Session Law 84-365

Florida Senate & House of Representatives

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### Senate/House Journals

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**NOTES**
A bill to be entitled
An act relating to building construction
standards, amending s. 553.79, F.S., providing
that an enforcing agency may issue certain
building permits to a licensed building
contractor, within the scope of his license, as
well as to a licensed general contractor,
defining such contractor's responsibility
regarding the permitted project, providing an
effective date

Be it enacted by the Legislature of the State of Florida

Section 1 Subsection (b) of section 553.79, Florida
Statutes, is amended to read:

553.79 Application --

(8) No enforcing agency may issue a primary building
permit for construction of any threshold building except to a
licensed general contractor as defined in s. 489.105(3)(a) or
a licensed building contractor, within the scope of his
license, as defined in s. 489.105(3)(b). The named contractor
to whom the building permit is issued shall have the
responsibility to supervise, direct, manage, and control
construction activities on the project for which the building
permit is issued be held responsible for the entire project by
the enforcing agency.

Section 2 This act shall take effect upon becoming a
law.
SENATE SUMMARY

Allows an enforcing agency to issue a primary building permit for construction of a threshold building to a licensed building contractor, within the scope of his license, or to a licensed general contractor. Prescribes the scope of the contractor's responsibility for the permitted project.
\[87-365\] \quad ES \quad S2, S3, S4 (c)

- $5 \ 397 \ (\text{Passed})$ Due $5/28 \ (42)$, scanned $5/17$
- $5 \ 467 \ \text{E.:r.:} \ 4/17$
- $5 \ 0995 \ \text{E.:r.:} \ P\tilde{n} \ - \ P\tilde{n}\tilde{m}$
- $H \ 872 \ (t.d. \ 89-317)$
- $H \ 850 \ (\text{sub})$ \text{Bill+FN5 (AAAA)}
- $H \ 497 \ (\text{Passed at 89-31})$
By Representatives Ward and Gardner

A bill to be entitled
An act relating to building construction;
amending ss. 471.005, 553.71, F.S.; redefining
"threshold building"; amending s. 553.79, F.S.;
revising requirements pertaining to inspection
of a threshold building by a special inspector;
redefining the criteria of eligibility for
special inspectors; providing for payment of
the costs of employing a special inspector;
restricting who may be a special inspector;
prescribing a special inspector's
responsibility; requiring electrical documents
for a residential building with an aggregate
service capacity of 600 amperes or more;
providing for the issuance of threshold
building permits to licensed general
contractors or building contractors; requiring
such contractors to be held responsible only
for work covered by the permit; providing an
effective date.

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

Section 1. Subsection (8) of section 471.005, Florida
Statutes, is amended to read:

471.005 Definitions.--As used in ss. 471.001-471.039:
(8) "Threshold building" means any building or
structure intended for human occupancy which has a total floor
area exceeding 25,000 square feet, which building or structure
is greater than two stories or 25 feet in height, which
building or structure has an assembly occupancy greater than

CODING: Words in upper through type are deletions from existing law, words underlined are additions.
1.23 section 11, subsection (8) of section 553.71, Florida statutes, as amended to read:

1.28 Definitions. As used in this part.

1.29 "Threshold building" means any building or structure intended for human occupancy which has a total floor area exceeding 25,000 square feet, or which building or structure has or assembly occupancy greater than 5,000 square feet, or which building or structure is of structural design or construction as determined by the building official except a residential structure three stories or less in height and any building defined in s. 181.203(7) or s. 181.729.

1.261.27 section 6. Subsections (5) and (8) and paragraph (a) of subsection (6) of section 553.71, Florida Statutes, are amended to read:

1.30 Application.--

1.31 (a) The enforcing agency shall require a special inspector to inspect the construction or placement of all structural load-bearing components which are necessary to ensure the integrity of a threshold building which are essential to the public health, safety, or welfare. The

1.32 inspector shall be present during the fabrication or placement of any time when such structural components of such building are being constructed.

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codes. Periodic inspection reports, as deemed appropriate by
the local enforcement agency, shall be required to document
proper construction.

(6) No permit may be issued for any building
construction, erection, alteration, repair, or addition
project unless the applicant for such permit provides to the
enforcing agency which issues the permit any of the following
documents which apply to the project:

(a) Electrical documents for:

1. Any new building or addition which requires an
aggregate service capacity of 600 or less amperes (240 volts)
or more on a residential electrical system or 800 amperes (240
volts) or more on a commercial or industrial electrical system
and which costs more than $50,000; or

2. Any structure which is greater than 5,000 square
feet in area and which is designed for public assembly.

No such document shall be valid unless a professional engineer
who possesses a valid certificate of registration has signed,
dated, and stamped such document as provided in s. 471.025.

(8) No enforcing agency may issue a primary building
permit for construction of any threshold building except to a
licensed general contractor or building contractor as defined
in s. 489.105(3)(a) or (b). The named contractor to whom the
building permit is issued shall be held responsible for the
work encompassed by the permit entire-project by the enforcing
agency.

Section 4. This act shall take effect upon becoming a
law.
(b) The inspector shall be a person, licensed or registered in a mutually approved state or making structural inspections under or by any one of the following:

1. Building Officials Association of Florida;
2. Southern Building Code Congress International;
3. Chapter 471 as an engineer;
4. Chapter 481 as an architect;
5. Council of American Building Officials;
6. Building inspection-certification-program operator;
7. Broward County;
8. Dade County.

(c) The owner of a threshold building shall pay all costs of employing a special inspector. The enforcement agency shall ascertain determine the amount, method, and procedure for paying such costs.

(d) Neither the owner nor the contractor is required for a threshold building, nor employees of any owner or contractor shall be a special inspector for that building, an architect or engineer of record, or other independent consultant, registered, licensed, or certified to act under paragraph (b) may be designated as a special inspector. Special inspectors may not delegate inspection responsibilities for threshold buildings to employees or other unlicensed agents not meeting the requirements of paragraph (b).

(e) Special inspectors shall be responsible to local enforcement agencies to assure that the structural components of threshold buildings are constructed in accordance with the intent of approved plans and specifications and that such components are in compliance with the minimum building code.
SENATE SUMMARY

Applies to building construction. Limits the definition of a threshold building to those intended for human occupancy. Requires a special inspector to inspect certain components of a threshold building. Prescribes credentials for special inspectors and provides for paying the costs of employing them. Prescribes who may or may not be a special inspector and what are such inspector's responsibilities. Requires electrical documents for a residential building with at least 600 amperes of aggregate service capacity. Allows licensed building contractors, as well as licensed general contractors, to obtain threshold building permits. Provides that a contractor who holds such permit is responsible only for the work encompassed by the permit.

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By Committee on Regulatory Reform and Representatives Ward and Gardner

A bill to be entitled
An act relating to building construction;
amending s. 553.71, F.S., redefining "threshold building"; defining "enforcement agency";
amending s. 553.77, F.S., establishing a voluntary building certification program;
providing for binding opinions by the board;
amending s. 553.79, F.S., revising requirements for special inspections of threshold buildings;
redefining criteria for eligibility of special inspectors; making technical changes to sealed document requirements; providing for the issuance of threshold building permits to licensed general and building contractors;
providing effective dates.

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

Section 1. Subsection (6) of section 553.71, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

553.71 Definitions.--As used in this part:

(6) "Threshold building" means any building-or structure-which-has-a-total-floor-area-exceeding-25,000-square feet,-which building or-structure which is greater than three two stories or 50 25 feet in height, or which building-or structure has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons greater-than-5,000-square-feet,-or which-building-or-structure-is-of-unusual-design-or construction-as-determined-by-the-building-official,-except-a
17) "Enforcement or act" means the agency of
designated with authority to
enforcement the codes which re
construction, alteration, repair, or demolition of buildings.

Section 2. Subsection (3) of section 553.77, Florida
Statutes, is amended, and subsection (4) is added to said
section, to read:

553.77 Specific powers of the board.--

(3) The board shall conduct a program to certify
building code administration personnel and building inspection
personnel in this state.

(a) Not later than July 1, 1985, the board shall
establish a voluntary program to certify persons to administer
building code or to inspect or building on behalf of a
state or local government. The board shall certify any person
who meets the requirements of this section and any rule
adopted under this section.

(b) The board shall contract with an independent
testing agency to develop and administer an examination to
determine the competency of any individual seeking
certification. Examinations shall be held at such times and
locations within the state as the board determines necessary.

There shall be an examination for each of the categories of
certificates which shall pertain to the type of work covered
by the certificate. The examination shall cover knowledge of
basic principles of the codes and inspection practices
applicable to the category for which a certificate is
requested. Examination shall be open book, may consist of
multiple-choice, fill-in, true-false, or short-answer.

Deletions: [extensive text]
questions, and may include or consist of diagrams, plans, or sketches with which the applicant will be required to demonstrate his knowledge and proficiency.

(c) The board shall adopt rules providing specific criteria for certification. Such criteria shall include provisions for building, plumbing, electrical, mechanical, gas, and any other specialty certification the board deems appropriate.

(d) The board shall fix and collect the following fees:

1. An examination fee which shall not exceed $50.
2. A reexamination fee which shall not exceed $25.
3. An initial biennial certification fee which shall not exceed $100.
4. A biennial certification renewal fee which shall not exceed $25.

(e) Fees collected under the provisions of this section shall be deposited in the Building Inspector Certification Trust Fund which is hereby created to be used to administer the certification program.

(f) The board may revoke or suspend the certificate of any person who violates any provision of any rule adopted by the board pursuant to this section. Certificates issued under the provisions of this section shall expire 2 years from the date of issuance.

(g) Nothing in this section shall limit the power of a municipality, city, county, special district, or state agency to regulate the quality and character of work performed by inspection personnel or to require additional standards of competency and proficiency of such personnel, nor shall anything in this section be construed to waive additional

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requirements imposed by a local government or state agency having jurisdiction in such matters.

(4) Upon written application by a private party or enforcement agency the board may issue binding opinions relating to the interpretation, enforcement, or administration of ss. 553.72(6) and 553.79(5)(a), (b), (c), (d), and (e), (6)(a), (b), (d) and (e), (7)(a) and (c), and (8).

Section 3. Subsections (5), (6), (7) and (8) of section 553.79, Florida Statutes, are amended to read:

553.79 Application.--

(5)(a) The enforcing agency shall require a special inspector to perform structural inspections on threshold buildings pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for construction of a threshold building. All structural components of a threshold building which are related to the public health, safety, or welfare--the inspector shall be present during any time when such components of such building are being constructed.

(b) The owner or developer of a threshold building shall pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcing agency. The inspector shall be a person certified, licensed, or registered under the Building Officials and Code Administrators International, the Southern Building Code Congress International, the Engineer-Chapter 463 of the Florida Statutes, the Council of American Building Officials, or the Building Certification Program of Brevard County or Brevard County.

4

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(c) The inspector shall be a person licensed or registered as an engineer under chapter 471 or as an architect under chapter 481. The owner of a threshold building shall pay all costs of employing a special inspector. The enforcing agency shall determine the amount, method, and procedure for paying such costs.

(d) The Board of Building Codes and Standards shall, by rule, establish a qualification program for special inspectors, and shall compile a list of persons qualified to be special inspectors. The architect or engineer of record may act as the special inspector, provided that he is on the list of persons qualified to be a special inspector. School boards may utilize employees as special inspectors, provided they are on the list of persons qualified to be a special inspector.

(e) The licensed architect or registered engineer serving as the special inspector shall be permitted to send his duly authorized representative to the job site to perform the necessary inspections provided that all required written reports shall be prepared by and bear the seal of the special inspector and that such written reports shall be submitted to the enforcement agency.

