certificate of completion ~~To resolve any identified~~
284 ~~deficiencies, the applicant may elect to dispute the~~
285 ~~deficiencies pursuant to subsection (14) or to submit a~~
286 ~~corrected request for a certificate of occupancy or certificate~~
287 ~~of completion.~~

288 Section 5. This act shall take effect July 1, 2022.