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M E M O R A N D U M

TO: Members of the Education Task Group

FROM: Suzanne H. Schmith,
Commission Staff Attorney

SUBJECT: Inclusion of Septic Tank Contractors in the FBC Training Program

DATE: June 17, 1999

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The purpose of this memorandum is to address the issue raised during the June meeting of the Task Group regarding whether septic tank contractors, licensed by the Department of Health under chapter 489, part III, Florida Statutes, are required to participate in the Florida Building Code Training Program.

In my opinion, the Legislature never contemplated the inclusion of these contractors in the regulatory scheme of the Florida Building Code. Section 553.481, Florida Statutes (1998 Supp.), which was created by House Bill 4181, establishes the building code training program and requires that the core curriculum be completed by all individuals licensed under chapters 471, 481, 489 and part XII of chapter 468, Florida Statutes, and allows for hours taken in the core curriculum to count toward the required continuing education units for each of those licensees. However, the first several sections of House Bill 4181 also amend the respective licensing statutes to require completion of the core curriculum or the equivalency exam, authorize each board to require by rule a specific number of CEUs in the advanced modules, and authorize each board to fine their respective licensees for material violations of the Florida Building Code as reported by the local jurisdiction. These sections include statutes governing Building Code Administrators and Inspectors, Engineers, Architects, Landscape Architects, Interior Designers, Construction Contractors and Electrical and Alarm Contractors. While the bill amends chapter 489, part I, relating the Construction Contractors, and part II,

relating to Electrical and Alarm Contractors, it stops short of amending part III, relating to Septic Tank Contractors. As these statutes are more specific on the issue of training requirements for individual licensees, they govern the issue.

Further evidence of this intent can be found in section 553.841, Florida Statutes, which requires that the commission coordinate with certain state agencies and the university and community college systems in developing the core curriculum, equivalency exam and advanced module course work. While the Department of Business and Professional Regulation and its professional licensing boards, which govern Construction Contractors and Electrical and Alarm Contractors, are included, the Department of Health, which licenses Septic Tank Contractors, is conspicuously absent. *See* subsections 553.841(3), (6) & (8), Florida Statutes.

Finally, in the Final Report of the Governor's Building Codes Study Commission, the commission addressed education and training in its findings. Those findings specifically recognize that contractors are governed by two separate boards: the Construction Industry Licensing Board and the Electrical Contractors Licensing Board, and specifically lists out each type of contractor governed only by these boards. *See* "Five Foundations for a Better Built Environment," Finding 3.a., page 43. Nowhere that I have found does the commission's report recognize septic tank contractors.

cc: Members of the Florida Building Commission

Members of the Plumbing Technical Advisory Committee

Bob Lynch, Executive Director, Florida Septic Tank Association