



ENROLLED

2007 Legislature

CS for SB 404, 1st Engrossed

1  
2 An act relating to the housing and construction  
3 industry; amending s. 468.609, F.S.; providing  
4 additional eligibility requirements for a  
5 person to take the examination for  
6 certification as a building code inspector or  
7 plans examiner; revising a reference to the  
8 organization administering certain  
9 examinations; amending s. 468.617, F.S.;  
10 authorizing certain limited certificateholders  
11 to provide services to specified jurisdictions;  
12 amending s. 468.619, F.S.; providing for the  
13 application of the building code enforcement  
14 officials' bill of rights to certain  
15 disciplinary investigations and proceedings;  
16 amending s. 468.621, F.S.; providing for  
17 disciplinary proceedings for violations  
18 involving failure to follow building code or  
19 permit requirements, obstructing an  
20 investigation, and accepting services at a  
21 noncompetitive rate from any person whose work  
22 is under the enforcement authority of the  
23 official, under certain circumstances; amending  
24 s. 468.627, F.S.; providing requirements for  
25 continuing education in ethics; requiring a new  
26 certificateholder to provide proof of  
27 completion of certain curriculum courses;  
28 removing provisions relating to an option of  
29 taking an equivalency test in lieu of taking  
30 core curriculum classes; amending s. 489.115,  
31 F.S.; requiring applicants for initial issuance

1 of a certificate or registration as a  
2 contractor to submit to criminal history  
3 records checks; requiring the Department of  
4 Business and Professional Regulation to submit  
5 the requests for criminal history records check  
6 to the Department of Law Enforcement; requiring  
7 the Department of Law Enforcement to return the  
8 results to the department; authorizing the  
9 Construction Industry Licensing Board to deny  
10 licensure to certain applicants; specifying  
11 matters the board must consider concerning  
12 licensure; prohibiting the denial of licensure  
13 based solely on a felony conviction or the  
14 status of the civil rights of the applicant;  
15 specifying that guidelines for determining  
16 financial stability may include minimum  
17 requirements for net worth, cash, and bonding;  
18 providing that a portion of financial  
19 requirements may be met by completing specified  
20 coursework; creating s. 553.382, F.S.;  
21 authorizing the placement of residential  
22 manufactured buildings that are certified by  
23 the Department of Community Affairs on certain  
24 mobile home lots; providing for application of  
25 state law governing mobile home park lot  
26 tenancies to any such housing unit placed on a  
27 mobile home lot; requiring the written approval  
28 of the owner of a mobile home park before the  
29 placement of any such housing unit on a mobile  
30 home lot; providing for taxation of such  
31 housing units as mobile homes; providing for

1           payments to the Florida Mobile Home Relocation  
2           Trust Fund under certain circumstances;  
3           amending s. 489.113, F.S.; prohibiting the  
4           prevention of a licensed engineer or architect  
5           from contracting directly with a licensed  
6           contractor for the preparation of plans,  
7           specifications, or a master design manual when  
8           making an application for a building permit;  
9           prohibiting the requirement of site-specific  
10          drawings, specifications, or plans for certain  
11          structures; authorizing local code enforcement  
12          agencies to accept or reject plans prepared by  
13          certain persons; defining the term "master  
14          design manual"; providing requirements  
15          regarding the preparation of such manuals;  
16          requiring that a master design manual contain  
17          certain information; requiring that such  
18          manuals be peer reviewed by a licensed engineer  
19          or architect who meets certain criteria;  
20          requiring that the reviewer be identified in  
21          the manual; providing that a licensed engineer  
22          or architect is not required for the  
23          preparation or use of certain design guides;  
24          exempting certain existing warehouses from  
25          requirements in the Florida Building Code  
26          concerning fire protection under certain  
27          conditions; providing an effective date.

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29   Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Subsection (2) and paragraph (a) of  
2 subsection (5) of section 468.609, Florida Statutes, are  
3 amended to read:

4           468.609 Administration of this part; standards for  
5 certification; additional categories of certification.--

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

9           (a) Is at least 18 years of age.

10          (b) Is of good moral character.