(6) No permit may be issued for any building project unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit was issued:

(a) Electrical documents for any new building or addition which requires an aggregate service capacity of 600 er-less amperes (240 volts)

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or more on a residential electrical system or 800 amperes (208 volt) or more on a commercial or industrial electrical system and which costs more than $50,000,—or

2.—Any structure which is greater than 5,000 square feet in area and which is designed for public assembly.

(b) Plumbing documents for:

1. any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than $50,000,—or

2.—Any structure which is greater than 5,000 square feet in area and which is designed for public assembly.

(c) Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 5 or more sprinkler heads costs more than $5,000.

(d) Heating, ventilation, and air-conditioning documents for:

1. any new building or addition which requires more than a 15-ton-per-system capacity, which is designed to accommodate 100 or more persons, or for which the system costs more than $50,000,—or

2.—Any structure which is greater than 5,000 square feet in area and which is designed for public assembly.

This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-family, two-family, three-family, or four-family structure.

(e) Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air
filtration, halon, or fire detection and alarm - or security end-security-alarm system which costs more than $5,000.

No such document shall be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in s. 471.025.

(7) Each local enforcement agency shall require that, on every threshold building:

(a) The special inspector owner, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement certificate with the local enforcement agency, in substantially the following form:

To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the applicable codes and the intent and design specified in the permitted documents prepared-by-the architect-or-engineer,-certifying-that,-to-the-best-of-the architect’s-or-engineer’s-knowledge,-the-construction-complies with-the-applicable-codes-and-the-intent-and-design-specified in-the-permit-documents.

(b) Any proposal to install an alternate structural product or system to which building codes apply, which-product or-system-is-installed-after-October-1,1983; be submitted to the local enforcement agency for review for compliance with the codes and made part of the local enforcement agency’s recorded set of permit documents.

(c) All shoring and reshoring procedures, plans, and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected, and certified to be in compliance

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with the shoring documents by the contractor, prepared after October 1, 1983; be prepared by and sealed by an engineer registered in this state; a signed and sealed copy of all the documents prepared after October 1, 1983, be submitted to the architect and structural engineer and the local enforcement agency; and each shoring and reshoring installation performed after October 1, 1983, be supervised; inspected and certified to be in compliance with the shoring documents by the general contractor.

(d) All plans for threshold buildings or structure required to be signed and sealed by an architect or engineer of record, which plans are prepared after October 1, 1983, contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes.

(6) No enforcing agency may issue a primary building permit for construction of any threshold building except to a licensed general contractor as defined in s. 489.105(3)(a) or a licensed building contractor, within the scope of his practice, as defined in s. 489.105(3)(b). The named contractor to whom the building permit is issued shall have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit is issued be held responsible for the entire project by the enforcing agency.

Section 4. This act shall take effect upon becoming a law, except that paragraph (d) of subsection (5) of s. 553.79, Florida Statutes, as created by this act, shall take effect on October 1, 1984.
In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State, and of Local Governments as a whole.

I. DESCRIPTION OF BILL

A. Fund or Tax Affected
   Building Inspection Certification Trust Fund

B. Principal Agency Affected
   Department of Community Affairs

C. Narrative Summary
   This bill redefines a threshold building as any building which is greater than three stories of 50 feet in height or which has an assembly occupancy classification exceeding 5,000 square feet with an occupant content greater than 500 persons.

   The bill establishes a voluntary certification program for building inspections. Exams would be developed for the Board to certify for various specialties. It would further provide for examination fees and reexamination fees not to exceed $50; initial biennial certification fees not to exceed $100, and biennial certification renewal fees not to exceed $25. It would create the Building Inspector Certification Trust Fund to be used to deposit all fees collected under the provisions of this act. It would provide for certificate expiration of 2 years from the date of issuance unless sooner revoked or suspended. It provides for the exclusion of local enforcement agencies liability if residential condominiums are insured under certain warranty programs.

   The bill requires a special inspector to perform structural inspections according to an inspection plan prepared by the engineer or architect of record. It would further provide for the owner or developer of the building to pay all costs of employing a special inspector. It requires that the special inspector be either an architect or an engineer, and, after October 1, 1984, the inspector must be on a list of qualified inspectors compiled by the Board.

   The bill would require that shoring and reshoring documents be submitted to the enforcement agency. It would further provide that each shoring and reshoring installation be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor.

   Effective date: Upon becoming a law, except that paragraph (d) of subsection (5) of s. 553.79, F.S., which requires the Board of Building Codes and Standards to establish a qualification program for special inspectors, will take effect on October 1, 1984.

II. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS

A. Non-Recurring or First Year Start-up Effects
   N/A

B. Recurring or Annualized Continuation Effects
   Salaries and Benefits (.5 FTE)  $ 14,490
   Expenses                        6,000
   Total                           20,490

C. Long Run Effects other than Normal Growth
   N/A

(Page 1 of 2)
D. Appropriations Consequences

Building Inspector Certification Trust Fund $ 23,490

III. COMMENTS:

It is estimated that fees will be used to cover the administrative costs of this program. However, since the program is voluntary, the number of participants and the amount of revenue collections are undetermined.

[Signatures]

Anthony P. Capano
Staff Director

John R. Jennings
Staff Analyst
A bill to be entitled

An act relating to building construction,

amending ss 471.005, 553.71, F.S., redefining
"threshold building", amending s 553.79, F.S.,
revising requirements pertaining to inspection
of a threshold building by a special inspector,
redefining the criteria of eligibility for
special inspectors, providing for payment of
the costs of employing a special inspector,
restricting who may be a special inspector;
prescribing a special inspector's
responsibility, requiring electrical documents
for a residential building with an aggregate
service capacity of 600 amperes or more,
providing for the issuance of threshold
building permits to licensed general
contractors or building contractors; requiring
such contractors to be held responsible only
for work covered by the permit, providing an
effective date.

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

Section 1 Subsection (8) of section 471.005, Florida
Statutes, is amended to read:

471.005 Definitions — As used in ss 471.001-471.039:
(8) "Threshold building" means any building or
structure intended for human occupancy which has a total floor
area exceeding 25,000 square feet, which building or structure
is greater than two stories or 25 feet in height, which
building or structure has an assembly occupancy greater than
5,000 square feet, or which building or structure is of
unusual design or construction as determined by the building
official, except a residential structure three stories or less
in height and any building defined in s. 481.203(7) or s
481.229

Section 2. Subsection (6) of section 553.71, Florida
Statutes, is amended to read:

553.71 Definitions.--As used in this part:
(6) "Threshold building" means any building or
structure intended for human occupancy which has a total floor
area exceeding 25,000 square feet, which building or structure
is greater than two stories or 25 feet in height, which
building or structure has an assembly occupancy greater than
5,000 square feet, or which building or structure is of
unusual design or construction as determined by the building
official, except a residential structure three stories or less
in height and any building defined in s. 481.203(7) or s.
481.229.

Section 3 Subsections (5) and (8) and paragraph (a)
of subsection (6) of section 553.79, Florida Statutes, are
amended to read:

553.79 Application.--
(5)(a) The enforcing agency shall require a special
inspector to inspect the construction or placement of all
structural load-bearing components which are necessary to
maintain the integrity of a threshold building which
are related to the public health, safety, or welfare The
inspector shall be present during the fabrication or placement
of any time when such structural components of such building
are being constructed.

CODING Words in struck through type are deletions from existing law, words underlined are additions.
(b) The inspector shall be a person certified, licensed, or registered in a category appropriate to making structural inspections under or by any one of the following:

1. Building Officials Association of Florida
2. Southern Building Code Congress International
3. Chapter 471 as an engineer
4. Chapter 481 as an architect
5. Council of American Building Officials or the building inspection certification program of
6. Broward County
7. Dade County

(c) The owner of a threshold building shall pay all costs of employing a special inspector. The enforcing agency shall ascertain the amount, method, and procedure for paying such costs.

(d) Neither the owner nor the contractor of record for a threshold building, nor employees of such owner or contractor shall be a special inspector for that building. An architect or engineer of record, or other independent consultant registered, licensed, or certified as set forth in paragraph (b) may be designated as a special inspector. Special inspectors may not delegate inspection responsibilities for threshold buildings to employees or other unlicensed agents not meeting the requirements of paragraph (b).

(e) Special inspectors shall be responsible to local enforcement agencies to assure that the structural components of threshold buildings are constructed in accordance with the intent of approved plans and specifications and that such components are in compliance with applicable minimum building.
codes. Periodic inspection reports, as deemed appropriate by the local enforcement agency, shall be required to document proper construction.

(6) No permit may be issued for any building construction, erection, alteration, repair, or addition project unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the project:

(a) Electrical documents for.

1. Any new building or addition which requires an aggregate service capacity of 600 or less amperes (240 volts) or more on a residential electrical system or 600 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than $50,000; or

2. Any structure which is greater than 5,000 square feet in area and which is designed for public assembly.

No such document shall be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in s. 471.025.

(8) No enforcing agency may issue a primary building permit for construction of any threshold building except to a licensed general contractor or building contractor as defined in s. 489.105(3)(a) or (b). The named contractor to whom the building permit is issued shall be held responsible for the work encompassed by the permit entire project by the enforcing agency.

Section 4. This act shall take effect upon becoming a law.
A bill to be entitled

An act relating to building construction,

amending s 553 71, F.S.; providing

definitions, amending s 553 77, F.S.;

providing for establishment of a voluntary

program to certify building code administrators

and inspectors, providing for testing;

providing for rules, providing for collection

and deposit of fees, authorizing disciplinary

actions against certificateholders, providing

that certain powers of state and local

governments are not limited, providing for

issuance of opinions, amending s 553 79, F.S.;

providing for conduct of structural inspections

of specified buildings by special inspectors,

providing for establishment of qualifications

for and a list of special inspectors, requiring

certain statements prior to issuance of a

certificate of occupancy, specifying

responsibilities of building contractors;

requiring certain documentation prior to

issuance of a building permit, providing an

effective date

Be It Enacted by the Legislature of the State of Florida

Section 1 Subsection (6) of section 553 71, Florida

Statutes, is amended, and subsection (7) is added to said

section to read

553 71 Definitions --As used in this part

CODING Words in struck through type are deletions from existing law, words underlined are additions
"Threshold building" means any building or structure which has a total floor area exceeding 25,000 square feet, which building or structure is greater than three two stories or 50 25 feet in height, or which building or structure has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons greater than 500 square feet, or which building or structure is of unusual design or construction as determined by the building official except a residential structure three stories or less in height and any building defined in sect 481-293(7) or sect 483-229.

"Enforcement agency" means the agency of government with authority to make inspections of buildings and to enforce the codes which establish standards for construction, alteration, repair, or demolition of buildings.

Section 2. Subsection (3) of section 553.77, Florida Statutes, is amended, and subsection (4) is added to said section to read:

553.77 Specific powers of the board --

(3) The board shall conduct a program to certify building code administration personnel and building inspection personnel in this state.

(a) Not later than July 1, 1985, the board shall establish a voluntary program to certify persons to administer any building code or to inspect any building on behalf of a state or local government. The board shall certify any person who meets the requirements of this section and any rule adopted under this section.

(b) The board shall contract with an independent testing agency to develop and administer an examination to determine the competency of any individual seeking
Examinations shall be held at such times and places within the state as the board determines necessary. There shall be an examination for each of the categories of certificates which shall pertain to the type of work covered by the certificate. The examination shall cover knowledge of basic principles of the codes and inspection practices applicable to the category for which a certificate is requested. The examination shall be open book, may consist of multiple-choice, fill-in, true-false, or short-answer questions, and may include or consist of diagrams, plans, or sketches with which the applicant will be required to demonstrate his knowledge and proficiency.

(c) The board shall adopt rules providing specific criteria for certification. Such criteria shall include provisions for building, plumbing, electrical, mechanical, gas, and any other specialty certification the board deems appropriate.

