

**By** the Committees on Rules; Regulated Industries; and Community Affairs; and Senator Brodeur

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1                                   A bill to be entitled  
2           An act relating to building regulation; 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 equal access under certain  
29          circumstances to certain documents to a private

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30 provider, owner, and contractor; revising conditions  
31 that must be met before a local building official must  
32 issue a certificate of occupancy, a certificate of  
33 completion, or a certain notice; revising the  
34 timeframe for issuing such certificate or notice for  
35 certain permits; providing that a certificate of  
36 occupancy or certificate of completion is  
37 automatically granted and issued under certain  
38 circumstances; requiring the local building official  
39 to provide a written certificate of occupancy or  
40 certificate of completion within a specified timeframe  
41 after such certificate is automatically granted and  
42 issued; providing an effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Subsection (9) is added to section 468.603,  
47 Florida Statutes, to read:

48 468.603 Definitions.—As used in this part:

49 (9) "Private provider" has the same meaning as in s.  
50 553.791(1)(n).

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

54 468.609 Administration of this part; standards for  
55 certification; additional categories of certification.—

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

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59 (c) Meets eligibility requirements according to one of the  
60 following criteria:

61 1. Demonstrates 4 years' combined experience in the field  
62 of construction or a related field, building code inspection, or  
63 plans review corresponding to the certification category sought;

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

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

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

87 5. Demonstrates a combination of the completion of an

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88 approved training program in the field of building code  
89 inspection or plan review and a minimum of 2 years' experience  
90 in the field of building code inspection, plan review, fire code  
91 inspections and fire plans review of new buildings as a  
92 firesafety inspector certified under s. 633.216, or  
93 construction. The approved training portion of this requirement  
94 must ~~shall~~ include proof of satisfactory completion of a  
95 training program that provides at least 200 hours but not more  
96 than 300 hours of cross-training that is approved by the board  
97 in the chosen category of building code inspection or plan  
98 review in the certification category sought with at least 20  
99 hours but not more than 30 hours of instruction in state laws,  
100 rules, and ethics relating to professional standards of  
101 practice, duties, and responsibilities of a certificateholder.  
102 The board shall coordinate with the Building Officials  
103 Association of Florida, Inc., to establish by rule the  
104 development and implementation of the training program. However,  
105 the board must ~~shall~~ accept all classroom training offered by an  
106 approved provider if the content substantially meets the intent  
107 of the classroom component of the training program;

108 6. Currently holds a standard certificate issued by the  
109 board or a firesafety inspector license issued under ~~pursuant to~~  
110 chapter 633 and:

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

116 b. Has satisfactorily completed a building code inspector

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117 or plans examiner classroom training course or program that  
118 provides at least 200 but not more than 300 hours in the  
119 certification category sought, except for residential ~~one-family~~  
120 ~~and two-family dwelling~~ training programs, which must provide at  
121 least 500 but not more than 800 hours of training as prescribed  
122 by the board. The board shall establish by rule criteria for the  
123 development and implementation of classroom training courses and  
124 programs in each certification category; or

125 7.a. Has completed a 4-year internship certification  
126 program as a building code inspector or plans examiner while  
127 also employed full-time by a municipality, county, or other  
128 governmental jurisdiction, under the direct supervision of a  
129 certified building official. A person may also complete the  
130 internship certification program while employed full time by a  
131 private provider or a private provider's firm that performs the  
132 services of a building code inspector or plans examiner, while  
133 under the direct supervision of a certified building official.  
134 Proof of graduation with a related vocational degree or college  
135 degree or of verifiable work experience may be exchanged for the  
136 internship experience requirement year-for-year, but may reduce  
137 the requirement to no less than 1 year.

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

142 c. Has passed the principles and practice examination  
143 before completing the internship certification program.

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

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146 internship certification program.

147 e. Has obtained a favorable recommendation from the  
148 supervising building official after completion of the internship  
149 certification program.

150 (7)

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

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

172 (10)

173 (b) The board shall by rule establish:

174 1. Reciprocity of certification with any other state that

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175 requires an examination administered by the International Code  
176 Council.

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

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

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

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

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

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

198 553.79 Permits; applications; issuance; inspections.—

199 (25) (a) A local law, ordinance, or regulation may not  
200 prohibit or otherwise restrict the ability of a private property  
201 owner to obtain a building permit to demolish any single-family  
202 residential structure located in a coastal high hazard area,  
203 moderate flood zone, or special flood hazard area according to

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204 Flood Insurance Rate Maps produced by the Federal Emergency  
205 Management Agency in support of the National Flood Insurance  
206 Program if the lowest finished floor elevation of such structure  
207 is at or below base flood elevation as established by the  
208 Florida Building Code, as amended, or a higher base flood  
209 elevation as may be required by local ordinance, whichever is  
210 higher, provided that such permit otherwise complies with all  
211 applicable Florida Building Code requirements.

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

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

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



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233 553.791 Alternative plans review and inspection.—

234 (2)

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

251 (c) If an owner or a contractor retains a private provider  
252 for purposes of plans review or building inspection services,  
253 the local jurisdiction must provide equal access to all  
254 permitting and inspection documents and reports to the private  
255 provider, owner, and contractor if such access is provided by  
256 software that protects exempt records from disclosure.

257 (13) (a) ~~No more than 2 business days~~ After receipt of a  
258 request for a certificate of occupancy or certificate of  
259 completion and the applicant's presentation of a certificate of  
260 compliance or upon ~~and~~ approval of all other government  
261 approvals required by law, and after the completion of the local

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262 building official's review of all compliance documents and the  
263 payment of all outstanding fees, the local building official  
264 shall issue the certificate of occupancy or certificate of  
265 completion or provide a notice to the applicant identifying the  
266 specific deficiencies, as well as the specific code chapters and  
267 sections, no later than:

268 1. Two business days for permits related to single-family  
269 or two-family dwellings.

270 2. Ten business days for all other permits.

271 (b) If the local building official does not provide notice  
272 of the deficiencies within the applicable ~~prescribed 2-day~~  
273 period under subparagraph (a)1. or subparagraph (a)2., the  
274 request for a certificate of occupancy or certificate of  
275 completion ~~is automatically shall be deemed~~ granted and ~~deemed~~  
276 ~~the certificate of occupancy or certificate of completion shall~~  
277 ~~be issued as of by the local building official on~~ the next  
278 business day. ~~The local building official must provide the~~  
279 applicant with the written certificate of occupancy or  
280 certificate of completion within 10 days after it is  
281 automatically granted and issued. To resolve any identified  
282 deficiencies, the applicant may elect to dispute the  
283 deficiencies pursuant to subsection (14) or to submit a  
284 corrected request for a certificate of occupancy or certificate  
285 of completion.

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