11          (c) Meets eligibility requirements according to one of  
12 the following criteria:

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

17           2. Demonstrates a combination of postsecondary  
18 education in the field of construction or a related field and  
19 experience which totals 4 years, with at least 1 year of such  
20 total being experience in construction, building code  
21 inspection, or plans review;

22           3. Demonstrates a combination of technical education  
23 in the field of construction or a related field and experience  
24 which totals 4 years, with at least 1 year of such total being  
25 experience in construction, building code inspection, or plans  
26 review; ~~or~~

27           4. Currently holds a standard certificate as issued by  
28 the board and satisfactorily completes a building code  
29 inspector or plans examiner training program of not less than  
30 200 hours in the certification category sought. The board  
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1 shall establish by rule criteria for the development and  
2 implementation of the training programs; ~~or-~~

3 5. Demonstrates a combination of the completion of an  
4 approved training program in the field of building codes  
5 inspection or plan review and a minimum of 2 years' experience  
6 in the field of building codes inspection, plan review, fire  
7 code inspections and fire plans review of new buildings as a  
8 fire safety inspector certified under s. 633.081(2), or  
9 construction. The approved training portion of this  
10 requirement shall include proof of satisfactory completion of  
11 a training program of not less than 300 hours which is  
12 approved by the board in the chosen category of building codes  
13 inspection or plan review in the certification category sought  
14 with not less than 20 hours of instruction in state laws,  
15 rules, and ethics relating to professional standards of  
16 practice, duties, and responsibilities of a certificateholder.  
17 The board shall coordinate with the Building Officials  
18 Association of Florida, Inc., to establish by rule the  
19 development and implementation of the training program.

20 ~~(d) After the Building Code Training Program is~~  
21 ~~established under s. 553.841, demonstrates successful~~  
22 ~~completion of the core curriculum approved by the Florida~~  
23 ~~Building Commission, appropriate to the licensing category~~  
24 ~~sought.~~

25 (5)(a) To obtain a standard certificate, an individual  
26 must pass an examination approved by the board which  
27 demonstrates that the applicant has fundamental knowledge of  
28 the state laws and codes relating to the construction of  
29 buildings for which the applicant has building code  
30 administration, plans examination, or building code inspection  
31 responsibilities. It is the intent of the Legislature that

1 | the examination approved for certification pursuant to this  
2 | part be substantially equivalent to the examinations  
3 | administered by the International Code Council ~~Southern~~  
4 | ~~Building Code Congress International~~ and the Council of  
5 | ~~American Building Officials~~.

6 |         Section 2. Subsection (4) is added to section 468.617,  
7 | Florida Statutes, to read:

8 |             468.617 Joint building code inspection department;  
9 | other arrangements.--

10 |         (4) Nothing in this part prohibits any building code  
11 | inspector, plans examiner, or building code administrator  
12 | holding a limited certificate who is employed by a  
13 | jurisdiction within a small county as defined in s. 339.2818  
14 | from providing building code inspection, plans review, or  
15 | building code administration services to another jurisdiction  
16 | within a small county.

17 |         Section 3. Subsection (10) is added to section  
18 | 468.619, Florida Statutes, to read:

19 |             468.619 Building code enforcement officials' bill of  
20 | rights.--

21 |         (10) This bill of rights applies to disciplinary  
22 | investigations and proceedings against licenses issued under  
23 | this part and disciplinary investigations and proceedings  
24 | relating to the official duties of an enforcement official.  
25 | This bill of rights does not apply to disciplinary  
26 | investigations and proceedings against other licenses that the  
27 | enforcement official holds or disciplinary investigations and  
28 | proceedings unrelated to the enforcement official's official  
29 | duties.

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1           Section 4. Paragraphs (f) and (g) of subsection (1) of  
2 section 468.621, Florida Statutes, are amended, and paragraphs  
3 (k) and (l) are added to that subsection, to read:

4           468.621 Disciplinary proceedings.--

5           (1) The following acts constitute grounds for which  
6 the disciplinary actions in subsection (2) may be taken:

7           (f) Making or filing a report or record ~~that which~~ the  
8 certificateholder knows to be false, or knowingly inducing  
9 another to file a false report or record, or knowingly failing  
10 to file a report or record required by state or local law, or  
11 knowingly impeding or obstructing such filing, or knowingly  
12 inducing another person to impede or obstruct such filing.

13           (g) Failing to properly enforce applicable building  
14 codes or permit requirements within this state which the  
15 certificateholder knows are applicable or ~~by~~ committing  
16 willful misconduct, gross negligence, gross misconduct,  
17 repeated negligence, or negligence resulting in a significant  
18 danger to life or property.