(d) The board shall fix and collect the following fees:

1. An examination fee which shall not exceed $50.
2. A reexamination fee which shall not exceed $25.
3. An initial biennial certification fee which shall not exceed $100.
4. A biennial certification renewal fee which shall not exceed $25.

(e) Fees collected under the provisions of this section shall be deposited in the Building Inspector Certification Trust Fund which is hereby created to be used to administer the certification program.

(f) The board may revoke or suspend the certificate of any person who violates any provision of any rule adopted by
the board pursuant to this section. Certificates issued under the provisions of this section shall expire 2 years from the date of issuance.

(9) Nothing in this section shall limit the power of a municipality, city, county, special district, or state agency to regulate the quality and character of work performed by inspection personnel or to require additional standards of competency and proficiency of such personnel, nor shall anything in this section be construed to require any municipality to participate in the certification program conducted by the board, nor shall anything in this section be construed to waive additional requirements imposed by a local government or state agency having jurisdiction in such matters.

(4) Upon written application by a private party or enforcement agency the board may issue binding opinions relating to the interpretation, enforcement, or administration of s. 553.71(6); s. 553.79(5)(a)-(c); s. 553.79(6)(a); (b), (d), and (e); s. 553.79(7)(a) and (c); and s. 553.79(8).

Section 3. Subsections (5), (6), (7), and (8) of section 553.79, Florida Statutes, are amended to read:

553.79 Application.--

(5)(a) The enforcing agency shall require a special inspector to perform structural inspections on threshold buildings pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for construction of any threshold building. Inspect all structural components of a threshold building which are related to the public health, safety, or welfare. The inspector shall be present during any...
time when such components of such building are being
constructed—

(b) The fee owner of a threshold building shall pay
all costs of employing a special inspector, but the special
inspector shall be responsible to the enforcement agency. The
inspector shall be a person certified, licensed, or registered
under the Building Officials Association of Florida, the
Southern Building Code Congress International chapter 471 as
an engineer or chapter 481 as an architect, the Council of
American Building Officials or the building inspection
certification program of Broward County or Dade County.

(c) The board shall, by rule, establish a
qualification program for special inspectors, and shall
compile a list of persons qualified to be special inspectors.
The architect or engineer of record may act as the special
inspector, provided that he is on the list of persons
qualified to be a special inspector. School boards may
utilize employees as special inspectors, provided they are on
the list of persons qualified to be a special inspector. The
owner of a threshold building shall pay all costs of employing
a special inspector. The enforcing agency shall determine the
amount, method, and procedure for paying such costs.

(d) The licensed architect or registered engineer
serving as the special inspector shall be permitted to send
his duly authorized representative to the job site to perform
the necessary inspections provided that all required written
reports shall be prepared by and bear the seal of the special
inspector and that such written reports shall be submitted to
the enforcement agency.

(6) No permit may be issued for any building
construction, erection, alteration, repair, or addition
The applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit was issued:

(a) Electrical documents for:

- Any new building or addition which requires an aggregate service capacity of 600 or less amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than $50,000 or

(b) Plumbing documents for:

- Any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than $50,000 or

(c) Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads costs more than $5,000.

(d) Heating, ventilation, and air-conditioning documents for:

- Any new building or addition which requires more than a 15-ton-per-system capacity, which is designed to accommodate 100 or more persons, or for which the system costs more than $50,000 or

Any structure which is greater than 5,000 square feet in area and which is designed for public assembly.

This paragraph does not include any document for the replacement or repair of an existing system in which the work does not
require altering a structural part of the building or for work
on a residential one-family, two-family, three-family, or
four-family structure

(e) Any specialized mechanical, electrical, or
plumbing document for any new building or addition which
includes a medical gas, oxygen, steam, vacuum, toxic air
filtration, halon, or fire detection and alarm or security
and security alarm system which costs more than $5,000.

No such document shall be valid unless a professional engineer
who possesses a valid certificate of registration has signed,
dated, and stamped such document as provided in s 471.025

(7) Each ieeai enforcement agency shall require that,
on every threshold building

(a) The special inspector owner, upon completion of
the building and prior to the issuance of a certificate of
occupancy, file a signed and sealed statement certificate with
the ieeai enforcement agency, in substantially the following
form To the best of my knowledge and belief, the above
described construction of all structural load-bearing
components complies with the applicable codes and the intent
and design specified in the permitted documents prepared by
an architect or engineer certifying that, to the best of the
architect's or engineer's knowledge, the construction complies
with the applicable codes and the intent and design specified
in the permit documents

(b) Any proposal to install an alternate structural
product or system to which building codes apply, shall which
product or system is installed after October 17, 1983, be
submitted to the ieeai enforcement agency for review for
compliance with the codes and made part of the local enforcement agency's recorded set of permit documents.

(c) All shoring and reshoring procedures, plans, and details shall be prepared after October 1, 1983, be prepared by and sealed by an engineer registered in this state; a signed and sealed copy of all shoring documents shall be prepared after October 1, 1983, be submitted to the architect and structural engineer and the local enforcement agency, for recordkeeping. Each shoring and reshoring installation shall be performed after October 1, 1983, be supervised, inspected, and certified to be in compliance with the shoring documents by the general contractor.

(d) All plans for threshold buildings or structure required to be signed and sealed by the an architect or engineer of record shall which plans are prepared after October 1, 1983, contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes.

(8) No enforcing agency may issue a primary building permit for construction of any threshold building except to a licensed general contractor as defined in s. 489.105(3)(a) or a licensed building contractor, within the scope of his practice, as defined in s. 489.105(3)(b) The named contractor to whom the building permit is issued shall have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit is issued be held responsible for the entire project by the enforcing agency.

Section 4. This act shall take effect upon becoming a law, except that the amendments to s. 553.79(5)(b) and (c),
Florida Statutes, contained in this act shall take effect on October 1, 1984

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR SENATE BILL 399

Redefines threshold building and adds a definition of enforcement agency.

Requires the Board of Building Codes and Standards to establish a voluntary building inspector certification program and perform other tasks relating to such program.

Provides the board with the authority to issue binding opinions regarding certain sections of the Florida Statutes relating to building construction standards upon request.

Makes numerous changes to section 553.79, Florida Statutes, relating to application of the law relating to building construction standards.
A bill to be entitled

An act relating to building construction,

amending s. 553.71, F.S.; providing

definitions; amending s. 553.77, F.S.;

providing for establishment of a voluntary

program to certify building code administrators

and inspectors; providing for testing;

providing for rules; providing for collection

and deposit of fees; authorizing disciplinary

actions against certificateholders, providing

that certain powers of state and local

governments are not limited, providing for

issuance of opinions; amending s. 553.79, F.S.;

providing for conduct of structural inspections

of specified buildings by special inspectors;

providing for establishment of qualifications

for and a list of special inspectors; requiring

certain statements prior to issuance of a

certificate of occupancy; specifying

responsibilities of building contractors,

requiring certain documentation prior to

issuance of a building permit; repealing s.

471 005(8), F.S., relating to the definition of

threshold building; providing an effective
date.

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

Section 1. Subsection (6) of section 553.71, Florida

Statutes, is amended, and subsection (7) is added to said

section to read:
553 "1 Definitions -- As used in this part

(a) "Threshold building" means an building or

structure which has a total floor area exceeding 25,000 square

feet and which building or structure is greater than three two

stories or 50 feet in height, or which building or

structure has an assembly occupancy classification that

exceeds 2,000 square feet in area and an occupant or list of

greater than 500 persons greater than 6,000 square feet or

which building or structure is of unusual color or

construction as determined by the building official except a

residential structure three stories or long in height and any

building defined in s. 482-3047 or s. 70-239

(2) "Enforcement agency" means the agency of

government with authority to make inspections of buildings, an-
to enforce the codes which establish standards for

construction, alteration, repair or demolition of buildings.

Section 2 Subsection (c) of section 553 "7" Florida
Statutes, is amended, and subsection (4) is added to said
section to read

553 "7 Specific powers of the board --

(3) The board shall conduct a program to certify

building code administration personnel and building inspection

classroom in this state

(a) Not later than July 1, 1985, the board shall

establish a voluntary program to certify persons to administer

any building code or to inspect any building on behalf of a

state or local government. The board shall certify any person

who meets the requirements of this section, and any rule

adopted under this section.

(b) The board may contract with an independent testing

agency to develop and administer an examination to determine

CODING Words in struck through type are deletions from existing law words underlined are additions.
the provisions of this section shall expire 2 years from the
date of issuance.

(g) Nothing in this section shall limit the power of a
municipality, city, county, special district, or state agency
to regulate the quality and character of work performed by
inspection personnel or to require additional standards of
competency and proficiency of such personnel, nor shall
anything in this section be construed to require any
municipality to participate in the certification program
conducted by the board, nor shall anything in this section be
construed to waive additional requirements imposed by a local
government or state agency having jurisdiction in such
matters.

(4) Upon written application by a private party or
enforcement agency the board may issue binding opinions
relating to the interpretation of ss. 553.71(6) and
553.79(5)(a) and (c), (5)(a), (b), (d), and (e), and (7)(a)
and (c). Such opinions shall be rendered in the same manner
provided in s. 120.565, relating to declaratory statements.

Section 3. Subsections (5), (6), (7), and (8) of
section 553.79, Florida Statutes, are amended to read:

553.79 Application.--

(5)(a) The enforcing agency shall require a special
inspector to perform structural inspections on threshold
buildings pursuant to a structural inspection plan prepared by
the engineer or architect of record. The structural
inspection plan must be submitted to the enforcing agency
prior to the issuance of a building permit for construction of
any threshold building. The purpose of the structural
inspection plan is to provide specific inspection procedures
and schedules such that the building can be adequately
The purpose of this appendix is to set forth certain regulations regarding the construction of buildings in the city of New York. These regulations are necessary to ensure that all buildings meet certain safety standards and comply with the city's building codes.

The regulations for building construction specify that all buildings shall be constructed in accordance with the latest edition of the New York City Building Code. The code sets forth specific requirements for the design, materials, and construction of buildings.

In addition to the building code, the regulations also require that all building occupants be provided with adequate emergency exit routes. This ensures that occupants can safely evacuate the building in the event of an emergency.

Furthermore, the regulations require that all buildings be equipped with smoke detection systems and fire extinguishers. These systems are designed to minimize the risk of fire and protect the safety of occupants.

The regulations also require that all building occupants be provided with adequate ventilation and lighting. This ensures that the building is safe and comfortable for all occupants.

In summary, the regulations for building construction in the city of New York are designed to ensure the safety and well-being of all occupants. These regulations are enforced by the city's building inspector, who is responsible for ensuring that all buildings comply with the regulations.

It is important to note that any violation of these regulations can result in fines and penalties. Therefore, it is essential for all building owners and occupants to be familiar with these regulations and to comply with them at all times.
the necessary inspections provided that all required written
reports shall be prepared by and bear the seal of the special
inspector and that such written reports shall be submitted to
the enforcement agency.

(6) No permit may be issued for any building
construction, erection, alteration, repair, or addition
project unless the applicant for such permit provides to the
enforcing agency which issues the permit any of the following
documents which apply to the construction for which the permit
was issued project:

(a) Electrical documents for:
any new building or addition which requires an
aggregate service capacity of 600 or less amperes (240 volts)
or more on a residential electrical system or 800 amperes (240
volts) or more on a commercial or industrial electrical system
and which costs more than $50,000 or

(b) Plumbing documents for:
any new building or addition which requires a
plumbing system with more than 250 fixture units or which
costs more than $50,000 or

(c) Fire sprinkler documents for any new building or
addition which includes a fire sprinkler system which contains
50 or more sprinkler heads costs more than $50,000.
(d) Heating, ventilation, and air-conditioning
documents for:
any new building or addition which requires more
than a 15-ton-per-system capacity, which is designed to

CODING: Words insquash through type are deletions from existing law, words underlined are additions.
inspected for compliance with the permitted documents. The special inspector shall inspect shoring and shoring plans submitted to the enforcing agency. The special inspector shall be responsible to the enforcing agency. The special inspector shall be a person certified, licensed, or registered under the Florida Engineering Association of Florida.

Southern Building Code Congress International, chapter 471 as an engineer or chapter 481 as an architect, the Board of American Building Officials or the building inspection certification program of Broward County or Flagler County, or a person certified, licensed, or registered under the Florida Engineering Association of Florida.

The Board shall, by rule, establish a qualification program for special inspectors and shall compile a list of persons qualified to be special inspectors. The architect or engineer of record may use the special inspector, provided that he is on the list of persons qualified to be special inspectors. The owner of a structure requiring shall pay the costs of employing a special inspector. The enforcing agency shall determine the amount. Neither and preserve the paying such costs.

(4) The licensed architect or registered engineer shall file the local inspection report with the enforcing agency. No such report shall constitute an inspection report for the purpose of this section.
with the applicable codes and the intent and design specified
in the permit documents.

(b) Any proposal to install an alternate **structural**
product or system to which building codes apply, **shall** which
product or system is installed after October 1, 1983, be
submitted to the local enforcement agency for review for
compliance with the codes and made part of the local
enforcement agency's recorded set of permit documents.

(c) All shoring and reshoring procedures, plans, and
details be submitted to the enforcement agency for
recordkeeping. Each shoring and reshoring installation shall
be supervised, inspected, and certified to be in compliance
with the shoring documents by the contractor, prepared after
October 1, 1983, be prepared by and sealed by an engineer
registered in this state, a signed and sealed copy of all
shoring documents prepared after October 1, 1983, be submitted
to the architect and structural engineer and the local
enforcement agency, and each shoring and reshoring
installation performed after October 1, 1983, be supervised,
inspected, and certified to be in compliance with the shoring
documents by the general contractor.

(d) All plans for threshold buildings a building or
structure required to be signed and sealed by the an architect
or engineer of record shall which plans are prepared after
October 1, 1983, contain a statement that, to the best of the
architect's or engineer's knowledge, the plans and
specifications comply with the applicable minimum building
codes.

(8) No enforcing agency may issue a primary building
permit for construction of any threshold building except to a
licensed general contractor as defined in s. 489.105(3)(a) or
accommodate 100 or more persons, or for which the system costs
more than $50,000 or

2. Any structure which is greater than 150-sq. foot in area and which is designed for public assembly, Thus
paragraph (a) does not include an automatic system for the replacement or
repair of an existing system in which the work thereto not
require altering a structural part of the facility. A work
in a residential one-family, two-family, three-family or
four-family structure

(a) Any specialized mechanical or electrical
installing document for any system which
includes air conditioning, ventilation, and
fire detection and alarm, or security
and security alarm system which costs more than $50,000

No such document shall be valid unless a professional engineer
who possesses a valid certificate of registration has signed,
dated, and stamped such document as provided in § 4-1-225

(7) Each local enforcement agency shall require that
on every threshold building

(a) The special inspector owner upon completion of
the building and prior to the issuance of a certificate of
occupancy, file a signed and sealed statement certificate with
the local enforcement agency, in substantially the following
form. To the best of my knowledge and belief, the above
described construction of all structural load-bearing
components complies with the permitted documents and the
shoring and shoring plans submitted to the enforcing agency, prepared by an
architect or engineer, certifying that the above complies with
an architect's or engineer's knowledge-the construction complies

CODING: Words in struck through type are deletions from existing law, words underlined are additions
a licensed building contractor, within the scope of his
practice, as defined in s 489.105(3)(b). The named
contractor to whom the building permit is issued shall have
the responsibility to supervise, direct, manage, and control
construction activities on the project for which the building
permit is issued be held responsible for the entire project by
the enforcing agency.

Section 4. Section 471 005(8), Florida Statutes, is
hereby repealed.

Section 5. This act shall take effect upon becoming a
law, except that the amendments to s 553 79(5)(b) and (c),
Florida Statutes, contained in this act shall take effect on
October 1, 1984.
I. SUMMARY AND PURPOSE

HB 880 modifies the definition of threshold buildings, the requirements for special inspectors, and the type of contractors allowed to build threshold buildings. The purpose of the bill is to clarify the law relating to threshold buildings.

II. CURRENT LAW AND EFFECT OF CHANGES

A. Threshold Buildings

1. Current law. Chapter 553 defines threshold buildings and requires that a special inspector be employed during their construction. A threshold building includes any structure which has: (1) more than 25,000 square feet of floor area; (2) more than two stories; (3) more than 25 feet in height; or (4) an unusual structure or design as determined by the local building official. Excluded from the definition are residential structures with three stories or less and buildings defined in ss. 481.203(7) and 481.229.

2. Bill as originally proposed. The bill would limit the definition of threshold buildings to structures intended for human occupancy. Presumably, this would exclude towers and signs. However, there are few structures built which do not at some point have a human occupant.
3. **Bill as amended by subcommittee.** The amended bill redefines a threshold building as any building which is greater than three stories or 50 feet in height or which has an assembly occupancy classification exceeding $5,000 square feet with an occupant content greater than 500 persons. The bill thus eliminates three story buildings, buildings less than 50 feet, and unusual structures from the definition.

**B. Special Inspectors**

1. **Current law.** Special inspectors are required to inspect all structural components of threshold buildings and to be present whenever these components are being constructed. The owner of the building is required to pay the cost of the special inspector. The local enforcing agency determines the amount and the procedure for the payment of this cost. A special inspector must be an architect, engineer, or must be certified by one of several building associations.

2. **Bill as originally proposed.** The duties of special inspectors are clarified and enlarged by the bill. These inspectors are to inspect major load-bearing components which are necessary to the integrity of the structure. They are required to be present during the fabrication and placement of any structural components. Additionally, they must be certified in a category appropriate to making structural inspections. The local enforcement agency must ascertain the amount and procedure of payments to special inspectors.

New subsections are added to the law which provide that neither the owner, the contractor nor their employees may be special inspectors. Other independent consultants are permitted to be inspectors. Responsibility for inspecting may not be delegated to non-qualified persons. Special inspectors are to be responsible to local enforcement agencies to determine that structures comply with plans and applicable codes. Local agencies may require periodic inspection reports.

3. **Bill as amended by subcommittee.** The amended bill requires a special inspector to perform structural inspections according to an inspection plan prepared by the engineer or architect of record. This plan would be required before a permit could be issued. The fee owner of the building would pay the cost of the special inspector.

A special inspector must be either an architect or an engineer, and, after October 1, 1984, must be on a list of qualified inspectors to be compiled by the Board. A special inspector may send a representative to perform necessary
inspections, provided that all written reports are prepared and sealed by the special inspector.

Prior to the issuance of a certificate of occupancy, the special inspector must sign and seal a statement that to the best of his knowledge the construction of structural load-bearing components complies with applicable codes and the design originally filed.

C. Building Contractors

1. Current law. Permits for threshold buildings may only be obtained by general contractors. These contractors are responsible for the entire project.

2. Bill as originally proposed. Building contractors, who previously were excluded from obtaining permits for threshold buildings, would be able to do so under the bill. The contractor to whom the permit is issued would be responsible for the work encompassed by the permit.

3. Bill as amended by subcommittee. In respect to this issue, the amended bill is substantially the same as the original bill.

D. Shoring and Reshoring Procedures

1. Current law. Shoring and reshoring procedures must be prepared and sealed by an engineer. Installation of shoring must be supervised, inspected, and certified by the general contractor.

2. Bill as originally proposed. This bill did not treat the shoring and reshoring issue.

3. Bill as amended by subcommittee. The amended bill would require that shoring and reshoring documents be submitted to the enforcement agency and supervised and certified by the contractor.

E. Voluntary Building Inspector Certification

1. Current law. The Board of Building Codes and Standards is authorized to conduct a program to certify building code personnel.

2. Bill as originally proposed. The bill did not contain a certification program.
3. **Bill as amended by subcommittee.** The amended bill would establish a voluntary certification program for building inspectors. Exams would be developed for the Board to certify for various specialties. Certificates would expire two years after issuance unless sooner revoked or suspended. Local regulation of inspection personnel is not preempted.

### III. FISCAL DATA

**A. Public Sector Considerations**

The amended bill establishes a certification program which should be supported by the fees collected. Thus, it should require no general revenue.

**B. Private Sector Considerations**

The clarification of the threshold building law should have a positive fiscal impact on the private sector. Several court challenges to the law are in progress and will be settled by the bill. Additionally, the Board of Building Codes and Standards will have the authority to resolve such disputes under the new law if the bill passes.

Building contractors, who previously were not allowed to build threshold buildings, would be able to do so. This should have a positive fiscal impact for that class of contractors.

### IV. AMENDMENTS

An amendment was adopted in Subcommittee which substantially modifies the bill. The effects of the amendment are reported in the body of the summary.

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Prepared by: Cliff Nilson, Legislative Analyst

Staff Director: Chris Holland, Ph.D.
BILL SUMMARY

COMMITTEE ON REGULATORY REFORM

CS/HB 880

relating to Building Construction

Other Committees of Reference:

Subcommittee: ________

Committee: ________

I. SUMMARY AND PURPOSE

HB 880 modifies the definition of threshold buildings, the requirements for special inspectors, and the type of contractors allowed to build threshold buildings. The purpose of the bill is to clarify the law relating to threshold buildings.

II. CURRENT LAW AND EFFECT OF CHANGES

A. Threshold Buildings

1. Current law. Chapter 553 defines threshold buildings and requires that a special inspector be employed during their construction. A threshold building includes any structure which has: (1) more than 25,000 square feet of floor area; (2) more than two stories; (3) more than 25 feet in height; or (4) an unusual structure or design as determined by the local building official. Excluded from the definition are residential structures with three stories or less and buildings defined in ss. 481.203(7) and 481.229.

2. Proposed changes. The bill redefines a threshold building as any building which is greater than three stories or 50 feet in height or which has an assembly occupancy classification exceeding $5,000 square feet with an occupant content greater than 500 persons. The bill thus eliminates
three story buildings, buildings less than 50 feet, and unusual structures from the definition.

B. Special Inspectors

1. Current law. Special inspectors are required to inspect all structural components of threshold buildings and to be present whenever these components are being constructed. The owner of the building is required to pay the cost of the special inspector. The local enforcing agency determines the amount and the procedure for the payment of this cost. A special inspector must be an architect, engineer, or must be certified by one of several building associations.

2. Proposed changes. The bill requires a special inspector to perform structural inspections according to an inspection plan prepared by the engineer or architect of record. This plan would be required before a permit could be issued. The fee owner of the building would pay the cost of the special inspector.

A special inspector must be either an architect or an engineer, and, after October 1, 1984, must be on a list of qualified inspectors to be compiled by the Board. A special inspector may send a representative to perform necessary inspections, provided that all written reports are prepared and sealed by the special inspector.

Prior to the issuance of a certificate of occupancy, the special inspector must sign and seal a statement that to the best of his knowledge the construction of structural load-bearing components complies with applicable codes and the design originally filed.

C. Building Contractors

1. Current law. Permits for threshold buildings may only be obtained by general contractors. These contractors are responsible for the entire project.

2. Proposed changes. Building contractors, who previously were excluded from obtaining permits for threshold buildings, would be able to do so under the bill. The contractor to whom the permit is issued would be responsible for the work encompassed by the permit.
D. Shoring and Reshoring Procedures

1. Current law. Shoring and reshoring procedures must be prepared and sealed by an engineer. Installation of shoring must be supervised, inspected, and certified by the general contractor.