19           (k) Obstructing an investigation or providing or  
20 inducing another to provide forged documents, false forensic  
21 evidence, or false testimony to a local or state board or  
22 member thereof or to a licensing investigator.

23           (l) Accepting labor, services, or materials at no  
24 charge or at a noncompetitive rate from any person who  
25 performs work that is under the enforcement authority of the  
26 enforcement official and who is not an immediate family member  
27 of the enforcement official. The term "immediate family  
28 member" includes a spouse, child, parent, sibling,  
29 grandparent, aunt, uncle, or first cousin of the person or the  
30 person's spouse or any person who resides in the primary  
31 residence of the enforcement official.

1 Section 5. Subsections (5) and (6) of section 468.627,  
2 Florida Statutes, are amended to read:

3 468.627 Application; examination; renewal; fees.--

4 (5) The certificateholder shall provide proof, in a  
5 form established by board rule, that the certificateholder has  
6 completed at least 14 classroom hours of at least 50 minutes  
7 each of continuing education courses during each biennium  
8 since the issuance or renewal of the certificate, including  
9 the specialized or advanced coursework approved by the Florida  
10 Building Commission, as part of the Building Code Training  
11 Program established pursuant to s. 553.841, appropriate to the  
12 licensing category sought. A minimum of 3 of the required 14  
13 classroom hours must be on state law, rules, and ethics  
14 relating to professional standards of practice, duties, and  
15 responsibilities of the certificateholder. The board shall by  
16 rule establish criteria for approval of continuing education  
17 courses and providers, and may by rule establish criteria for  
18 accepting alternative nonclassroom continuing education on an  
19 hour-for-hour basis.

20 (6) Each certificateholder shall provide to the board  
21 proof of completion of the core curriculum courses, ~~or passing~~  
22 ~~the equivalency test~~ of the Building Code Training Program  
23 established by s. 553.841, within 2 years after commencement  
24 of the program. Each new certificateholder shall provide to  
25 the board proof of completion of the core curriculum courses  
26 of the building code training program established in s.  
27 553.841 within the first 2-year period after initial  
28 licensure. Continuing education hours spent taking such core  
29 curriculum courses shall count toward the number required for  
30 license renewal. ~~A licensee who passes the equivalency test in~~  
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1 ~~lieu of taking the core curriculum courses shall receive full~~  
2 ~~credit for core curriculum course hours.~~

3 Section 6. Present subsection (6) of section 489.115,  
4 Florida Statutes, is renumbered as subsection (7) and amended,  
5 present subsection (7) of that section is renumbered as  
6 subsection (8), and a new subsection (6) is added to that  
7 section, to read:

8 489.115 Certification and registration; endorsement;  
9 reciprocity; renewals; continuing education.--

10 (6) An applicant for initial issuance of a certificate  
11 or registration shall submit to a statewide criminal history  
12 records check through the Department of Law Enforcement. The  
13 Department of Business and Professional Regulation shall  
14 submit the requests for the criminal history records check to  
15 the Department of Law Enforcement for state processing, and  
16 the Department of Law Enforcement shall return the results to  
17 the department to determine if the applicant meets  
18 certification or registration requirements. If the applicant  
19 has been convicted of a felony, the board may deny licensure  
20 to the applicant based upon the severity of the crime, the  
21 relationship of the crime to contracting, or the potential for  
22 public harm. The board shall also, in denying or approving  
23 licensure, consider the length of time since the commission of  
24 the crime and the rehabilitation of the applicant. The board  
25 may not deny licensure to an applicant based solely upon a  
26 felony conviction or the applicant's failure to provide proof  
27 of restoration of civil rights.

28 ~~(7)(6)~~ An initial applicant shall, along with the  
29 application, and a certificateholder or registrant shall, upon  
30 requesting a change of status, submit to the board a credit  
31 report from a nationally recognized credit agency that

1 reflects the financial responsibility of the applicant or  
2 certificateholder or registrant. The credit report required  
3 for the initial applicant shall be considered the minimum  
4 evidence necessary to satisfy the board that he or she is  
5 financially responsible to be certified, has the necessary  
6 credit and business reputation to engage in contracting in the  
7 state, and has the minimum financial stability necessary to  
8 avoid the problem of financial mismanagement or misconduct.  
9 The board shall, by rule, adopt guidelines for determination  
10 of financial stability, which may include minimum requirements  
11 for net worth, cash, and bonding for Division I  
12 certificateholders of no more than \$20,000 and for Division II  
13 certificateholders of no more than \$10,000. Fifty percent of  
14 the financial requirements may be met by completing a 14-hour  
15 financial responsibility course approved by the board.