2. Proposed changes. The bill would require that shoring and reshoring documents be submitted to the enforcement agency and supervised and certified by the contractor.

E. Voluntary Building Inspector Certification

1. Current law. The Board of Building Codes and Standards is authorized to conduct a program to certify building code personnel.

2. Proposed changes. The bill would establish a voluntary certification program for building inspectors. Exams would be developed for the Board to certify for various specialties. Certificates would expire two years after issuance unless sooner revoked or suspended. Local regulation of inspection personnel is not preempted.

III. FISCAL DATA

A. Public Sector Considerations

The bill establishes a certification program which should be supported by the fees collected. Thus, it requires no general revenue.

B. Private Sector Considerations

The clarification of the threshold building law should have a positive fiscal impact on the private sector. Several court challenges to the law are in progress and will be settled by the bill. Additionally, the Board of Building Codes and Standards will have the authority to resolve such disputes under the new law if the bill passes.
Building contractors, who previously were not allowed to build threshold buildings, would be able to do so. This should have a positive fiscal impact for that class of contractors.

Prepared by: Cliff Nilson, Legislative Analyst
Staff Director: Chris Holland, Ph.D.

CH/kc
SUBCOMMITTEE REPORT/INFORMATION RECORD

File with Parent Committee

To Chairman, Committee on ____________________________:

Subcommittee on ____________________________

Date of meeting 4/12/84
Time 3:30-5:30 p.m.
Place 24 HOB

Bill No. HB 880

FINAL ACTION: ________ Favorable
                  ________ Favorable with 5 Amendments
                  ________ Favorable with Substitute
                  ________ Unfavorable

VOTE:

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Total Yeas 7

Total Nays 0

Note: Please indicate by an "x" any State employee appearing at the request of Subcommittee Chairman.

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buddy Dewar</td>
<td>State Fire Marshal</td>
<td>Larson Bldg., Talla</td>
</tr>
<tr>
<td>James Linn</td>
<td>Assoc. Bldrs. &amp; Cont.</td>
<td>253 E. Virginia St., Talla</td>
</tr>
<tr>
<td>Barry Willis</td>
<td>Assoc. Gen. Cont.</td>
<td>134 S. Bronough, Talla</td>
</tr>
<tr>
<td>Mary Lou Tuttle</td>
<td>Hillsborough County</td>
<td>P. O. Box 1110, Tampa</td>
</tr>
</tbody>
</table>

(If additional persons, enter on reverse side and check here ___)

Received by Parent Committee: ____________________________
Date ____________________________
Received by ____________________________

H-74(1980)
A bill to be entitled
An Act relating to building construction;
amending s. 553.71, F.S., redefining "threshold
building"; defining enforcement agency;
amending s. 553.77, F.S., establishing a
voluntary building certification program;
providing for binding opinions by the board;
amending s. 553.79, F.S., revising requirements
for special inspections of threshold buildings;
redefining criteria for eligibility of special
inspectors; making technical changes to sealed
document requirements; providing for the
issuance of threshold building permits to
licensed general and building contractors;
providing an effective date.
Section 1. Subsection (6) of section 553.71, Florida Statutes, is amended, and subsection (7) is added, to read:

(6) "Threshold building" means any building or structure which has a total floor area exceeding 25,000 square feet; which building or structure which is greater than three stories or over 50 feet in height, or which building or structure has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons greater than 5,000 square feet; or which building or structure is of unusual design or construction as determined by the building official; except a residential structure three-stories or less in height and any building defined in s. 481.20347; or s. 481.229.

adopted
failed of adoption

technical offered the following amendment to the subcommittee amendment

on page 4 line 21-23 strike all of said lines

and insert: (b) The fee owner of a threshold building shall pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency

adopted failed of adoption

Representative of the Committee on ____________________

technical
offered the following amendment to the subcommittee amendment

on page 5, line 5

and insert: after "The board"

of Building Codes and Standards

adopted    failed of adoption
Committee Information Record

Committee on Regulatory Reform

Date of meeting: 4/19/84

Time: 3:30-9:00 p.m.

Bill No. HB 880

Final Action: ___ Favorable
___ Favorable with ___ Amendments
X Favorable with Substitute
___ Unfavorable

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Total Yeas: 19
Total Nays: 0

Committee Appearance Record

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
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<th>Address</th>
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Note: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here.)

File 2 copies with Clerk
**BILL ACTION RECORD**

<table>
<thead>
<tr>
<th>Committee on</th>
<th>Regulatory Reform</th>
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<tbody>
<tr>
<td>Meeting Time</td>
<td>4/19/84, 3:30 - 9:00 p.m.</td>
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<td>Place</td>
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**Bill No. 05/46 880**

Date received: 
Date Reported: 

Reflected to Subcommittee on: 

Subcommittee report: 
- Favorable 
- Favorable with amendments 
- Favorable with committee substitute 
- Unfavorable 

Committee Action: 
- Temporarily passed 
- Reconsidered 
- Favorable 
- Favorable with amendments 
- Favorable with committee substitute 
- Unfavorable 

Final vote on bill: 

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**Totals**

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**Other action:**
Representative of the Committee on technical offered the following amendment. to the subcommittee amendment

On page 4, lines 21-23, strike all of said lines

and insert: (b) The fee owner of a threshold building shall pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency

Representative of the Committee on technical offered the following amendment to the subcommittee amendment.

On page 5, line 5, after "The board"

of Building Codes and Standards

adopted

failed of adoption

AMENDMENT -- FOR FILING ONLY

(MUST BE Typed ON FORM H-25 OR H-38 BEFORE PRESENTATION)

Representative of The Committee of ________________

SUBCOMMITTEE OF ____________

offered the following amendment. to the amendment

Ch. 8 Line 24 spoke

fee owner

and insert: owner or developer

adopted failed of adoption

H-67 (1980)
I. SUMMARY:

A. Present Situation:

Chapter 471, Florida Statutes, relating to engineering, defines a "threshold building" as any building or structure which has a total floor area exceeding 25,000 square feet, is greater than two stories or 25 feet in height, has an assembly occupancy greater than 5,000 square feet, or is of unusual design or construction as determined by the building official, except a residential structure three stories or less in height, townhouses as defined in section 481.203(7), Florida Statutes, and certain buildings described in section 481.229, Florida Statutes.

Part VI, chapter 553, Florida Statutes, relating to state minimum building codes, contains an identical definition of "threshold building."

Section 553.79, Florida Statutes, requires a permit from the appropriate enforcing agency in order for any person, firm, or corporation to construct, erect, alter, repair, or demolish any building within this state. Under this act, enforcing agencies may not issue such permits unless the work to be done is in compliance with the State Minimum Building Codes, and the agencies are empowered to revoke such permits if they determine that the work to be done under the permit is in violation of or not in conformity with the State Minimum Building Codes. The act also provides that the State Minimum Building Codes shall supersede all other building construction codes or ordinances in the state unless those codes or ordinances are more stringent than the state codes.

Section 553.79(5), Florida Statutes, directs an enforcing agency to require a special inspector to inspect all structural components of a threshold building which are related to the public health, safety, or welfare, and to be present during anytime when the structural components of such building are being constructed. The act specifies the qualifications of a special inspector, requires the owner of a threshold building to pay the costs of employing a special inspector, and provides that the enforcing agency shall determine the amount and method of paying the inspector. The bill further requires an applicant for a permit to submit to the enforcing agency electrical, plumbing, heating, ventilation, air conditioning, fire sprinkler, and certain other specialized documents, where relevant to the project. Local enforcing agencies are directed to require, for threshold buildings, submission of an architect's or engineer's certificate that the construction complies with the applicable codes and the intent and design specified in the permit documents, submission of proposals to install alternate products or systems for agency review, and
submission of all shoring and reshoring procedures, plans, and details for agency review. Section 553.79(8), Florida Statutes, provides that no enforcing agency may issue a primary building permit for construction of any threshold building except to a licensed general contractor, such contractor is to be held responsible for the entire project by the enforcing agency.

B. Effect of Proposed Changes:

The bill amends the definition of threshold building found in chapters 471 and 553, Florida Statutes, to include a provision that such buildings be intended for human occupancy.

Section 553.79(5)(a), Florida Statutes, is amended to provide that local enforcement agencies require special inspectors to inspect the construction or placement of all structural load bearing components which are necessary to maintain the integrity of threshold buildings. The bill further provides that an inspector must be present during the fabrication or placement of such structural components. Inspectors are required to be licensed, certified, or registered in a category appropriate to making structural inspections.

The bill directs local enforcing agencies to "ascertain," rather than "determine," the amount, method, and procedure for employing a special inspector. The bill creates section 553.79(5)(d), which provides that neither an owner or contractor of record of a threshold building, nor any of their employees may be a special inspector for that building. An architect or engineer of record, or other previously described qualified individual may act as a special inspector and may not delegate inspection responsibilities to unqualified individuals.

The bill creates section 553.79(5)(e), which provides that special inspectors shall be responsible to local enforcement agencies concerning construction of threshold buildings' structural components, and requires periodic inspection reports.

Section 553.79(8), Florida Statutes, is amended to provide that local enforcing agencies may issue a building permit for construction of a threshold building to a licensed general contractor or a licensed building contractor, and such contractors shall be responsible for the work encompassed by the permit.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The bill, by limiting the definition of threshold building to structures intended for human occupancy, will no longer subject certain structures such as signs and radio and television towers, to the special requirements relating to threshold buildings. This should result in lower construction costs for such structures.

The bill also permits building contractors to construct threshold buildings which will benefit building contractors and may create competition with general contractors who are the only contractors presently authorized to construct threshold buildings.

The proposed special inspector requirements may tend to increase the cost of construction of threshold buildings, however, the Florida Association of General Contractors
anticipates that the effect of these requirements will be minimal.

B. Government:
None.

III. COMMENTS:
The 1983 Legislature enacted chapter 83-160, Laws of Florida, (CS/SB 556) which included, among other things, provisions defining threshold building, requiring special inspectors, providing for local enforcement, and providing for contractor liability. The law has been challenged in court on grounds that it is unduly burdensome, vague, illegal, and unconstitutional. In December, 1983, a circuit judge in Hillsborough County issued a temporary injunction barring enforcement of the law in Hillsborough County and Tampa. The litigation which led to the injunction is still pending.

This bill amends section 553.79(8), Florida Statutes. SB 467 also amends that section in substantially the same manner.

This bill amends the definition of threshold building found in chapter 471, Florida Statutes. Although the term is defined in section 471.005(8), Florida Statutes, it is not used elsewhere in that chapter.

An identical bill, HB 880, has been introduced in the House this session.

IV. AMENDMENTS:
None.
I. SUMMARY:

A. Present Situation:

Chapter 471, Florida Statutes, relating to engineering, defines a "threshold building" as any building or structure which has a total floor area exceeding 25,000 square feet, is greater than two stories or 25 feet in height, has an assembly occupancy greater than 5,000 square feet, or is of unusual design or construction as determined by the building official, except a residential structure three stories or less in height, townhouses as defined in section 481.203(7), Florida Statutes, and certain buildings described in section 481.229, Florida Statutes.

Part VI, chapter 553, Florida Statutes, relating to state minimum building codes, contains an identical definition of "threshold building."

Section 553.79, Florida Statutes, requires a permit from the appropriate enforcing agency in order for any person, firm, or corporation to construct, erect, alter, repair, or demolish any building within this state. Under this act, enforcing agencies may not issue such permits unless the work to be done is in compliance with the State Minimum Building Codes, and the agencies are empowered to revoke such permits if they determine that the work to be done under the permit is in violation of or not in conformity with the State Minimum Building Codes. The act also provides that the State Minimum Building Codes shall supersede all other building construction codes or ordinances in the state unless those codes or ordinances are more stringent than the state codes.

Section 553.79(5), Florida Statutes, directs an enforcing agency to require a special inspector to inspect all structural components of a threshold building which are related to the public health, safety, or welfare, and to be present during anytime when the structural components of such building are being constructed. The act specifies the qualifications of a special inspector, requires the owner of a threshold building to pay the costs of employing a special inspector, and provides that the enforcing agency shall determine the amount and method of paying the inspector. The bill further requires an applicant for a permit to submit to the enforcing agency electrical, plumbing, heating, ventilation, air conditioning, fire sprinkler, and certain other specialized documents, where relevant to the project. Local enforcing agencies are directed to require, for threshold buildings, submission of an architect's or engineer's certificate that the construction complies with the applicable codes and the intent and design specified in the permit documents, submission of proposals to install alternate products or systems for agency review, and
submission of all shoring and reshoring procedures, plans, and details for agency review. Section 553.78(8), Florida Statutes, provides that no enforcing agency may issue a primary building permit for construction of any threshold building except to a licensed general contractor, such contractor is to be held responsible for the entire project by the enforcing agency.

B. Effect of Proposed Changes:

The bill amends the definition of threshold building to include only those buildings greater than 3 stories or 50 feet in height or with an assembly occupancy classification that exceeds 5,000 square feet and an occupant content of greater than 500 persons. A definition of enforcement agency is provided.

The bill provides that the Board of Building Codes and Standards within the Department of Community Affairs (DCA) shall establish a voluntary program to certify persons to administer building codes or inspect buildings on behalf of a state or local government. The board is directed to develop and administer an examination to determine the competency of any individual seeking certification, adopt rules establishing criteria for certification, fix and collect certain fees, and deposit the collected fees in the Building Inspector Certification Trust Fund which the bill creates. The board is authorized to revoke or suspend the certificate of any person who violates any provision of any board rule. The bill provides that it does not limit the power of local governments to regulate the quality and character of work performed by inspection personnel. The board is authorized to issue binding opinions interpreting provisions of the act.

Section 553.79, Florida Statutes, relating to application of the building construction standards law is amended to require special inspectors to perform structural inspections on threshold buildings pursuant to a structural inspection plan prepared by the engineer or architect of record and submitted to the enforcing agency prior to issuance of a threshold building building permit. The bill clarifies that the fee owner of a threshold building is responsible for the costs of employing a special inspector, and provides that the special inspector shall be a licensed engineer or architect. The board is directed to establish a qualification program for special inspectors and compile a list of qualified inspectors. A licensed architect or engineer serving as a special inspector is permitted to have a representative perform on-site inspections of threshold buildings as long as all required written reports are prepared by and bear the seal of the special inspector and are submitted to the enforcement agency. Upon completion of a threshold building and prior to the issuance of a certificate of occupancy, a special inspector must file a signed and sealed statement stating, in essence, that to the best of the inspector's knowledge and belief, the construction of all structural load bearing components complies with the applicable codes and the intent and design in the permitted documents.

Section 553.79(6), Florida Statutes, is amended to delete requirements relating to certain documents for any structure which is greater than 5,000 square feet in area and which is designed for public assembly. A requirement relating to documents for any new building which includes a security and security alarm system which costs more than $5,000 is deleted.

Section 553.79(8), Florida Statutes, is amended to provide that enforcing agencies may issue building permits for construction
of threshold buildings to a licensed building contractor, within the scope of his practice, as defined in section 489.105(3)(b), Florida Statutes, as well as to a licensed general contractor. Such contractors are to have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit is issued.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The bill, by redefining threshold building, will no longer subject structures such as signs and radio and television towers to the requirements relating to threshold buildings. This should result in lower construction costs for such structures and will permit certain individuals who cannot construct such structures under the present law to do so.

The bill, which permits building contractors to construct threshold buildings, will benefit building contractors and may create competition with general contractors, who at present are the only contractors authorized to construct threshold buildings.

The proposed requirements relating to special inspectors may tend to increase the cost of construction of threshold buildings, however, the Florida Association of General Contractors anticipates that the effect of these requirements will be minimal.

Applicants for certification in the voluntary program provided for in the bill will have to pay the fees established by the board. Due to the voluntary nature of the program, the department is unable to anticipate the cost of the program and therefore has not developed an estimate of the level of fees necessary to administer the program.

It is assumed that the cost of establishing a special inspector qualifications program will ultimately be passed on to state taxpayers.

It is assumed that individuals participating in these programs will, like other professionals, pass the cost of regulation on to consumers of their services in the form of higher fees. Thus any increase or decrease in the cost of regulation will ultimately be borne by the public.

B. Government:

The establishment of a voluntary certification program by the Board of Building Codes and Standards will require expenditures by the DCA. According to the department, it is difficult to estimate the cost of developing such a voluntary program because there is no way of anticipating the number of individuals who will participate in it.

The bill requires the board to contract with an independent testing agency to develop and administer an examination for certification applicants which would result in indeterminable costs.

According to the department, the additional expenses involved in establishing a qualifications program for special inspectors would be in the form of increased travel expenses for some department personnel. The department estimates these additional expenses will be approximately $5,000-6,000 per
III. COMMENTS:

The 1983 Legislature enacted chapter 83-160, Laws of Florida, (CS/SB 556) which included, among other things, provisions defining threshold building, requiring special inspectors, providing for local enforcement, and providing for contractor liability. The law has been challenged in court on grounds that it is unduly burdensome, vague, illegal, and unconstitutional. In December, 1983, a circuit judge in Hillsborough County issued a temporary injunction barring enforcement of the law in Hillsborough County and Tampa. The litigation which led to the injunction is still pending.

According to the DCA there are a number of good exams for building inspectors already in use around the country. The Board of Building Codes and Standards has considered an approach to certification which would require applicants to take and pass an exam given by a private testing agency and approved by the board rather than develop its own exam. The bill requires that the board contract with a private testing agency to develop and administer a certification exam, precluding such an approach.

According to the Administrative Procedures Committee, either general or specific statutory authority is necessary in order for a state agency to assess and collect fees. The bill requires the board to establish a qualification program for special inspectors, but does not provide the board with the authority to collect fees from participants in the program to offset its costs.

This bill amends section 553.79(8), Florida Statutes. SB 467 also amends that section in the same manner.

A similar bill, HB 880, has been introduced in the House this session.

IV. AMENDMENTS:

None.
- Redefines threshold building and adds a definition of enforcement agency.

- Requires the Board of Building Codes and Standards to establish a voluntary building inspector certification program and perform other tasks relating to such program.

- Provides the board with the authority to issue binding opinions regarding certain sections of the Florida Statutes relating to building construction standards upon request.

- Makes numerous changes to section 553.79, Florida Statutes, relating to application of the law relating to building construction standards.
I. SUMMARY:

A. Present Situation:

Chapter 471, Florida Statutes, relating to engineering, defines a "threshold building" as any building or structure which has a total floor area exceeding 25,000 square feet, is greater than two stories or 25 feet in height, has an assembly occupancy greater than 5,000 square feet, or is of unusual design or construction as determined by the building official, except a residential structure three stories or less in height, townhouses as defined in section 481.203(7), Florida Statutes, and certain buildings described in section 481.229, Florida Statutes.

Part VI, chapter 553, Florida Statutes, relating to state minimum building codes, contains an identical definition of "threshold building."

Section 553.79, Florida Statutes, requires a permit from the appropriate enforcing agency in order for any person, firm, or corporation to construct, erect, alter, repair, or demolish any building within this state. Under this act, enforcing agencies may not issue such permits unless the work to be done is in compliance with the State Minimum Building Codes, and the agencies are empowered to revoke such permits if they determine that the work to be done under the permit is in violation of or not in conformity with the State Minimum Building Codes. The act also provides that the State Minimum Building Codes shall supersede all other building construction codes or ordinances in the state unless those codes or ordinances are more stringent than the state codes.

Section 553.79(5), Florida Statutes, directs an enforcing agency to require a special inspector to inspect all structural components of a threshold building which are related to the public health, safety, or welfare, and to be present during anytime when the structural components of such building are being constructed. The act specifies the qualifications of a special inspector, requires the owner of a threshold building to pay the costs of employing a special inspector, and provides that the enforcing agency shall determine the amount and method of paying the inspector. The bill further requires an applicant for a permit to submit to the enforcing agency electrical, plumbing, heating, ventilation, air conditioning, fire sprinkler, and certain other specialized documents, where relevant to the project. Local enforcing agencies are directed to require, for threshold buildings, submission of an architect's or engineer's certificate that the construction complies with the applicable codes and the intent and design specified in the permit documents, submission of proposals to install alternate products or systems for agency review, and
submission of all shoring and reshoring procedures, plans, and
details for agency review. Section 553.79(8), Florida
Statutes, provides that no enforcing agency may issue a primary
building permit for construction of any threshold building
except to a licensed general contractor, such contractor is to
be held responsible for the entire project by the enforcing
agency.

B. Effect of Proposed Changes:

The bill amends the definition of threshold building to include
only those buildings greater than 3 stories or 50 feet in
height or with an assembly occupancy classification that
exceeds 5,000 square feet and an occupant content of greater
than 500 persons. A definition of enforcement agency is
provided.

The bill provides that the Board of Building Codes and
Standards within the Department of Community Affairs (DCA)
shall establish a voluntary program to certify persons to
administer building codes or inspect buildings on behalf of a
state or local government. The board is directed to develop
and administer an examination to determine the competency of
any individual seeking certification, adopt rules establishing
criteria for certification, fix and collect certain fees, and
deposit the collected fees in the Building Inspector
Certification Trust Fund which the bill creates. The board
is authorized to revoke or suspend the certificate of any person
who violates any provision of any board rule. The bill
provides that it does not limit the power of local governments
to regulate the quality and character of work performed by
inspection personnel. The board is authorized to issue binding
opinions interpreting provisions of the act.

Section 553.79, Florida Statutes, relating to application of
the building construction standards law, is amended to require
special inspectors to perform structural inspections on
threshold buildings pursuant to a structural inspection plan
prepared by the engineer or architect of record and submitted
to the enforcing agency prior to issuance of a threshold
building building permit. Special inspectors are also to
inspect shoring and reshoring for conformance with the plans
submitted to the enforcing agency. The bill clarifies that the
fee owner of a threshold building is responsible for the costs
of employing a special inspector, and provides that the special
inspector shall be a licensed engineer or architect. The board
is directed to establish a qualification program for special
inspectors and compile a list of qualified inspectors. A
licensed architect or engineer serving as a special inspector
is permitted to have a representative perform on-site
inspections of threshold buildings as long as all required
written reports are prepared by and bear the seal of the
special inspector and are submitted to the enforcing agency.
Upon completion of a threshold building and prior to the
issuance of a certificate of occupancy, a special inspector
must file a signed and sealed statement stating, in essence,
that to the best of the inspector's knowledge and belief, the
construction of all structural load bearing components complies
with the applicable codes and the intent and design in the
permitted documents.

Section 553.79(6), Florida Statutes, is amended to delete
requirements relating to certain documents for any structure
which is greater than 5,000 square feet in area and which is
designed for public assembly. A requirement relating to
documents for any new building which includes a security and
security alarm system which costs more than $5,000 is deleted.
Section 553.79(8), Florida Statutes, is amended to provide that enforcing agencies may issue building permits for construction of threshold buildings to a licensed building contractor, within the scope of his practice, as defined in section 489.105(3)(b), Florida Statutes, as well as to a licensed general contractor. Such contractors are to have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit is issued.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The bill, by redefining threshold building, will no longer subject structures such as signs and radio and television towers to the requirements relating to threshold buildings. This should result in lower construction costs for such structures and will permit certain individuals who cannot construct such structures under the present law to do so.