16 Section 7. Section 553.382, Florida Statutes, is  
17 created to read:

18 553.382 Placement of certain housing.--Notwithstanding  
19 any other law or ordinance to the contrary, in order to expand  
20 the availability of affordable housing in this state, any  
21 residential manufactured building that is certified under this  
22 chapter by the Department of Community Affairs may be placed  
23 on a mobile home lot in a mobile home park, recreational  
24 vehicle park, or mobile home condominium, cooperative, or  
25 subdivision. Any such housing unit placed on a mobile home lot  
26 is a mobile home for purposes of chapter 723 and, therefore,  
27 all rights, obligations, and duties under chapter 723 apply,  
28 including the specifics of the prospectus. However, a housing  
29 unit subject to this section may not be placed on a mobile  
30 home lot without the prior written approval of the park owner.  
31 Each housing unit subject to this section shall be taxed as a

1 mobile home under s. 320.08(11) and is subject to payments to  
2 the Florida Mobile Home Relocation Fund under s. 723.06116.

3 Section 8. Subsection (9) of section 489.113, Florida  
4 Statutes, is amended to read:

5 489.113 Qualifications for practice; restrictions.--

6 (9)(a) ~~Nothing in This part does not shall be~~

7 construed to prevent any contractor from acting as a prime

8 contractor where the majority of the work to be performed

9 under the contract is within the scope of his or her license

10 or ~~and~~ from subcontracting to other licensed contractors that

11 remaining work which is part of the project contracted.

12 (b) This part, chapter 471, chapter 481, or any other  
13 provision of law does not:

14 1. Prevent any licensed engineer or architect from

15 contracting directly with a licensed contractor for the

16 preparation of plans, specifications, or a master design

17 manual addressing structural designs used to make an

18 application for building permits.

19 2. Require a licensed engineer or architect, when

20 preparing drawings, specifications, plans, or master design

21 manuals for use by any licensed contractor, to prepare

22 site-specific drawings, specifications, or plans for the

23 design and construction of single-family and two-family

24 dwelling; swimming pools, spas, or screened enclosures; or

25 any other structure not exceeding 1,200 square feet or one

26 story in height. For the purpose of issuing building permits,

27 local building officials shall accept such drawings,

28 specifications, or plans when submitted by any licensed

29 contractor. Upon good cause shown, local government code

30 enforcement agencies may accept or reject plans prepared by

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1 persons licensed under chapter 471, chapter 481, or this  
2 chapter.  
3  
4 As used in this section, the term "master design manual" means  
5 a restrictive design manual intended to be used to design,  
6 permit, and construct structures as described in this section.  
7 Any such manual must be prepared by a licensed engineer or  
8 architect and specifically detail the limits of its use,  
9 including, but not limited to, the structure type, size,  
10 materials, loading conditions, time limits, applicable codes,  
11 and associated criteria. The manual must also detail the  
12 required training for the contractor, engineer, or architect  
13 using the manual. All master design manuals must be peer  
14 reviewed by an independent licensed engineer or architect  
15 having no financial interest in the development of the manual  
16 or the construction of structures pursuant to the manual. The  
17 engineer or architect conducting the peer review must be  
18 identified in the manual.  
19 (c) Notwithstanding anything in this chapter or any  
20 other provision of law, a licensed engineer or architect is  
21 not required for the preparation or use of any design guide  
22 adopted by the Florida Building Commission as part of the  
23 building code pursuant to s. 553.73.  
24 Section 9. If an existing warehouse is expanded, the  
25 addition must comply with the requirements in chapter 9 of the  
26 Florida Building Code; however, the existing warehouse need  
27 not be updated to meet those requirements so long as it is in  
28 compliance with the Florida Building Code, 2001 edition, and  
29 with requirements concerning automatic sprinkler systems in  
30 section 903 of the Florida Building Code.  
31 Section 10. This act shall take effect July 1, 2007.