The bill, which permits building contractors to construct threshold buildings, will benefit building contractors and may create competition with general contractors, who at present are the only contractors authorized to construct threshold buildings.

The proposed requirements relating to special inspectors may tend to increase the cost of construction of threshold buildings, however, the Florida Association of General Contractors anticipates that the effect of these requirements will be minimal.

Applicants for certification in the voluntary program provided for in the bill will have to pay the fees established by the board. Due to the voluntary nature of the program, the department is unable to anticipate the cost of the program and therefore has not developed an estimate of the level of fees necessary to administer the program.

It is assumed that the cost of establishing a special inspector qualifications program will ultimately be passed on to state taxpayers.

It is assumed that individuals participating in these programs will, like other professionals, pass the cost of regulation on to consumers of their services in the form of higher fees. Thus any increase or decrease in the cost of regulation will ultimately be borne by the public.

B. Government:

The establishment of a voluntary certification program by the Board of Building Codes and Standards will require expenditures by the DCA. According to the department, it is difficult to estimate the cost of developing such a voluntary program because there is no way of anticipating the number of individuals who will participate in it.

The bill requires the board to contract with an independent testing agency to develop and administer an examination for certification applicants which would result in indeterminable costs.

According to the department, the additional expenses involved in establishing a qualifications program for special inspectors would be in the form of increased travel expenses for some department personnel. The department estimates these
Section 553.79(8), Florida Statutes, is amended to provide that enforcing agencies may issue building permits for construction of threshold buildings to a licensed building contractor, within the scope of his practice, as defined in section 489.105(3)(b), Florida Statutes, as well as to a licensed general contractor. Such contractors are to have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit is issued.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The bill, by redefining threshold building, will no longer subject structures such as signs and radio and television towers to the requirements relating to threshold buildings. This should result in lower construction costs for such structures and will permit certain individuals who cannot construct such structures under the present law to do so.

The bill, which permits building contractors to construct threshold buildings, will benefit building contractors and may create competition with general contractors, who at present are the only contractors authorized to construct threshold buildings.

The proposed requirements relating to special inspectors may tend to increase the cost of construction of threshold buildings, however, the Florida Association of General Contractors anticipates that the effect of these requirements will be minimal.

Applicants for certification in the voluntary program provided for in the bill will have to pay the fees established by the board. Due to the voluntary nature of the program, the department is unable to anticipate the cost of the program and therefore has not developed an estimate of the level of fees necessary to administer the program.

It is assumed that the cost of establishing a special inspector qualifications program will ultimately be passed on to state taxpayers.

It is assumed that individuals participating in these programs will, like other professionals, pass the cost of regulation on to consumers of their services in the form of higher fees. Thus any increase or decrease in the cost of regulation will ultimately be borne by the public.

B. Government:

The establishment of a voluntary certification program by the Board of Building Codes and Standards will require expenditures by the DCA. According to the department, it is difficult to estimate the cost of developing such a voluntary program because there is no way of anticipating the number of individuals who will participate in it.

The bill requires the board to contract with an independent testing agency to develop and administer an examination for certification applicants which would result in indeterminable costs.

According to the department, the additional expenses involved in establishing a qualifications program for special inspectors would be in the form of increased travel expenses for some department personnel. The department estimates these
On page 6, lines 3-4, strike all of said lines

and insert:
1. 1983 shall be submitted to the architect and structural engineer and local enforcement agency for record keeping.
On page 4, line 13, strike the Building Officials Association of Florida, the Southern Building Code Congress International, chapter 471 as an engineer, or chapter 481 as an architect, and insert:

The inspector shall be a person certified, licensed, or registered under the Building Officials Association of Florida, the Southern Building Code Congress International, chapter 471 as an engineer, or chapter 481 as an architect.
SENATE COMMITTEE AMENDMENT

The Committee on recommended the following amendment which was moved by Senator and adopted:

Amendment

On page 3, line 23, strike all line 23

and insert:

(b) (a), (b), (d) and (e); S 53,79 (7) (a) and (c); and

CODING: Words in struck through type are deletions from existing law, words underlined are additions.

* Amendment No._____, taken up by committee: Adopted *
* Offered by _______Failed *

(Amendment No. ___ Adopted ___ Failed ___ Date __/__/___)
COMMITTEE ON Economic, Community, & Consumer Affairs

DATE April 17, 1984

TIME 9:00 a.m. - 12:00 Noon

PLACE Room H, Senate Office Building

FINAL ACTION:
Favorably with amendments

OTHER COMMITTEE REFERENCES
(In order shown)

None

OTHER
Temporarily Passed

THE VOTE WAS.

Moved by Senator Childers to consider Proposed Committee Substitute

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<th>BILL VOTE</th>
<th>SENATORS</th>
<th>Amendment #1 to PCS Childers</th>
<th>Amendment #2 to PCS Childers</th>
<th>Amendment #3 to PCS Childers</th>
<th>Appropriate Title Amendments Childers</th>
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(Chairman)

TOTAL

6 | 0

Aye | Nay | Aye | Nay | Aye | Nay | Aye | Nay

(Attach additional page if necessary)

Please Complete. The key sponsor appeared (X)
A Senator appeared ( )
Sponsor's aide appeared ( )
Other appearance ( )
In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State, and of Local Governments as a whole.

I. DESCRIPTION OF BILL

A. Fund or Tax Affected
   Building Inspection Certification Trust Fund

B. Principal Agency Affected
   Department of Community Affairs

C. Narrative Summary
   This bill redefines a threshold building as any building which is greater than three stories of 50 feet in height or which has an assembly occupancy classification exceeding 5,000 square feet with an occupant content greater than 500 persons.

   The bill establishes a voluntary certification program for building inspections. Exams would be developed for the Board to certify for various specialities. It would further provide for examination fees and reexamination fees not to exceed $50; initial biennial certification fees not to exceed $100; and biennial certification renewal fees not to exceed $25. It would create the Building Inspector Certification Trust Fund to be used to deposit all fees collected under the provisions of this act. It would provide for certificate expiration of 2 years from the date of issuance unless sooner revoked or suspended. It provides for the exclusion of local enforcement agencies liability if residential condominiums are insured under certain warranty programs.

   The bill requires a special inspector to perform structural inspections according to an inspection plan prepared by the engineer or architect of record. It would further provide for the owner or developer of the building to pay all costs of employing a special inspector. It requires that the special inspector be either an architect or an engineer, and, after October 1, 1984, the inspector must be on a list of qualified inspectors compiled by the Board.

   The bill would require that shoring and reshoring documents be submitted to the enforcement agency. It would further provide that each shoring and reshoring installation be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor.

   Effective date: Upon becoming a law, except that paragraph (d) of subsection (5) of s. 553.79, F.S., which requires the Board of Building Codes and Standards to establish a qualification program for special inspectors, will take effect on October 1, 1984.

II. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS

A. Non-Recurring or First Year Start-up Effects
   N/A

B. Recurring or Annualized Continuation Effects
   | Salaries and Benefits (.5 FTE) | $ 14,490 |
   | Expenses | $ 6,900 |
   | Total | $ 20,490 |

C. Long Run Effects other than Normal Growth
   N/A
D. Appropriations Consequences

Building Inspector Certification Trust Fund  $ 20,490

III. COMMENTS:

It is estimated that fees will be used to cover the administrative costs of this program. However, since the program is voluntary, the number of participants and the amount of revenue collections are undeterminate.

[Signatures]

Anthony P. Canavilio
Staff Director

[Signature]

Staff Analyst
A bill to be entitled
An act relating to building construction;
amending ss. 471.005 and 553.71, F.S.,
redefining "threshold building" for purposes of
provisions relating to engineering and building
codes; amending s. 489.107, F.S., adding an
additional building official to the
Construction Industry Licensing Board and
providing the duties of the building official
members; amending s. 489.119, F.S., changing
the period in which applicants for contracting
registrations or certifications must notify the
Department of Professional Regulation of
certain changes; amending s. 489.129, F.S.,
reducing the maximum fine which may be imposed
upon a contractor and changing the liability of
certain persons for such fines; amending s.
553.79, F.S., charging certain inspection and
approval requirements relating to threshold
buildings; authorizing the issuance of building
permits for threshold buildings to building
contractors; providing an effective date.

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

Section 1. Subsection (8) of section 471.005, Florida
Statutes, is amended to read:

471.005 Definitions.--As used in ss. 471.001-471.039:
(8) "Threshold building" means any building or
structure which has a total floor area exceeding 25,000 square
feet, which building or structure is greater than two stories.
or 25 feet in height, which building or structure has an assembly occupancy greater than 5,000 square feet, or which building or structure is of unusual design or construction as determined by the building official; except a single-family or multi-family residential structure three stories or less in height and any building defined in s. 481.203(7) or s. 481.229. Signs and towers, such as transmission and antenna towers, shall be excluded from this definition as threshold buildings. Decorative or nonload-bearing extensions of structures shall not be considered in applying the threshold.

Building height criteria.

Section 2. Paragraph (a) of subsection (2) and subsection (5) of section 489.107, Florida Statutes, are amended to read:

489.107 Construction Industry Licensing Board.—

(2) The board shall consist of:

(a) Sixteen fifteen regular members, of whom:

1. Three are primarily engaged in business as general contractors;
2. Three are primarily engaged in business as building contractors or residential contractors;
3. One is primarily engaged in business as a roofing contractor;
4. One is primarily engaged in business as a sheet metal contractor;
5. One is primarily engaged in business as an air conditioning contractor;
6. One is primarily engaged in business as an electrical contractor;
7. One is primarily engaged in business as a pool contractor;

CODING: Struck through type are deletions from existing law, words underlined are additions.
8. One is primarily engaged in business as a plumbing contractor;  

9. Two are lay persons who are not, and have never been, members or practitioners of a profession regulated by the board or members of any closely related profession; and  

10. Two are one of a building officials official of a municipality or county; and  

(5) The board shall be divided into two divisions, Division I and Division II.  

(a) Division I shall be comprised of the general contractor, building contractor, residential contractor, and building officials members of the board and one of the members appointed pursuant to subparagraph (2)(a)9., and one of the members appointed pursuant to subparagraph (2)(a)10., and shall have jurisdiction over the examination and regulation of general contractors, building contractors, and residential contractors.  

(b) Division II shall be comprised of the regular and alternate mechanical contractor, pool contractor, roofing contractor, sheet metal contractor, air conditioning contractor, plumbing contractor, and building officials members of the board and one of the members appointed pursuant to subparagraph (2)(a)9., and one of the members appointed pursuant to subparagraph (2)(a)10., and shall have jurisdiction over the examination and regulation of mechanical contractors, pool contractors, roofing contractors, sheet metal contractors, air conditioning contractors, and plumbing contractors.

The building official member shall serve as a member, with full voting rights, of both Division I and Division II.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
Sect. 11

Statutes is amended as follows:

11 If the applicant proposes to operate in any state as a partnership, corporation, business trust or other legal entity, the applicant shall apply through the attorney or agent of its partners, the name of the corporation and of its directors and trustees, the name of the business trust or other legal entity, or the name of the person in whom the name is vested, and there shall be shown that the qualified agent, officer, or other legal entity is the one to act for the business. In instances if all others are absent, with its registered office and there is the necessity to supervise the transaction undertaken by such name.

Registration of the registered office, with all the
upon application of a business organization, together with the
name of the qualified agent, and the name of the corporation shall be made by the
any information that is known to be stating of the
applicant of the business organization shall, within six
21 calendar days after the name accepted and
22 information to the department
25 Statute, is meant to read.

26 Statute, is meant to read.
additional administrative fine not to exceed $1,000 against the business entity and any partners, officers, directors, trustees or members shall not exceed $1,000 for any single violation.

Section 5. Subsection (6) of section 553.71, Florida Statutes, is amended to read:

553.71 Definitions.--As used in this part:

(6) "Threshold building" means any building or structure which has a total floor area exceeding 25,000 square feet, which building or structure is greater than two stories or 25 feet in height, which building or structure has an assembly occupancy greater than 5,000 square feet, or which building-structure-is-of-unusual-design-or-construction-as determined-by-the-building-official, except a single-family or multi-family residential structure three stories or less in height and any building defined in s. 481.203(7) or s. 481.229. Signs and towers, such as transmission and antenna towers, shall be excluded from this definition as threshold buildings. Decorative or nonload-bearing extensions of structures shall not be considered in applying the threshold building height criteria.

Section 6. Paragraph (a) of subsection (5), paragraph (c) of subsection (7), and subsection (8) of section 553.79, Florida Statutes, are amended to read:

553.79 Application.--

(5)(a) The enforcing agency shall require a special inspector to inspect all major, load-bearing structural...
components of a threshold building which are necessary to maintain its integrity and which are related to the public health, safety, or welfare. The inspector shall inspect the on-site construction or placement of any such structural components of the threshold building when they cannot be visually inspected after their construction or placement prior to those components being concealed from view by subsequent construction be present during any time when such components at such building are being constructed.

(7) Each local enforcement agency shall require that, on every threshold building:

i. All shoring and reshoring procedures, plans, and details prepared after October 17, 1983, be approved in writing prepared by and sealed by an engineer registered in this state; a signed and sealed copy of all shoring documents prepared after October 17, 1983, be submitted to the architect and structural engineer and the local enforcement agency; and each shoring and reshoring installation performed after October 17, 1983, be supervised, inspected, and certified to be in compliance with the shoring documents by the general contractor. Shoring drawings shall be supplied by the contractor for the structural engineer's approval. Detailed reshoring specifications shall be incorporated within the structural specification by the engineer of record.

(8) No enforcing agency may issue a primary building permit for construction of any threshold building except to a licensed general contractor or building contractor, as defined in C. 449.105(3)(a) and (b). The named contractor to whom the building permit is issued shall have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit was issued be...
heir responsible for the entire project by the enforcing agency.

Section 7. This act shall take effect October 1, 1984.

*********************

HOUSE SUMMARY

Redefines "threshold building" for purposes of the regulation of engineers and minimum building codes so as to exclude specified types of structures. Adds a second local building official to the Construction Industry Licensing Board and assigns each official to one of the two divisions of the board. Increases the period in which applicants for contracting registration or certification must notify the Department of Professional Regulation of changes in information supplied. Decreases the maximum fine which may be imposed upon contractors and eliminates certain liability for such fines.

Changes the scope of building code inspection of threshold buildings as well as requirements relating to the approval of shoring and reshoring procedures and plans.

CODING Words in struck through type are deletions from existing law, words underlined are additions.
An act relating to building construction; amending s. 553.71, F.S.; providing definitions; amending s. 553.77, F.S.; providing for establishment of a voluntary program to certify building code administrators and inspectors; providing for testing; providing for rules; providing for collection and deposit of fees; authorizing disciplinary actions against certificate holders; providing that certain powers of state and local governments are not limited; providing for issuance of opinions; amending s. 553.79, F.S.; providing for conduct of structural inspections of specified buildings by special inspectors; providing for establishment of qualifications for and a list of special inspectors; requiring certain statements prior to issuance of a certificate of occupancy; specifying responsibilities of building contractors; requiring certain documentation prior to issuance of a building permit; repealing s. 471.005(8), F.S., relating to the definition of threshold building; providing an effective date.

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

Section 1. Subsection (6) of section 553.71, Florida Statutes, is amended, and subsection (7) is added to said section to read:

553.71 Definitions.—As used in this part:

(6) "Threshold building" means any building or structure which has a total floor area exceeding 25,000 square feet, which building or structure is greater than three two stories or 25 feet in height, or which building or structure has an assembly occupancy classification that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons greater than 5,000 square feet, or which building or structure is of unusual design or construction as determined by the building official, except a residential structure three stories or less in height and any building defined in s. 481.203(77) or s. 481.229.

(7) "Enforcement agency" means the agency of government with authority to make inspections of buildings and to enforce the codes which establish standards for construction, alteration, repair, or demolition of buildings.

Section 2. Subsection (3) of section 553.77, Florida Statutes, is amended, and subsection (4) is added to said section to read:

553.77 Specific powers of the board.—

(3) The board shall conduct a program to certify building code administration personnel and building inspection personnel in this state.

(a) Not later than July 1, 1985, the board shall establish a voluntary program to certify persons to administer any building code or to inspect any building on behalf of a state or local government. The board shall certify any person who meets the requirements of this section and any rule adopted under this section.
(b) The board may contract with an independent testing agency to develop and administer an examination to determine the competency of any individual seeking certification. Examinations shall be held at such times and places within the state as the board determines necessary. There shall be an examination for each of the categories of certificates which shall pertain to the type of work covered by the certificate. The examination shall cover knowledge of basic principles of the codes and inspection practices applicable to the category for which a certificate is requested. The examination shall be open book, may consist of multiple-choice, fill-in, true-false, or short-answer questions, and may include or consist of diagrams, plans, or sketches with which the applicant will be required to demonstrate his knowledge and proficiency.

(c) The board shall adopt rules providing specific criteria for certification. Such criteria shall include provisions for building, plumbing, electrical, mechanical, gas, and any other specialty certification the board deems appropriate.

(d) The board may fix and collect the following fees:

1. An examination fee which shall not exceed $150.

2. A reexamination fee which shall not exceed $150.

3. An initial biennial certification fee which shall not exceed $100.

4. A biennial certification renewal fee which shall not exceed $25.

(e) Fees collected under the provisions of this section shall be deposited in the Building Inspector Certification Trust Fund which is hereby created to be used to administer the certification program.

(f) The board may revoke or suspend the certificate of any person who violates any provision of any rule adopted by the board pursuant to this section. Certificates issued under the provisions of this section shall expire 2 years from the date of issuance.

(g) Nothing in this section shall limit the power of a municipality, city, county, special district, or state agency to regulate the quality and character of work performed by inspection personnel or to require additional standards of competency and proficiency of such personnel, nor shall anything in this section be construed to require any municipality to participate in the certification program conducted by the board, nor shall anything in this section be construed to waive additional requirements imposed by a local government or state agency having jurisdiction in such matters.

(4) Upon written application by a private party or enforcement agency the board may issue binding opinions relating to the interpretation of ss. 553.71(6) and 553.79(5)(a) and (c), (6)(a), (b), (d), and (e), and (7)(a) and (c). Such opinions shall be rendered in the same manner provided in s. 120.565, relating to declaratory statements.

Section 3. Subsections (5), (6), (7), and (8) of section 553.79, Florida Statutes, are amended to read:

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CHAPTER 84-365 LAWS OF FLORIDA

553.79 Application.—

(5)(a) The enforcing agency shall require a special inspector to perform structural inspections on threshold buildings pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for construction of any threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules such that the building can be adequately inspected for compliance with the permitted documents. The special inspector shall inspect shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. Inspect all structural components of a threshold building which are related to the public health, safety, or welfare. The inspector shall be present during any time when such components of such building are being constructed.

(b) The fee owner of a threshold building shall pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed, or registered under the Building Officials-Association-of-Florida—the-Southern-Building-Code-Congress International; chapter 471 as an engineer or chapter 481 as an architect; the-—Council-of-American-—Building—Officials; or the building inspection certification-program-of-Broward-County—-or—Bade County.

(c) The board shall, by rule, establish a qualification program for special inspectors, and shall compile a list of persons qualified to be special inspectors. The architect or engineer of record may act as the special inspector, provided that he is on the list of persons qualified to be a special inspector. School boards may utilize employees as special inspectors, provided they are on the list of persons qualified to be a special inspector.

(d) The licensed architect or registered engineer serving as the special inspector shall be permitted to send his duly authorized representative to the job site to perform the necessary inspections provided that all required written reports shall be prepared by and bear the seal of the special inspector and that such written reports shall be submitted to the enforcement agency.

(6) No permit may be issued for any building construction, erection, alteration, repair, or addition project unless the applicant for such permit provides to the enforcing agency which issues the permit any of the following documents which apply to the construction for which the permit was issued project:

(a) Electrical documents for any new building or addition which requires an aggregate service capacity of 600 or less amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than $50,000 or
CHAPTER 84-365  LAWS OF FLORIDA  CHAPTER 84-365

22.--Any--structure--which--is--greater-than-5,000-square-feet-in-area and--which--is--designed--for--public--assembly--

(b) Plumbing documents for:

Any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than $50,000;
or

22.--Any--structure--which--is--greater-than-5,000-square-feet-in-area and--which--is--designed--for--public--assembly--

(c) Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads costs more than $5,000.

(d) Heating, ventilation, and air-conditioning documents for:

Any new building or addition which requires more than a 15-ton-per-system capacity, which is designed to accommodate 100 or more persons, or for which the system costs more than $50,000;
or

22.--Any--structure--which--is--greater-than-5,000-square-feet-in-area and--which--is--designed--for--public--assembly--

This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-family, two-family, three-family, or four-family structure.

(e) Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm, or security and security alarm system which costs more than $5,000.

No such document shall be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in s. 471.025.

(7) Each local enforcement agency shall require that, on every threshold building:

(a) The special inspector owner, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement certificate with the local enforcement agency, in substantially the following form: To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms with the shoring and reshoring plans submitted to the enforcing agency, prepared—by an—architect—or—engineer,—certifying—that,—to—the—best—of—the—architect's—or—engineer’s—knowledge,—the—construction—complies—with—the—applicable—codes—and—the—intent—and—design—specified—in—the—permit—documents;

(b) Any proposal to install an alternate structural product or system to which building codes apply, shall which—product—or—system—is—installed—after—October—1,—1983—be submitted to the local enforcement agency for review for compliance with the codes and made
part of the local enforcement agency's recorded set of permit documents.

(c) All shoring and reshoring procedures, plans, and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor. prepared--after--October--17--1983,--be-prepared-by-and sealed--by-an-engineer-registered-in-this-state,-a-signed--and--sealed copy--of--all--shoring-documents--prepared--after--October--17--1983,--be submitted-to-the-architect-and-structural-engineer-and-the-local enforcement-agency,-and--each--shoring--and--reshoring-installation performed--after--October--17--1983,--be--supervised;--inspected;--and certified--to--be--in--compliance--with--the--shoring-documents--by-the general-contractor.

(d) All plans for threshold buildings a-building-or-structure required to be signed and sealed by the an architect or engineer of record shall, which plans are prepared after October 17, 1983, contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes.

(8) No enforcing agency may issue a primary building permit for construction of any threshold building except to a licensed general contractor as defined in s. 489.105(3)(a) or a licensed building contractor, within the scope of his practice, as defined in s. 489.105(3)(b). The named contractor to whom the building permit is issued shall have the responsibility to supervise, direct, manage, and control construction activities on the project for which the building permit is issued be-held-responsible-for-the-entire--project by-the-enforcing-agency.

Section 4. Section 471.005(8), Florida Statutes, is hereby repealed.

Section 5. This act shall take effect upon becoming a law, except that the amendments to s. 553.79(5)(b) and (c), Florida Statutes, contained in this act shall take effect on October 1, 1984.

Approved by the Governor June 29, 1984.

Filed in Office Secretary of State June 29, 1984.

CHAPTER 84-366

Senate Bill No. 482

An act relating to reconveyance of public property; amending ss. 255.22, 255.23, F.S.; permitting the inclusion of the proposed use of certain lands in specified plans to avoid reconveyance and a conclusive presumption of abandonment; providing an effective date.

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

Section 1. Section 255.22, Florida Statutes, is amended to read: