



401498

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) of section 399.02, Florida
Statutes, is amended to read:

399.02 General requirements.—

(6) The department is empowered to carry out all of the
provisions of this chapter relating to the inspection and
regulation of elevators and to enforce the provisions of the
Florida Building Code, except that updates to the code requiring



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12 modifications for heat sensors and electronic controls on
13 existing elevators, as amended into the Safety Code for Existing
14 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be
15 enforced on elevators issued a certificate of operation by the
16 department as of July 1, 2008, until such time as the elevator
17 is replaced. This exception does not apply to any building for
18 which a building permit was issued after July 1, 2008.

19 Section 2. Present subsection (7) of section 399.15,
20 Florida Statutes, is redesignated as subsection (8), and a new
21 subsection (7) is added to that section, to read:

22 399.15 Regional emergency elevator access.-

23 (7) As an alternative to complying with the requirements of
24 subsection (1), each building in this state which is required to
25 meet the provisions of subsections (1) and (2) may instead
26 provide for the installation of a uniform lock box that contains
27 the keys to all elevators in the building which allow public
28 access, including service and freight elevators. The uniform
29 lock box must be keyed so as to allow all uniform lock boxes in
30 each of the seven state emergency response regions to operate in
31 fire emergency situations using one master key. The uniform lock
32 box master key may be issued only to the fire department. The
33 Division of State Fire Marshal of the Department of Financial
34 Services shall enforce this subsection. The Department of
35 Financial Services shall select the provider of the uniform lock
36 box to be installed in each building in which the requirements
37 of this subsection are implemented.

38 Section 3. Effective July 1, 2010, subsection (4) of
39 section 468.8311, Florida Statutes, is amended to read:

40 468.8311 Definitions.-As used in this part, the term:



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41 (4) "Home inspection services" means a limited visual
42 examination of one or more of the following readily accessible
43 installed systems and components of a home: the structure,
44 electrical system, HVAC system, roof covering, plumbing system,
45 interior components, windows, doors, walls, floors, ceilings,
46 exterior components, and site conditions that affect the
47 structure, for the purposes of providing a written professional
48 opinion of the condition of the home.

49 Section 4. Effective July 1, 2010, section 468.8312,
50 Florida Statutes, is amended to read:

51 468.8312 Fees.—

52 (1) The department, by rule, may establish fees to be paid
53 for applications, examination, reexamination, licensing and
54 renewal, inactive status application and reactivation of
55 inactive licenses, recordkeeping, and applications for providers
56 of continuing education. The department may also establish by
57 rule a delinquency fee. Fees shall be based on department
58 estimates of the revenue required to implement the provisions of
59 this part. All fees shall be remitted with the appropriate
60 application, examination, or license.

61 (2) The initial application and examination fee shall not
62 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the
63 department to purchase an examination, if the department chooses
64 to purchase the examination. The examination fee shall be in an
65 amount that covers the cost of obtaining and administering the
66 examination and shall be refunded if the applicant is found
67 ineligible to sit for the examination. The application fee shall
68 be nonrefundable.

69 (3) The initial license fee shall not exceed \$400 ~~\$200~~.



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70 (4) The fee for a certificate of authorization shall not
71 exceed \$250 ~~\$125~~.

72 (5) The biennial renewal fee shall not exceed \$400 ~~\$200~~.

73 (6) The fee for licensure by endorsement shall not exceed
74 \$400 ~~\$200~~.

75 (7) The fee for application for inactive status or for
76 reactivation of an inactive license shall not exceed \$400 ~~\$200~~.

77 (8) The fee for applications from providers of continuing
78 education may not exceed \$500.

79 Section 5. Effective July 1, 2010, section 468.8319,
80 Florida Statutes, is amended to read:

81 468.8319 Prohibitions; penalties.—

82 (1) A person ~~A home inspector, a company that employs a~~
83 ~~home inspector, or a company that is controlled by a company~~
84 ~~that also has a financial interest in a company employing a home~~
85 ~~inspector~~ may not:

86 (a) Practice or offer to practice home inspection services
87 unless the person has complied with the provisions of this part;

88 (b) Use the name or title "certified home inspector,"
89 "registered home inspector," "licensed home inspector," "home
90 inspector," "professional home inspector," or any combination
91 thereof unless the person has complied with the provisions of
92 this part;

93 (c) Present as his or her own the license of another;

94 (d) Knowingly give false or forged evidence to the
95 department or an employee thereof;

96 (e) Use or attempt to use a license that has been suspended
97 or revoked;

98 (f) Perform or offer to perform, prior to closing, for any



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99 additional fee, any repairs to a home on which the inspector or
100 the inspector's company has prepared a home inspection report.
101 This paragraph does not apply to a home warranty company that is
102 affiliated with or retains a home inspector to perform repairs
103 pursuant to a claim made under a home warranty contract;

104 (g) Inspect for a fee any property in which the inspector
105 or the inspector's company has any financial or transfer
106 interest;

107 (h) Offer or deliver any compensation, inducement, or
108 reward to any broker or agent therefor for the referral of the
109 owner of the inspected property to the inspector or the
110 inspection company; or

111 (i) Accept an engagement to make an omission or prepare a
112 report in which the inspection itself, or the fee payable for
113 the inspection, is contingent upon either the conclusions in the
114 report, preestablished findings, or the close of escrow.

115 (2) Any person who is found to be in violation of any
116 provision of this section commits a misdemeanor of the first
117 degree, punishable as provided in s. 775.082 or s. 775.083.

118 Section 6. Effective July 1, 2010, section 468.832, Florida
119 Statutes, is amended to read:

120 468.832 Disciplinary proceedings.—

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

123 (a) Violation of any provision of this part or s.
124 455.227(1);

125 (b) Attempting to procure a license to practice home
126 inspection services by bribery or fraudulent misrepresentation;

127 (c) Having a license to practice home inspection services



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128 revoked, suspended, or otherwise acted against, including the
129 denial of licensure, by the licensing authority of another
130 state, territory, or country;

131 (d) Being convicted or found guilty of, or entering a plea
132 of nolo contendere to, regardless of adjudication, a crime in
133 any jurisdiction that directly relates to the practice of home
134 inspection services or the ability to practice home inspection
135 services;

136 (e) Making or filing a report or record that the licensee
137 knows to be false, willfully failing to file a report or record
138 required by state or federal law, willfully impeding or
139 obstructing such filing, or inducing another person to impede or
140 obstruct such filing. Such reports or records shall include only
141 those that are signed in the capacity of a licensed home
142 inspector;

143 (f) Advertising goods or services in a manner that is
144 fraudulent, false, deceptive, or misleading in form or content;

145 (g) Engaging in fraud or deceit, or negligence,
146 incompetency, or misconduct, in the practice of home inspection
147 services;

148 (h) Failing to perform any statutory or legal obligation
149 placed upon a licensed home inspector; violating any provision
150 of this chapter, a rule of the department, or a lawful order of
151 the department previously entered in a disciplinary hearing; or
152 failing to comply with a lawfully issued subpoena of the
153 department; or

154 (i) Practicing on a revoked, suspended, inactive, or
155 delinquent license.

156 (2) When the department finds any licensee ~~home-inspector~~



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157 guilty of any of the grounds set forth in subsection (1), it may
158 enter an order imposing one or more of the following penalties:

159 (a) Denial of an application for licensure.

160 (b) Revocation or suspension of a license.

161 (c) Imposition of an administrative fine not to exceed
162 \$5,000 for each count or separate offense.

163 (d) Issuance of a reprimand.

164 (e) Placement of the home inspector on probation for a
165 period of time and subject to such conditions as the department
166 may specify.

167 (f) Restriction of the authorized scope of practice by the
168 home inspector.

169 (3) In addition to any other sanction imposed under this
170 part, in any final order that imposes sanctions, the department
171 may assess costs related to the investigation and prosecution of
172 the case.

173 Section 7. Effective July 1, 2009, and notwithstanding
174 section 4 of chapter 2007-236, section 468.8324, Florida
175 Statutes, is amended to read:

176 468.8324 Grandfather clause.—A person who performs home
177 inspection services as defined in this part before July 1, 2010,
178 may qualify to be licensed by the department as a home inspector
179 if the person meets the licensure requirements of this part, and
180 if the person: ~~by July 1, 2010.~~

181 (1) Has received compensation as a home inspector for not
182 less than 1 year prior to July 1, 2010; or

183 (2) Has performed no fewer than 50 home inspections and
184 received compensation for such inspections prior to July 1,
185 2010.



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186 Section 8. Effective July 1, 2010, subsection (1) of
187 section 215.5586, Florida Statutes, is amended to read:

188 215.5586 My Safe Florida Home Program.—There is established
189 within the Department of Financial Services the My Safe Florida
190 Home Program. The department shall provide fiscal
191 accountability, contract management, and strategic leadership
192 for the program, consistent with this section. This section does
193 not create an entitlement for property owners or obligate the
194 state in any way to fund the inspection or retrofitting of
195 residential property in this state. Implementation of this
196 program is subject to annual legislative appropriations. It is
197 the intent of the Legislature that the My Safe Florida Home
198 Program provide inspections for at least 400,000 site-built,
199 single-family, residential properties and provide grants to at
200 least 35,000 applicants before June 30, 2009. The program shall
201 develop and implement a comprehensive and coordinated approach
202 for hurricane damage mitigation that shall include the
203 following:

204 (1) HURRICANE MITIGATION INSPECTIONS.—

205 (a) Free home-retrofit inspections of site-built, single-
206 family, residential property shall be offered throughout the
207 state to determine what mitigation measures are needed, what
208 insurance premium discounts may be available, and what
209 improvements to existing residential properties are needed to
210 reduce the property's vulnerability to hurricane damage. The
211 Department of Financial Services shall contract with wind
212 certification entities to provide free hurricane mitigation
213 inspections. The inspections provided to homeowners, at a
214 minimum, must include:



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215 1. A home inspection and report that summarizes the results
216 and identifies recommended improvements a homeowner may take to
217 mitigate hurricane damage.

218 2. A range of cost estimates regarding the recommended
219 mitigation improvements.

220 3. Insurer-specific information regarding premium discounts
221 correlated to the current mitigation features and the
222 recommended mitigation improvements identified by the
223 inspection.

224 4. A hurricane resistance rating scale specifying the
225 home's current as well as projected wind resistance
226 capabilities. As soon as practical, the rating scale must be the
227 uniform home grading scale adopted by the Financial Services
228 Commission pursuant to s. 215.55865.

229 (b) To qualify for selection by the department as a wind
230 certification entity to provide hurricane mitigation
231 inspections, the entity shall, at a minimum, meet the following
232 requirements:

233 1. Use hurricane mitigation inspectors who:

234 a. Are certified as a building inspector under s. 468.607;

235 b. Are licensed as a general or residential contractor
236 under s. 489.111;

237 c. Are licensed as a professional engineer under s. 471.015
238 and who have passed the appropriate equivalency test of the
239 Building Code Training Program as required by s. 553.841;

240 d. Are licensed as a professional architect under s.

241 481.213; ~~or~~

242 e. Are licensed home inspectors under s. 468.83; or

243 f.~~e.~~ Have at least 2 years of experience in residential



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244 construction or residential building inspection and have
245 received specialized training in hurricane mitigation
246 procedures. Such training may be provided by a class offered
247 online or in person.

248 2. Use hurricane mitigation inspectors who also:

249 a. Have undergone drug testing and level 2 background
250 checks pursuant to s. 435.04. The department may conduct
251 criminal record checks of inspectors used by wind certification
252 entities. Inspectors must submit a set of the fingerprints to
253 the department for state and national criminal history checks
254 and must pay the fingerprint processing fee set forth in s.
255 624.501. The fingerprints shall be sent by the department to the
256 Department of Law Enforcement and forwarded to the Federal
257 Bureau of Investigation for processing. The results shall be
258 returned to the department for screening. The fingerprints shall
259 be taken by a law enforcement agency, designated examination
260 center, or other department-approved entity; and

261 b. Have been certified, in a manner satisfactory to the
262 department, to conduct the inspections.

263 3. Provide a quality assurance program including a
264 reinspection component.

265 (c) The department shall implement a quality assurance
266 program that includes a statistically valid number of
267 reinspections.

268 (d) An application for an inspection must contain a signed
269 or electronically verified statement made under penalty of
270 perjury that the applicant has submitted only a single
271 application for that home.

272 (e) The owner of a site-built, single-family, residential



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273 property may apply for and receive an inspection without also
274 applying for a grant pursuant to subsection (2) and without
275 meeting the requirements of paragraph (2)(a).

276 Section 9. Paragraph (a) of subsection (6) of section
277 627.351, Florida Statutes, is amended to read:

278 627.351 Insurance risk apportionment plans.—

279 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

280 (a)1. It is the public purpose of this subsection to ensure
281 the existence of an orderly market for property insurance for
282 Floridians and Florida businesses. The Legislature finds that
283 private insurers are unwilling or unable to provide affordable
284 property insurance coverage in this state to the extent sought
285 and needed. The absence of affordable property insurance
286 threatens the public health, safety, and welfare and likewise
287 threatens the economic health of the state. The state therefore
288 has a compelling public interest and a public purpose to assist
289 in assuring that property in the state is insured and that it is
290 insured at affordable rates so as to facilitate the remediation,
291 reconstruction, and replacement of damaged or destroyed property
292 in order to reduce or avoid the negative effects otherwise
293 resulting to the public health, safety, and welfare, to the
294 economy of the state, and to the revenues of the state and local
295 governments which are needed to provide for the public welfare.
296 It is necessary, therefore, to provide affordable property
297 insurance to applicants who are in good faith entitled to
298 procure insurance through the voluntary market but are unable to
299 do so. The Legislature intends by this subsection that
300 affordable property insurance be provided and that it continue
301 to be provided, as long as necessary, through Citizens Property



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302 Insurance Corporation, a government entity that is an integral
303 part of the state, and that is not a private insurance company.
304 To that end, Citizens Property Insurance Corporation shall
305 strive to increase the availability of affordable property
306 insurance in this state, while achieving efficiencies and
307 economies, and while providing service to policyholders,
308 applicants, and agents which is no less than the quality
309 generally provided in the voluntary market, for the achievement
310 of the foregoing public purposes. Because it is essential for
311 this government entity to have the maximum financial resources
312 to pay claims following a catastrophic hurricane, it is the
313 intent of the Legislature that Citizens Property Insurance
314 Corporation continue to be an integral part of the state and
315 that the income of the corporation be exempt from federal income
316 taxation and that interest on the debt obligations issued by the
317 corporation be exempt from federal income taxation.

318 2. The Residential Property and Casualty Joint Underwriting
319 Association originally created by this statute shall be known,
320 as of July 1, 2002, as the Citizens Property Insurance
321 Corporation. The corporation shall provide insurance for
322 residential and commercial property, for applicants who are in
323 good faith entitled, but are unable, to procure insurance
324 through the voluntary market. The corporation shall operate
325 pursuant to a plan of operation approved by order of the
326 Financial Services Commission. The plan is subject to continuous
327 review by the commission. The commission may, by order, withdraw
328 approval of all or part of a plan if the commission determines
329 that conditions have changed since approval was granted and that
330 the purposes of the plan require changes in the plan. The



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331 corporation shall continue to operate pursuant to the plan of
332 operation approved by the Office of Insurance Regulation until
333 October 1, 2006. For the purposes of this subsection,
334 residential coverage includes both personal lines residential
335 coverage, which consists of the type of coverage provided by
336 homeowner's, mobile home owner's, dwelling, tenant's,
337 condominium unit owner's, and similar policies, and commercial
338 lines residential coverage, which consists of the type of
339 coverage provided by condominium association, apartment
340 building, and similar policies.

341 3. Effective January 1, 2009, a personal lines residential
342 structure that has a dwelling replacement cost of \$2 million or
343 more, or a single condominium unit that has a combined dwelling
344 and content replacement cost of \$2 million or more is not
345 eligible for coverage by the corporation. Such dwellings insured
346 by the corporation on December 31, 2008, may continue to be
347 covered by the corporation until the end of the policy term.
348 However, such dwellings that are insured by the corporation and
349 become ineligible for coverage due to the provisions of this
350 subparagraph may reapply and obtain coverage if the property
351 owner provides the corporation with a sworn affidavit from one
352 or more insurance agents, on a form provided by the corporation,
353 stating that the agents have made their best efforts to obtain
354 coverage and that the property has been rejected for coverage by
355 at least one authorized insurer and at least three surplus lines
356 insurers. If such conditions are met, the dwelling may be
357 insured by the corporation for up to 3 years, after which time
358 the dwelling is ineligible for coverage. The office shall
359 approve the method used by the corporation for valuing the



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360 dwelling replacement cost for the purposes of this subparagraph.
361 If a policyholder is insured by the corporation prior to being
362 determined to be ineligible pursuant to this subparagraph and
363 such policyholder files a lawsuit challenging the determination,
364 the policyholder may remain insured by the corporation until the
365 conclusion of the litigation.

366 4. It is the intent of the Legislature that policyholders,
367 applicants, and agents of the corporation receive service and
368 treatment of the highest possible level but never less than that
369 generally provided in the voluntary market. It also is intended
370 that the corporation be held to service standards no less than
371 those applied to insurers in the voluntary market by the office
372 with respect to responsiveness, timeliness, customer courtesy,
373 and overall dealings with policyholders, applicants, or agents
374 of the corporation.

375 ~~5. Effective January 1, 2009, a personal lines residential~~
376 ~~structure that is located in the "wind-borne debris region," as~~
377 ~~defined in s. 1609.2, International Building Code (2006), and~~
378 ~~that has an insured value on the structure of \$750,000 or more~~
379 ~~is not eligible for coverage by the corporation unless the~~
380 ~~structure has opening protections as required under the Florida~~
381 ~~Building Code for a newly constructed residential structure in~~
382 ~~that area. A residential structure shall be deemed to comply~~
383 ~~with the requirements of this subparagraph if it has shutters or~~
384 ~~opening protections on all openings and if such opening~~
385 ~~protections complied with the Florida Building Code at the time~~
386 ~~they were installed.~~ Effective January 1, 2010, for personal
387 lines residential property insured by the corporation that is
388 located in the wind-borne debris region and has an insured value



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389 on the structure of \$500,000 or more, a prospective purchaser of
390 any such residential property must be provided by the seller a
391 written disclosure that contains the structure's windstorm
392 mitigation rating based on the uniform home grading scale
393 adopted under s. 215.55865. Such rating shall be provided to the
394 purchaser at or before the time the purchaser executes a
395 contract for sale and purchase.

396 Section 10. Effective July 1, 2010, subsection (2) of
397 section 627.711, Florida Statutes, is amended to read:

398 627.711 Notice of premium discounts for hurricane loss
399 mitigation; uniform mitigation verification inspection form.—

400 (2) ~~By July 1, 2007,~~ The Financial Services Commission
401 shall develop by rule a uniform mitigation verification
402 inspection form that shall be used by all insurers when
403 submitted by policyholders for the purpose of factoring
404 discounts for wind insurance. In developing the form, the
405 commission shall seek input from insurance, construction, and
406 building code representatives. Further, the commission shall
407 provide guidance as to the length of time the inspection results
408 are valid. An insurer shall accept as valid a uniform mitigation
409 verification form certified by the Department of Financial
410 Services or signed by:

411 (a) A hurricane mitigation inspector employed by an
412 approved My Safe Florida Home wind certification entity;

413 (b) A building code inspector certified under s. 468.607;

414 (c) A general or residential contractor licensed under s.
415 489.111;

416 (d) A professional engineer licensed under s. 471.015 who
417 has passed the appropriate equivalency test of the Building Code



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418 Training Program as required by s. 553.841; ~~or~~
419 (e) A professional architect licensed under s. 481.213; or
420 (f) A home inspector licensed under s. 468.83.
421 Section 11. Subsection (6) of section 718.113, Florida
422 Statutes, is repealed.
423 Section 12. Subsections (2), (8), and (9) of section
424 553.37, Florida Statutes, are amended, and section (12) is added
425 to that section, to read:
426 553.37 Rules; inspections; and insignia.—
427 (2) The department shall adopt rules to address:
428 (a) Procedures and qualifications for approval of third-
429 party plan review and inspection agencies and of those who
430 perform inspections and plan reviews.
431 (b) Investigation of consumer complaints of noncompliance
432 of manufactured buildings with the Florida Building Code and the
433 Florida Fire Prevention Code.
434 (c) Issuance, cancellation, and revocation of any insignia
435 issued by the department and procedures for auditing and
436 accounting for disposition of them.
437 (d) Monitoring the manufacturers', inspection agencies',
438 and plan review agencies' compliance with this part and the
439 Florida Building Code. Monitoring may include, but is not
440 limited to, performing audits of plans, inspections of
441 manufacturing facilities and observation of the manufacturing
442 and inspection process, and onsite inspections of buildings.
443 (e) The performance by the department and its designees and
444 contractors of any other functions required by this part.
445 (8) The department, by rule, shall establish a schedule of
446 fees to pay the cost of the administration and enforcement of



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447 this part. The rule may provide for manufacturers to pay fees to
448 the administrator directly, including charges incurred for plans
449 review and inspection services, via the Building Code
450 Information System (BCIS) and for the administrator to disburse
451 the funds as necessary.

452 (9) The department may delegate its enforcement authority
453 to a state department having building construction
454 responsibilities or a local government, and may enter into
455 contracts for the performance of its administrative duties under
456 this part. The department may delegate its plan review and
457 inspection authority to one or more of the following in any
458 combination:

459 (a) A state department having building construction
460 responsibilities;

461 (b) A local government;

462 (c) An approved inspection agency;

463 (d) An approved plan review agency; or

464 (e) An agency of another state.

465 (12) Custom or one-of-a-kind prototype manufactured
466 buildings are not required to have state approval, but must be
467 in compliance with all local requirements of the governmental
468 agency having jurisdiction at the installation site.

469 Section 13. Section 553.375, Florida Statutes, is amended
470 to read:

471 553.375 Recertification of manufactured buildings.—Prior to
472 the relocation to a site that has a higher design wind speed,
473 modification, or change of occupancy of a manufactured building
474 within the state, the manufacturer, dealer, or owner thereof may
475 apply to the department for recertification of that manufactured



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476 building. The department shall, by rule, provide what
477 information the applicant must submit for recertification and
478 for plan review and inspection of such manufactured buildings
479 and shall establish fees for recertification. Upon a
480 determination by the department that the manufactured building
481 complies with the applicable building codes, the department
482 shall issue a recertification insignia. A manufactured building
483 that bears recertification insignia does not require any
484 additional approval by an enforcement jurisdiction in which the
485 building is sold or installed, and is considered to comply with
486 all applicable codes. As an alternative to recertification by
487 the department, the manufacturer, dealer, or owner of a
488 manufactured building may seek appropriate permitting and a
489 certificate of occupancy from the local jurisdiction in
490 accordance with procedures generally applicable under the
491 Florida Building Code.

492 Section 14. Subsections (7) and (9) of section 553.73,
493 Florida Statutes, are amended, and subsection (14) is added to
494 that section, to read:

495 553.73 Florida Building Code.—

496 (7) Notwithstanding the provisions of subsection (3) or
497 subsection (6), the commission may address issues identified in
498 this subsection by amending the code pursuant only to the rule
499 adoption procedures contained in chapter 120. Provisions of the
500 Florida Building Code, including those contained in referenced
501 standards and criteria, relating to wind resistance or the
502 prevention of water intrusion may not be amended pursuant to
503 this subsection to diminish those construction requirements;
504 however, the commission may, subject to conditions in this



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505 subsection, amend the provisions to enhance those construction
506 requirements. Following the approval of any amendments to the
507 Florida Building Code by the commission and publication of the
508 amendments on the commission's website, authorities having
509 jurisdiction to enforce the Florida Building Code may enforce
510 the amendments. The commission may approve amendments that are
511 needed to address:

512 (a) Conflicts within the updated code;

513 (b) Conflicts between the updated code and the Florida Fire
514 Prevention Code adopted pursuant to chapter 633;

515 (c) The omission of previously adopted Florida-specific
516 amendments to the updated code if such omission is not supported
517 by a specific recommendation of a technical advisory committee
518 or particular action by the commission;

519 (d) Unintended results from the integration of previously
520 adopted Florida-specific amendments with the model code;

521 (e) Equivalency of standards;

522 (f) The specific needs of state agencies when agency rules
523 must be updated to reflect federal requirements relating to
524 design criteria for public educational facilities and state-
525 licensed facilities;

526 (g)~~(e)~~ Changes to federal or state law; or

527 (h)~~(f)~~ Adoption of an updated edition of the National
528 Electrical Code if the commission finds that delay of
529 implementing the updated edition causes undue hardship to
530 stakeholders or otherwise threatens the public health, safety,
531 and welfare.

532 (9) The following buildings, structures, and facilities are
533 exempt from the Florida Building Code as provided by law, and



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534 any further exemptions shall be as determined by the Legislature
535 and provided by law:

536 (a) Buildings and structures specifically regulated and
537 preempted by the Federal Government.

538 (b) Railroads and ancillary facilities associated with the
539 railroad.

540 (c) Nonresidential farm buildings on farms.

541 (d) Temporary buildings or sheds used exclusively for
542 construction purposes.

543 (e) Mobile or modular structures used as temporary offices,
544 except that the provisions of part II relating to accessibility
545 by persons with disabilities shall apply to such mobile or
546 modular structures.

547 (f) Those structures or facilities of electric utilities,
548 as defined in s. 366.02, which are directly involved in the
549 generation, transmission, or distribution of electricity.

550 (g) Temporary sets, assemblies, or structures used in
551 commercial motion picture or television production, or any
552 sound-recording equipment used in such production, on or off the
553 premises.

554 (h) Storage sheds that are not designed for human
555 habitation and that have a floor area of 720 square feet or less
556 are not required to comply with the mandatory wind-borne-debris-
557 impact standards of the Florida Building Code.

558 (i) Chickees constructed by the Miccosukee Tribe of Indians
559 of Florida or the Seminole Tribe of Florida. As used in this
560 paragraph, the term "chickee" means an open-sided wooden hut
561 that has a thatched roof of palm or palmetto or other
562 traditional materials, and that does not incorporate any



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563 electrical, plumbing, or other nonwood features.

564 (j) Family mausoleums that are prefabricated and assembled
565 on site, or preassembled and delivered on site; that have walls,
566 roofs, and a floor constructed of granite, marble, or reinforced
567 concrete; and that do not exceed 250 square feet in area.

568
569 With the exception of paragraphs (a), (b), (c), and (f), in
570 order to preserve the health, safety, and welfare of the public,
571 the Florida Building Commission may, by rule adopted pursuant to
572 chapter 120, provide for exceptions to the broad categories of
573 buildings exempted in this section, including exceptions for
574 application of specific sections of the code or standards
575 adopted therein. The Department of Agriculture and Consumer
576 Services shall have exclusive authority to adopt by rule,
577 pursuant to chapter 120, exceptions to nonresidential farm
578 buildings exempted in paragraph (c) when reasonably necessary to
579 preserve public health, safety, and welfare. The exceptions must
580 be based upon specific criteria, such as under-roof floor area,
581 aggregate electrical service capacity, HVAC system capacity, or
582 other building requirements. Further, the commission may
583 recommend to the Legislature additional categories of buildings,
584 structures, or facilities which should be exempted from the
585 Florida Building Code, to be provided by law. The Florida
586 Building Code does not apply to temporary housing provided by
587 the Department of Corrections to any prisoner in the state
588 correctional system.

589 (14) The Florida Building Code may not require that an
590 existing air conditioning system installed on the surface of a
591 roof as of July 1, 2009, be raised 18 inches up from the surface



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592 on which it is installed until such time as the system is
593 replaced, and an agency or local government having authority to
594 enforce the Florida Building Code or a local building code may
595 not require otherwise.

596 Section 15. Subsection (2) of section 553.76, Florida
597 Statutes, is amended to read:

598 553.76 General powers of the commission.—The commission is
599 authorized to:

600 (2) Issue memoranda of procedure for its internal
601 management and control. The commission may adopt rules related
602 to its consensus-based decisionmaking process, including, but
603 not limited to, super majority voting requirements for
604 commission actions relating to the adoption of amendments to or
605 the adoption of the Florida Building Code.

606 Section 16. Subsection (4) of section 553.775, Florida
607 Statutes, is amended to read:

608 553.775 Interpretations.—

609 (4) In order to administer this section, the commission may
610 adopt by rule and impose a fee for binding and nonbinding
611 interpretations to recoup the cost of the proceedings which may
612 not exceed \$250 for each request for a review or interpretation.
613 For proceedings conducted by or in coordination with a third-
614 party, the rule may provide that payment be made directly to the
615 third party, who shall remit to the department that portion of
616 the fee necessary to cover the costs of the department.

617 Section 17. Subsection (9) of section 553.79, Florida
618 Statutes, is amended to read:

619 553.79 Permits; applications; issuance; inspections.—

620 (9) Any state agency whose enabling legislation authorizes



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621 it to enforce provisions of the Florida Building Code may enter
622 into an agreement with any other unit of government to delegate
623 its responsibility to enforce those provisions and may expend
624 public funds for permit and inspection fees, which fees may be
625 no greater than the fees charged others. Inspection services
626 that are not required to be performed by a state agency under a
627 federal delegation of responsibility or by a state agency under
628 the Florida Building Code must be performed under the
629 alternative plans review and inspection process created in s.
630 553.791 or by a local governmental entity having authority to
631 enforce the Florida Building Code.

632 Section 18. Section 553.841, Florida Statutes, is amended
633 to read:

634 553.841 Building code compliance and mitigation program.—

635 (1) The Legislature finds that knowledge and understanding
636 by persons licensed in the design and construction industries of
637 the importance and need for complying with the Florida Building
638 Code is vital to the public health, safety, and welfare of this
639 state, especially for mitigating damage caused by hurricanes to
640 residents and visitors to the state. The Legislature further
641 finds that the Florida Building Code can be effective only if
642 all participants in the design and construction industries
643 maintain a thorough knowledge of the code and additions thereto
644 which improve construction standards to protect against storm
645 and other damage. Consequently, the Legislature finds that there
646 is a need for a program to provide ongoing education and
647 outreach activities concerning compliance with the Florida
648 Building Code and hurricane mitigation.

649 (2) The Department of Community Affairs shall administer a



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650 program, designated as the Florida Building Code Compliance and
651 Mitigation Program, to develop, coordinate, and maintain
652 education and outreach to persons required to comply with the
653 Florida Building Code and ensure consistent education, training,
654 and communication of the code's requirements, including, but not
655 limited to, methods for mitigation of storm-related damage. The
656 program shall also operate a clearinghouse through which design,
657 construction, and building code enforcement licensees,
658 suppliers, and consumers in this state may find others in order
659 to exchange information relating to mitigation and facilitate
660 repairs in the aftermath of a natural disaster.

661 (3) All services and materials under the Florida Building
662 Code Compliance and Mitigation Program must be provided by a
663 private, nonprofit corporation under contract with the
664 department. The term of the contract shall be for 4 years, with
665 the option of one 4-year renewal at the end of the contract
666 term. The initial contract must be in effect no later than
667 November 1, 2007. The private, nonprofit corporation must be an
668 organization whose membership includes trade and professional
669 organizations whose members consist primarily of persons and
670 entities that are required to comply with the Florida Building
671 Code and that are licensed under part XII of chapter 468,
672 chapter 471, chapter 481, or chapter 489. When selecting the
673 private, nonprofit corporation for the program, the department
674 must give primary consideration to the corporation's
675 demonstrated experience and the ability to:

676 (a) Develop and deliver building code-related education,
677 training, and outreach;

678 (b) Directly access the majority of persons licensed in the



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679 occupations of design, construction, and building code
680 enforcement individually and through established statewide trade
681 and professional association networks;

682 (c) Serve as a clearinghouse to deliver education and
683 outreach throughout the state. The clearinghouse must serve as a
684 focal point at which persons licensed to design, construct, and
685 enforce building codes and suppliers and consumers can find each
686 other in order to exchange information relating to mitigation
687 and facilitate repairs in the aftermath of a natural disaster;

688 (d) Accept input from the Florida Building Commission,
689 licensing regulatory boards, local building departments, and the
690 design and construction industries in order to improve its
691 education and outreach programs; and

692 (e) Promote design and construction techniques and
693 materials for mitigating hurricane damage at a Florida-based
694 trade conference that includes participants from the broadest
695 possible range of design and construction trades and
696 professions, including from those private and public sector
697 entities having jurisdiction over building codes and design and
698 construction licensure.

699 (4) The department, in administering the Florida Building
700 Code Compliance and Mitigation Program, shall maintain, update,
701 develop, or cause to be developed, ÷

702 ~~(a) A core curriculum that is prerequisite to the advanced~~
703 ~~module coursework.~~

704 ~~(b) advanced modules designed for use by each profession.~~

705 ~~(c) The core curriculum developed under this subsection~~
706 ~~must be submitted to the Department of Business and Professional~~
707 ~~Regulation for approval. Advanced modules developed under this~~



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708 ~~paragraph must be approved by the commission and submitted to~~
709 ~~the respective boards for approval.~~

710 ~~(5) The core curriculum shall cover the information~~
711 ~~required to have all categories of participants appropriately~~
712 ~~informed as to their technical and administrative~~
713 ~~responsibilities in the effective execution of the code process~~
714 ~~by all individuals currently licensed under part XII of chapter~~
715 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
716 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
717 ~~prerequisite to the advanced module coursework for all licensees~~
718 ~~and shall be completed by individuals licensed in all categories~~
719 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
720 ~~chapter 489 within the first 2-year period after initial~~
721 ~~licensure. Core course hours taken by licensees to complete this~~
722 ~~requirement shall count toward fulfillment of required~~
723 ~~continuing education units under part XII of chapter 468,~~
724 ~~chapter 471, chapter 481, or chapter 489.~~

725 ~~(5)~~(6) Each biennium, upon receipt of funds by the
726 Department of Community Affairs from the Construction Industry
727 Licensing Board and the Electrical Contractors' Licensing Board
728 provided under ss. 489.109(3) and 489.509(3), the department
729 shall determine the amount of funds available for the Florida
730 Building Code Compliance and Mitigation Program.

731 ~~(6)~~(7) If the projects provided through the Florida
732 Building Code Compliance and Mitigation Program in any state
733 fiscal year do not require the use of all available funds, the
734 unused funds shall be carried forward and allocated for use
735 during the following fiscal year.

736 ~~(7)~~(8) The Florida Building Commission shall provide by



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737 rule for the accreditation of courses related to the Florida
738 Building Code by accreditors approved by the commission. The
739 commission shall establish qualifications of accreditors and
740 criteria for the accreditation of courses by rule. The
741 commission may revoke the accreditation of a course by an
742 accreditor if the accreditation is demonstrated to violate this
743 part or the rules of the commission.

744 ~~(8)~~ (9) This section does not prohibit or limit the subject
745 areas or development of continuing education or training on the
746 Florida Building Code by any qualified entity.

747 Section 19. Subsections (1), (5), (8), and (17) of section
748 553.842, Florida Statutes, are amended to read:

749 553.842 Product evaluation and approval.—

750 (1) The commission shall adopt rules under ss. 120.536(1)
751 and 120.54 to develop and implement a product evaluation and
752 approval system that applies statewide to operate in
753 coordination with the Florida Building Code. The commission may
754 enter into contracts to provide for administration of the
755 product evaluation and approval system. The commission's rules
756 and any applicable contract may provide that payment of fees
757 related to approvals be made directly to the administrator, who
758 shall remit to the department that portion of the fee necessary
759 to cover the department's costs. The product evaluation and
760 approval system shall provide:

761 (a) Appropriate promotion of innovation and new
762 technologies.

763 (b) Processing submittals of products from manufacturers in
764 a timely manner.

765 (c) Independent, third-party qualified and accredited



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766 testing and laboratory facilities, product evaluation entities,
767 quality assurance agencies, certification agencies, and
768 validation entities.

769 (d) An easily accessible product acceptance list to
770 entities subject to the Florida Building Code.

771 (e) Development of stringent but reasonable testing
772 criteria based upon existing consensus standards, when
773 available, for products.

774 (f) Long-term approvals, where feasible. State and local
775 approvals will be valid until the requirements of the code on
776 which the approval is based change, the product changes in a
777 manner affecting its performance as required by the code, or the
778 approval is revoked.

779 (g) Criteria for revocation of a product approval.

780 (h) Cost-effectiveness.

781 (5) Statewide approval of products, methods, or systems of
782 construction may be achieved by one of the following methods.
783 One of these methods must be used by the commission to approve
784 the following categories of products: panel walls, exterior
785 doors, roofing, skylights, windows, shutters, and structural
786 components as established by the commission by rule.

787 (a) Products for which the code establishes standardized
788 testing or comparative or rational analysis methods shall be
789 approved by submittal and validation of one of the following
790 reports or listings indicating that the product or method or
791 system of construction was evaluated to be in compliance with
792 the Florida Building Code and that the product or method or
793 system of construction is, for the purpose intended, at least
794 equivalent to that required by the Florida Building Code:



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795 1. A certification mark or listing of an approved
796 certification agency, which may be used only for products for
797 which the code designates standardized testing;

798 2. A test report from an approved testing laboratory;

799 3. A product evaluation report based upon testing or
800 comparative or rational analysis, or a combination thereof, from
801 an approved product evaluation entity; or

802 4. A product evaluation report based upon testing or
803 comparative or rational analysis, or a combination thereof,
804 developed and signed and sealed by a professional engineer or
805 architect, licensed in this state.

806
807 A product evaluation report or a certification mark or listing
808 of an approved certification agency which demonstrates that the
809 product or method or system of construction complies with the
810 Florida Building Code for the purpose intended shall be
811 equivalent to a test report and test procedure as referenced in
812 the Florida Building Code. An application for state approval of
813 a product under subparagraph 1. shall be approved by the
814 department after the commission staff or a designee verifies
815 within 10 days after receipt that the application and related
816 documentation are complete. Upon approval by the department, the
817 product shall be immediately added to the list of state-approved
818 products maintained under subsection (13). Approvals by the
819 department shall be reviewed and ratified by the commission's
820 program oversight committee except for a showing of good cause.

821 (b) Products, methods, or systems of construction for which
822 there are no specific standardized testing or comparative or
823 rational analysis methods established in the code may be



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824 approved by submittal and validation of one of the following:

825 1. A product evaluation report based upon testing or
826 comparative or rational analysis, or a combination thereof, from
827 an approved product evaluation entity indicating that the
828 product or method or system of construction was evaluated to be
829 in compliance with the intent of the Florida Building Code and
830 that the product or method or system of construction is, for the
831 purpose intended, at least equivalent to that required by the
832 Florida Building Code; or

833 2. A product evaluation report based upon testing or
834 comparative or rational analysis, or a combination thereof,
835 developed and signed and sealed by a professional engineer or
836 architect, licensed in this state, who certifies that the
837 product or method or system of construction is, for the purpose
838 intended, at least equivalent to that required by the Florida
839 Building Code.

840 (8) The commission may adopt rules to approve the following
841 types of entities that produce information on which product
842 approvals are based. All of the following entities, including
843 engineers and architects, must comply with a nationally
844 recognized standard demonstrating independence or no conflict of
845 interest:

846 (a) Evaluation entities that meet the criteria for approval
847 adopted by the commission by rule. The commission shall
848 specifically approve the National Evaluation Service, the
849 International Association of Plumbing and Mechanical Officials
850 Evaluation Service ~~the International Conference of Building~~
851 ~~Officials Evaluation Services~~, the International Code Council
852 Evaluation Services, ~~the Building Officials and Code~~



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853 ~~Administrators International Evaluation Services, the Southern~~
854 ~~Building Code Congress International Evaluation Services,~~ and
855 the Miami-Dade County Building Code Compliance Office Product
856 Control. Architects and engineers licensed in this state are
857 also approved to conduct product evaluations as provided in
858 subsection (5).

859 (b) Testing laboratories accredited by national
860 organizations, such as A2LA and the National Voluntary
861 Laboratory Accreditation Program, laboratories accredited by
862 evaluation entities approved under paragraph (a), and
863 laboratories that comply with other guidelines for testing
864 laboratories selected by the commission and adopted by rule.

865 (c) Quality assurance entities approved by evaluation
866 entities approved under paragraph (a) and by certification
867 agencies approved under paragraph (d) and other quality
868 assurance entities that comply with guidelines selected by the
869 commission and adopted by rule.

870 (d) Certification agencies accredited by nationally
871 recognized accreditors and other certification agencies that
872 comply with guidelines selected by the commission and adopted by
873 rule.

874 (e) Validation entities that comply with accreditation
875 standards established by the commission by rule.

876 ~~(17) (a) The Florida Building Commission shall review the~~
877 ~~list of evaluation entities in subsection (8) and, in the annual~~
878 ~~report required under s. 553.77, shall either recommend~~
879 ~~amendments to the list to add evaluation entities the commission~~
880 ~~determines should be authorized to perform product evaluations~~
881 ~~or shall report on the criteria adopted by rule or to be adopted~~



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882 ~~by rule allowing the commission to approve evaluation entities~~
883 ~~that use the commission's product evaluation process. If the~~
884 ~~commission adopts criteria by rule, the rulemaking process must~~
885 ~~be completed by July 1, 2009.~~

886 ~~(b) Notwithstanding paragraph (8) (a), the International~~
887 ~~Association of Plumbing and Mechanical Officials Evaluation~~
888 ~~Services is approved as an evaluation entity until October 1,~~
889 ~~2009. If the association does not obtain permanent approval by~~
890 ~~the commission as an evaluation entity by October 1, 2009,~~
891 ~~products approved on the basis of an association evaluation must~~
892 ~~be substituted by an alternative, approved entity by December~~
893 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
894 ~~the commission based on an association evaluation is void.~~

895 Section 20. Subsection (4) is added to section 553.844,
896 Florida Statutes, to read:

897 553.844 Windstorm loss mitigation; requirements for roofs
898 and opening protection.—

899 (4) Notwithstanding the provisions of this section, exposed
900 mechanical equipment or appliances fastened to rated stands,
901 platforms, curbs, or slabs are deemed to comply with the wind
902 resistance requirements for wind-borne debris regions as defined
903 in s. 1609.2, Buildings Volume, 2007 Florida Building Code, as
904 amended, and no further support or enclosure may be required by
905 a state or local official having authority to enforce the
906 Florida Building Code.

907 Section 21. Section 553.885, Florida Statutes, is amended
908 to read:

909 553.885 Carbon monoxide alarm required.—

910 (1) Every separate building or addition to an existing



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911 building, other than a hospital, an inpatient hospice facility,
912 or a nursing home facility licensed by the Agency for Health
913 Care Administration, constructed for which a building permit is
914 issued for new construction on or after July 1, 2008, and having
915 a fossil-fuel-burning heater or appliance, a fireplace, or an
916 attached garage, or other feature, fixture, or element that
917 emits carbon monoxide as a byproduct of combustion shall have an
918 approved operational carbon monoxide alarm installed within 10
919 feet of each room used for sleeping purposes in the new building
920 or addition, or at such other locations as required by the
921 Florida Building Code. The requirements of this subsection may
922 be satisfied with the installation of a battery-powered carbon
923 monoxide alarm or a battery-powered combination carbon monoxide
924 and smoke alarm. For a new hospital, an inpatient hospice
925 facility, or a nursing home facility licensed by the Agency for
926 Health Care Administration, an approved operational carbon
927 monoxide detector shall be installed inside or directly outside
928 of each room or area within the hospital or facility where a
929 fossil-fuel-burning heater, engine, or appliance is located.
930 This detector shall be connected to the fire alarm system of the
931 hospital or facility as a supervisory signal. This subsection
932 does not apply to existing buildings that are undergoing
933 alterations or repairs unless the alteration is an addition as
934 defined in subsection (3).

935 (2) The Florida Building Commission shall adopt rules to
936 administer this section and shall incorporate such requirements
937 into its next revision of the Florida Building Code.

938 (3) As used in this section, the term:

939 (a) "Carbon monoxide alarm" means a device that is meant



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940 for the purpose of detecting carbon monoxide, that produces a
941 distinct audible alarm, and that meets the requirements of and
942 is approved by the Florida Building Commission.

943 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or
944 other petroleum or hydrocarbon product that emits carbon
945 monoxide as a by-product of combustion.

946 (c) "Addition" means an extension or increase in floor
947 area, number of stories, or height of a building or structure.

948 Section 22. Subsection (2) of section 553.9061, Florida
949 Statutes, is amended to read:

950 553.9061 Scheduled increases in thermal efficiency
951 standards.—

952 (2) The Florida Building Commission shall identify within
953 code support and compliance documentation the specific building
954 options and elements available to meet the energy performance
955 goals established in subsection (1). Energy efficiency
956 performance options and elements include, but are not limited
957 to:

958 (a) Energy-efficient water heating systems, including solar
959 water heating.

960 (b) Energy-efficient appliances.

961 (c) Energy-efficient windows, doors, and skylights.

962 (d) Low solar-absorption roofs, also known as "cool roofs."

963 (e) Enhanced ceiling and wall insulation.

964 (f) Reduced-leak duct systems and energy-saving devices and
965 features installed within duct systems.

966 (g) Programmable thermostats.

967 (h) Energy-efficient lighting systems.

968 (i) Energy-saving quality installation procedures for



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969 replacement air conditioning systems, including, but not limited
970 to, equipment sizing analysis and duct testing.

971 (j) Shading devices, sunscreening materials, and overhangs.

972 (k) Weatherstripping, caulking, and sealing of exterior
973 openings and penetrations.

974 Section 23. Section 553.912, Florida Statutes, is amended
975 to read:

976 553.912 Air conditioners.—All air conditioners that ~~which~~
977 are sold or installed in the state shall meet the minimum
978 efficiency ratings of the Florida Energy Efficiency Code for
979 Building Construction. These efficiency ratings shall be
980 minimums and may be updated in the Florida Energy Efficiency
981 Code for Building Construction by the department in accordance
982 with s. 553.901, following its determination that more cost-
983 effective energy-saving equipment and techniques are available.
984 All replacement air conditioning systems shall be installed
985 using energy-saving quality installation procedures, including,
986 but not limited to, equipment sizing analysis and duct testing.

987 Section 24. Paragraph (d) of subsection (3) of section
988 468.609, Florida Statutes, is amended to read:

989 468.609 Administration of this part; standards for
990 certification; additional categories of certification.—

991 (3) A person may take the examination for certification as
992 a building code administrator pursuant to this part if the
993 person:

994 ~~(d) After the building code training program is established~~
995 ~~under s. 553.841, demonstrates successful completion of the core~~
996 ~~curriculum approved by the Florida Building Commission,~~
997 ~~appropriate to the licensing category sought.~~



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998 Section 25. Subsection (6) of section 468.627, Florida
999 Statutes, is repealed.

1000 Section 26. Section 471.0195, Florida Statutes, is amended
1001 to read:

1002 471.0195 Florida Building Code training for engineers.—All
1003 licensees actively participating in the design of engineering
1004 works or systems in connection with buildings, structures, or
1005 facilities and systems covered by the Florida Building Code
1006 shall take continuing education courses and submit proof to the
1007 board, at such times and in such manner as established by the
1008 board by rule, that the licensee has completed ~~the core~~
1009 ~~curriculum courses and~~ any specialized or advanced courses on
1010 any portion of the Florida Building Code applicable to the
1011 licensee's area of practice ~~or has passed the appropriate~~
1012 ~~equivalency test of the Building Code Training Program as~~
1013 ~~required by s. 553.841.~~ The board shall record reported
1014 continuing education courses on a system easily accessed by code
1015 enforcement jurisdictions for evaluation when determining
1016 license status for purposes of processing design documents.
1017 Local jurisdictions shall be responsible for notifying the board
1018 when design documents are submitted for building construction
1019 permits by persons who are not in compliance with this section.
1020 The board shall take appropriate action as provided by its rules
1021 when such noncompliance is determined to exist.

1022 Section 27. Subsection (5) of section 481.215, Florida
1023 Statutes, is repealed.

1024 Section 28. Subsection (5) of section 481.313, Florida
1025 Statutes, is repealed.

1026 Section 29. Paragraph (b) of subsection (4) of section



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1027 489.115, Florida Statutes, is amended to read:

1028 489.115 Certification and registration; endorsement;
1029 reciprocity; renewals; continuing education.—

1030 (4)

1031 (b)1. Each certificateholder or registrant shall provide
1032 proof, in a form established by rule of the board, that the
1033 certificateholder or registrant has completed at least 14
1034 classroom hours of at least 50 minutes each of continuing
1035 education courses during each biennium since the issuance or
1036 renewal of the certificate or registration. The board shall
1037 establish by rule that a portion of the required 14 hours must
1038 deal with the subject of workers' compensation, business
1039 practices, workplace safety, and, for applicable licensure
1040 categories, wind mitigation methodologies, and 1 hour of which
1041 must deal with laws and rules. The board shall by rule establish
1042 criteria for the approval of continuing education courses and
1043 providers, including requirements relating to the content of
1044 courses and standards for approval of providers, and may by rule
1045 establish criteria for accepting alternative nonclassroom
1046 continuing education on an hour-for-hour basis. The board shall
1047 prescribe by rule the continuing education, if any, which is
1048 required during the first biennium of initial licensure. A
1049 person who has been licensed for less than an entire biennium
1050 must not be required to complete the full 14 hours of continuing
1051 education.

1052 2. In addition, the board may approve specialized
1053 continuing education courses on compliance with the wind
1054 resistance provisions for one and two family dwellings contained
1055 in the Florida Building Code and any alternate methodologies for



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1056 providing such wind resistance which have been approved for use
1057 by the Florida Building Commission. Division I
1058 certificateholders or registrants who demonstrate proficiency
1059 upon completion of such specialized courses may certify plans
1060 and specifications for one and two family dwellings to be in
1061 compliance with the code or alternate methodologies, as
1062 appropriate, except for dwellings located in floodways or
1063 coastal hazard areas as defined in ss. 60.3D and E of the
1064 National Flood Insurance Program.

1065 ~~3. Each certificateholder or registrant shall provide to~~
1066 ~~the board proof of completion of the core curriculum courses, or~~
1067 ~~passing the equivalency test of the Building Code Training~~
1068 ~~Program established under s. 553.841, specific to the licensing~~
1069 ~~category sought, within 2 years after commencement of the~~
1070 ~~program or of initial certification or registration, whichever~~
1071 ~~is later. Classroom hours spent taking core curriculum courses~~
1072 ~~shall count toward the number required for renewal of~~
1073 ~~certificates or registration. A certificateholder or registrant~~
1074 ~~who passes the equivalency test in lieu of taking the core~~
1075 ~~curriculum courses shall receive full credit for core curriculum~~
1076 ~~course hours.~~

1077 ~~3.4.~~ The board shall require, by rule adopted pursuant to
1078 ss. 120.536(1) and 120.54, a specified number of hours in
1079 specialized or advanced module courses, approved by the Florida
1080 Building Commission, on any portion of the Florida Building
1081 Code, adopted pursuant to part IV of chapter 553, relating to
1082 the contractor's respective discipline.

1083 Section 30. Subsection (1) of section 489.1455, Florida
1084 Statutes, is amended to read:



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1085 489.1455 Journeyman; reciprocity; standards.-

1086 (1) An individual who holds a valid, active journeyman
1087 license in the plumbing/pipe fitting, mechanical, or HVAC trades
1088 issued by any county or municipality in this state may work as a
1089 journeyman in the trade in which he or she is licensed in any
1090 county or municipality of this state without taking an
1091 additional examination or paying an additional license fee, if
1092 he or she:

1093 (a) Has scored at least 70 percent, or after October 1,
1094 1997, at least 75 percent, on a proctored journeyman Block and
1095 Associates examination or other proctored examination approved
1096 by the board for the trade in which he or she is licensed;

1097 (b) Has completed an apprenticeship program registered with
1098 the Department of Labor and Employment Security and demonstrates
1099 4 years' verifiable practical experience in the trade for which
1100 he or she is licensed, or demonstrates 6 years' verifiable
1101 practical experience in the trade for which he or she is
1102 licensed;

1103 (c) Has satisfactorily completed specialized and advanced
1104 module coursework approved by the Florida Building Commission,
1105 as part of the Building Code Training Program established in s.
1106 553.841, specific to the discipline, ~~and successfully completed~~
1107 ~~the program's core curriculum courses or passed an equivalency~~
1108 ~~test in lieu of taking the core curriculum courses and provided~~
1109 ~~proof of completion of such curriculum courses or examination~~
1110 ~~and obtained a certificate from the board pursuant to this part~~
1111 or, pursuant to authorization by the certifying authority,
1112 provides proof of completion of such curriculum or coursework
1113 within 6 months after such certification; and



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1114 (d) Has not had a license suspended or revoked within the
1115 last 5 years.

1116 Section 31. Subsection (3) of section 489.517, Florida
1117 Statutes, is amended to read:

1118 489.517 Renewal of certificate or registration; continuing
1119 education.—

1120 (3)(a) Each certificateholder or registrant shall provide
1121 proof, in a form established by rule of the board, that the
1122 certificateholder or registrant has completed at least 14
1123 classroom hours of at least 50 minutes each of continuing
1124 education courses during each biennium since the issuance or
1125 renewal of the certificate or registration. The board shall by
1126 rule establish criteria for the approval of continuing education
1127 courses and providers and may by rule establish criteria for
1128 accepting alternative nonclassroom continuing education on an
1129 hour-for-hour basis.

1130 ~~(b) Each certificateholder or registrant shall provide to~~
1131 ~~the board proof of completion of the core curriculum courses or~~
1132 ~~passing the equivalency test of the Building Code Training~~
1133 ~~Program established under s. 553.841, specific to the licensing~~
1134 ~~category sought, within 2 years after commencement of the~~
1135 ~~program or of initial certification or registration, whichever~~
1136 ~~is later. Classroom hours spent taking core curriculum courses~~
1137 ~~shall count toward the number required for renewal of~~
1138 ~~certificate or registration. A certificateholder or registrant~~
1139 ~~who passes the equivalency test in lieu of taking the core~~
1140 ~~curriculum courses shall receive full credit for core curriculum~~
1141 ~~course hours.~~

1142 Section 32. For the purpose of incorporating the amendment



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1143 made by this act to section 553.79, Florida Statutes, in a
1144 reference thereto, subsection (1) of section 553.80, Florida
1145 Statutes, is reenacted to read:

1146 553.80 Enforcement.—

1147 (1) Except as provided in paragraphs (a)-(g), each local
1148 government and each legally constituted enforcement district
1149 with statutory authority shall regulate building construction
1150 and, where authorized in the state agency's enabling
1151 legislation, each state agency shall enforce the Florida
1152 Building Code required by this part on all public or private
1153 buildings, structures, and facilities, unless such
1154 responsibility has been delegated to another unit of government
1155 pursuant to s. 553.79(9).

1156 (a) Construction regulations relating to correctional
1157 facilities under the jurisdiction of the Department of
1158 Corrections and the Department of Juvenile Justice are to be
1159 enforced exclusively by those departments.

1160 (b) Construction regulations relating to elevator equipment
1161 under the jurisdiction of the Bureau of Elevators of the
1162 Department of Business and Professional Regulation shall be
1163 enforced exclusively by that department.

1164 (c) In addition to the requirements of s. 553.79 and this
1165 section, facilities subject to the provisions of chapter 395 and
1166 part II of chapter 400 shall have facility plans reviewed and
1167 construction surveyed by the state agency authorized to do so
1168 under the requirements of chapter 395 and part II of chapter 400
1169 and the certification requirements of the Federal Government.

1170 (d) Building plans approved under s. 553.77(3) and state-
1171 approved manufactured buildings, including buildings



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1172 manufactured and assembled offsite and not intended for
1173 habitation, such as lawn storage buildings and storage sheds,
1174 are exempt from local code enforcing agency plan reviews except
1175 for provisions of the code relating to erection, assembly, or
1176 construction at the site. Erection, assembly, and construction
1177 at the site are subject to local permitting and inspections.
1178 Lawn storage buildings and storage sheds bearing the insignia of
1179 approval of the department are not subject to s. 553.842. Such
1180 buildings that do not exceed 400 square feet may be delivered
1181 and installed without need of a contractor's or specialty
1182 license.

1183 (e) Construction regulations governing public schools,
1184 state universities, and community colleges shall be enforced as
1185 provided in subsection (6).

1186 (f) The Florida Building Code as it pertains to toll
1187 collection facilities under the jurisdiction of the turnpike
1188 enterprise of the Department of Transportation shall be enforced
1189 exclusively by the turnpike enterprise.

1190 (g) Construction regulations relating to secure mental
1191 health treatment facilities under the jurisdiction of the
1192 Department of Children and Family Services shall be enforced
1193 exclusively by the department in conjunction with the Agency for
1194 Health Care Administration's review authority under paragraph
1195 (c).

1196
1197 The governing bodies of local governments may provide a schedule
1198 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1199 section, for the enforcement of the provisions of this part.
1200 Such fees shall be used solely for carrying out the local



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1201 government's responsibilities in enforcing the Florida Building
1202 Code. The authority of state enforcing agencies to set fees for
1203 enforcement shall be derived from authority existing on July 1,
1204 1998. However, nothing contained in this subsection shall
1205 operate to limit such agencies from adjusting their fee schedule
1206 in conformance with existing authority.

1207 Section 33. Paragraph (b) of subsection (3) of section
1208 633.0215, Florida Statutes, is amended, and subsection (13) is
1209 added to that section, to read:

1210 633.0215 Florida Fire Prevention Code.—

1211 (3) No later than 180 days before the triennial adoption of
1212 the Florida Fire Prevention Code, the State Fire Marshal shall
1213 notify each municipal, county, and special district fire
1214 department of the triennial code adoption and steps necessary
1215 for local amendments to be included within the code. No later
1216 than 120 days before the triennial adoption of the Florida Fire
1217 Prevention Code, each local jurisdiction shall provide the State
1218 Fire Marshal with copies of its local fire code amendments. The
1219 State Fire Marshal has the option to process local fire code
1220 amendments that are received less than 120 days before the
1221 adoption date of the Florida Fire Prevention Code.

1222 (b) Any local amendment to the Florida Fire Prevention Code
1223 adopted by a local government shall be effective only until the
1224 adoption of the new edition of the Florida Fire Prevention Code,
1225 which shall be every third year. At such time, the State Fire
1226 Marshal shall adopt such amendment as part of the Florida Fire
1227 Prevention Code or rescind the amendment. The State Fire Marshal
1228 shall immediately notify the respective local government of the
1229 rescission of the amendment and the reason for the rescission.



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1230 After receiving such notice, the respective local government may
1231 readopt the rescinded amendment. Incorporation of local
1232 amendments as regional and local concerns and variations shall
1233 be considered as adoption of an amendment pursuant to this
1234 section part.

1235 (13) The State Fire Marshal shall issue an expedited
1236 declaratory statement relating to interpretations of provisions
1237 of the Florida Fire Prevention Code according to the following
1238 guidelines:

1239 (a) The declaratory statement shall be rendered in
1240 accordance with s. 120.565, except that:

1241 1. Receipt by the Division of State Fire Marshal of a
1242 petition need not be published in the Florida Administrative
1243 Weekly; and

1244 2. A final decision shall be issued by the State Fire
1245 Marshal within 45 days after the division's receipt of a
1246 petition seeking an expedited declaratory statement.

1247 (b) The petitioner must be the owner of the disputed
1248 project or the owner's representative.

1249 (c) The petition for expedited declaratory statement must
1250 be:

1251 1. Related to an active project that is under construction
1252 or must have been submitted for a permit;

1253 2. The subject of a written notice citing a specific
1254 provision of the Florida Fire Prevention Code which is in
1255 dispute; and

1256 3. Limited to a single question that is capable of being
1257 answered with a "yes" or "no" response.
1258



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1259 A petition for declaratory statement which does not meet all of
1260 the requirements of this subsection must be denied without
1261 prejudice.

1262 Section 34. Section 633.026, Florida Statutes, is amended
1263 to read:

1264 633.026 Legislative intent; informal interpretations of the
1265 Florida Fire Prevention Code.—It is the intent of the
1266 Legislature that the Florida Fire Prevention Code be interpreted
1267 by fire officials and local enforcement agencies in a manner
1268 that protects the public safety, health, and welfare by ensuring
1269 uniform interpretations throughout this state and by providing
1270 processes for resolving disputes regarding such interpretations
1271 which are just and expeditious. It is the intent of the
1272 Legislature that such processes provide for the expeditious
1273 resolution of the issues presented and that the resulting
1274 interpretation of such issues be published on the website of the
1275 Division of State Fire Marshal.

1276 (1) The Division of State Fire Marshal shall by rule
1277 establish an informal process of rendering nonbinding
1278 interpretations of the Florida Fire Prevention Code. The
1279 Division of State Fire Marshal may contract with and refer
1280 interpretive issues to a nonprofit organization that has
1281 experience in interpreting and enforcing the Florida Fire
1282 Prevention Code. ~~The Division of State Fire Marshal shall~~
1283 ~~immediately implement the process prior to the completion of~~
1284 ~~formal rulemaking.~~ It is the intent of the Legislature that the
1285 Division of State Fire Marshal establish ~~create~~ a Fire Code
1286 Interpretation Committee composed of seven persons and seven
1287 alternates, equally representing each area of the state ~~process~~



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1288 ~~to refer questions to a small group of individuals certified~~
1289 ~~under s. 633.081(2), to which a party can pose questions~~
1290 regarding the interpretation of the Florida Fire Prevention Code
1291 provisions.

1292 (2) Each member and alternate member of the Fire Code
1293 Interpretation Committee must be certified as a firesafety
1294 inspector pursuant to s. 633.081(2) and must have a minimum of 5
1295 years of experience interpreting and enforcing the Florida Fire
1296 Prevention Code and the Life Safety Code. Each member and
1297 alternate member must be approved by the Division of State Fire
1298 Marshal and deemed by the division to have met these
1299 requirements for at least 30 days before participating in a
1300 review of a nonbinding interpretation. It is the intent of the
1301 ~~Legislature that the process provide for the expeditious~~
1302 ~~resolution of the issues presented and publication of the~~
1303 ~~resulting interpretation on the website of the Division of State~~
1304 ~~Fire Marshal. It is the intent of the Legislature that this~~
1305 ~~program be similar to the program established by the Florida~~
1306 ~~Building Commission in s. 553.775(3)(g).~~

1307 (3) Each nonbinding interpretation of code provisions must
1308 be provided within 10 business days after receipt of a request
1309 for interpretation. The response period established in this
1310 subsection may be waived only with the written consent of the
1311 party requesting the nonbinding interpretation and the Division
1312 of State Fire Marshal. Nonbinding ~~Such~~ interpretations shall be
1313 advisory only and nonbinding on the parties or the State Fire
1314 Marshal.

1315 (4) In order to administer this section, the Division of
1316 State Fire Marshal must charge ~~department may adopt by rule and~~



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1317 ~~impose~~ a fee for nonbinding interpretations, ~~with payment made~~
1318 ~~directly to the third party~~. The fee may not exceed \$150 for
1319 each request for a review or interpretation. The division may
1320 authorize payment of fees directly to the nonprofit organization
1321 under contract pursuant to subsection (1).

1322 (5) A party requesting a nonbinding interpretation who
1323 disagrees with the interpretation issued under this section may
1324 apply for a formal interpretation from the State Fire Marshal
1325 pursuant to s. 633.01(6).

1326 (6) The Division of State Fire Marshall shall issue or
1327 cause to be issued a nonbinding interpretation of the Florida
1328 Fire Prevention Code pursuant to this section when requested to
1329 do so upon submission of a petition by the owner or the owner's
1330 representative, or the contractor or the contractor's
1331 representative, of a project in dispute, or by a fire official.
1332 The division shall adopt a petition form by rule and the
1333 petition form must be published on the State Fire Marshal's
1334 website. The form shall, at a minimum, require the following:

1335 (a) The name and address of the local fire official,
1336 including the address of the county, municipal, or special
1337 district.

1338 (b) The name and address of the owner or the owner's
1339 representative, or the contractor or the contractor's
1340 representative.

1341 (c) A statement of the specific sections of the Florida
1342 Fire Prevention Code being interpreted by the local fire
1343 official.

1344 (d) An explanation of how the petitioner's substantial
1345 interests are being affected by the local interpretation of the



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1346 Florida Fire Prevention Code.

1347 (e) A statement of the interpretation of the specific
1348 sections of the Florida Fire Prevention Code by the local fire
1349 official.

1350 (f) A statement of the interpretation that the petitioner
1351 contends should be given to the specific sections of the Florida
1352 Fire Prevention Code and a statement supporting the petitioner's
1353 interpretation.

1354 (7) Upon receipt of a petition that meets the requirements
1355 of subsection (6), the Division of State Fire Marshal shall
1356 immediately provide copies of the petition to the Fire Code
1357 Interpretation Committee, and shall publish the petition and any
1358 response submitted by the local fire official on the State Fire
1359 Marshal's website.

1360 (8) The committee shall conduct proceedings as necessary to
1361 resolve the issues and give due regard to the petition, the
1362 facts of the matter at issue, specific code sections cited, and
1363 any statutory implications affecting the Florida Fire Prevention
1364 Code. The committee shall issue an interpretation regarding the
1365 provisions of the Florida Fire Prevention Code within 10 days
1366 after the filing of a petition. The committee shall issue an
1367 interpretation based upon the Florida Fire Prevention Code or,
1368 if the code is ambiguous, the intent of the code. The
1369 committee's interpretation shall be provided to the petitioner
1370 and shall include a notice that if the petitioner disagrees with
1371 the interpretation, the petitioner may file a request for formal
1372 interpretation by the State Fire Marshal under s. 633.01(6). The
1373 committee's interpretation shall be provided to the State Fire
1374 Marshal, and the division shall publish the interpretation on



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1375 the State Fire Marshal's website and in the Florida
1376 Administrative Weekly.

1377 Section 35. Section 633.081, Florida Statutes, is amended
1378 to read:

1379 633.081 Inspection of buildings and equipment; orders;
1380 firesafety inspection training requirements; certification;
1381 disciplinary action.—The State Fire Marshal and her or his
1382 agents shall, at any reasonable hour, when the State Fire
1383 Marshal department has reasonable cause to believe that a
1384 violation of this chapter or s. 509.215, or a rule promulgated
1385 thereunder, or a minimum firesafety code adopted by a local
1386 authority, may exist, inspect any and all buildings and
1387 structures which are subject to the requirements of this chapter
1388 or s. 509.215 and rules promulgated thereunder. The authority to
1389 inspect shall extend to all equipment, vehicles, and chemicals
1390 which are located within the premises of any such building or
1391 structure.

1392 (1) Each county, municipality, and special district that
1393 has firesafety enforcement responsibilities shall employ or
1394 contract with a firesafety inspector. The firesafety inspector
1395 must conduct all firesafety inspections that are required by
1396 law. The governing body of a county, municipality, or special
1397 district that has firesafety enforcement responsibilities may
1398 provide a schedule of fees to pay only the costs of inspections
1399 conducted pursuant to this subsection and related administrative
1400 expenses. Two or more counties, municipalities, or special
1401 districts that have firesafety enforcement responsibilities may
1402 jointly employ or contract with a firesafety inspector.

1403 (2) Every firesafety inspection conducted pursuant to state



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1404 or local firesafety requirements shall be by a person certified
1405 as having met the inspection training requirements set by the
1406 State Fire Marshal. Such person shall:

1407 (a) Be a high school graduate or the equivalent as
1408 determined by the department;

1409 (b) Not have been found guilty of, or having pleaded guilty
1410 or nolo contendere to, a felony or a crime punishable by
1411 imprisonment of 1 year or more under the law of the United
1412 States, or of any state thereof, which involves moral turpitude,
1413 without regard to whether a judgment of conviction has been
1414 entered by the court having jurisdiction of such cases;

1415 (c) Have her or his fingerprints on file with the
1416 department or with an agency designated by the department;

1417 (d) Have good moral character as determined by the
1418 department;

1419 (e) Be at least 18 years of age;

1420 (f) Have satisfactorily completed the firesafety inspector
1421 certification examination as prescribed by the department; and

1422 (g)1. Have satisfactorily completed, as determined by the
1423 department, a firesafety inspector training program of not less
1424 than 200 hours established by the department and administered by
1425 agencies and institutions approved by the department for the
1426 purpose of providing basic certification training for firesafety
1427 inspectors; or

1428 2. Have received in another state training which is
1429 determined by the department to be at least equivalent to that
1430 required by the department for approved firesafety inspector
1431 education and training programs in this state.

1432 (3) Each special state firesafety inspection which is



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1433 required by law and is conducted by or on behalf of an agency of
1434 the state must be performed by an individual who has met the
1435 provision of subsection (2), except that the duration of the
1436 training program shall not exceed 120 hours of specific training
1437 for the type of property that such special state firesafety
1438 inspectors are assigned to inspect.

1439 (4) A firefighter certified pursuant to s. 633.35 may
1440 conduct firesafety inspections, under the supervision of a
1441 certified firesafety inspector, while on duty as a member of a
1442 fire department company conducting inservice firesafety
1443 inspections without being certified as a firesafety inspector,
1444 if such firefighter has satisfactorily completed an inservice
1445 fire department company inspector training program of at least
1446 24 hours' duration as provided by rule of the department.

1447 (5) Every firesafety inspector or special state firesafety
1448 inspector certificate is valid for a period of 3 years from the
1449 date of issuance. Renewal of certification shall be subject to
1450 the affected person's completing proper application for renewal
1451 and meeting all of the requirements for renewal as established
1452 under this chapter or by rule promulgated thereunder, which
1453 shall include completion of at least 40 hours during the
1454 preceding 3-year period of continuing education as required by
1455 the rule of the department or, in lieu thereof, successful
1456 passage of an examination as established by the department.

1457 (6) The State Fire Marshal may deny, refuse to renew,
1458 suspend, or revoke the certificate of a firesafety inspector or
1459 special state firesafety inspector if it finds that any of the
1460 following grounds exist:

1461 (a) Any cause for which issuance of a certificate could



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1462 have been refused had it then existed and been known to the
1463 State Fire Marshal.

1464 (b) Violation of this chapter or any rule or order of the
1465 State Fire Marshal.

1466 (c) Falsification of records relating to the certificate.

1467 (d) Having been found guilty of or having pleaded guilty or
1468 nolo contendere to a felony, whether or not a judgment of
1469 conviction has been entered.

1470 (e) Failure to meet any of the renewal requirements.

1471 (f) Having been convicted of a crime in any jurisdiction
1472 which directly relates to the practice of fire code inspection,
1473 plan review, or administration.

1474 (g) Making or filing a report or record that the
1475 certificateholder knows to be false, or knowingly inducing
1476 another to file a false report or record, or knowingly failing
1477 to file a report or record required by state or local law, or
1478 knowingly impeding or obstructing such filing, or knowingly
1479 inducing another person to impede or obstruct such filing.

1480 (h) Failing to properly enforce applicable fire codes or
1481 permit requirements within this state which the
1482 certificateholder knows are applicable by committing willful
1483 misconduct, gross negligence, gross misconduct, repeated
1484 negligence, or negligence resulting in a significant danger to
1485 life or property.

1486 (i) Accepting labor, services, or materials at no charge or
1487 at a noncompetitive rate from any person who performs work that
1488 is under the enforcement authority of the certificateholder and
1489 who is not an immediate family member of the certificateholder.
1490 For the purpose of this paragraph, the term "immediate family



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1491 member" means a spouse, child, parent, sibling, grandparent,
1492 aunt, uncle, or first cousin of the person or the person's
1493 spouse or any person who resides in the primary residence of the
1494 certificateholder.

1495 (7) The Division of State Fire Marshal and the Florida
1496 Building Code Administrator and Inspectors Board, established
1497 pursuant to s. 468.605, shall enter into a reciprocity agreement
1498 to facilitate joint recognition of continuing education
1499 recertification hours for certificateholders licensed under s.
1500 468.609 and firesafety inspectors certified under subsection
1501 (2).

1502 (8)~~(7)~~ The department shall provide by rule for the
1503 certification of firesafety inspectors.

1504 Section 36. Section 633.352, Florida Statutes, is amended
1505 to read:

1506 633.352 Retention of firefighter certification.—Any
1507 certified firefighter who has not been active as a firefighter,
1508 or as a volunteer firefighter with an organized fire department,
1509 for a period of 3 years shall be required to retake the
1510 practical portion of the minimum standards state examination
1511 specified in rule 69A-37.056(6)(b) ~~4A-37.056(6)(b)~~, Florida
1512 Administrative Code, in order to maintain her or his
1513 certification as a firefighter; however, this requirement does
1514 not apply to state-certified firefighters who are certified and
1515 employed as full-time firesafety inspectors or firesafety
1516 instructors, regardless of the firefighter's employment status
1517 ~~as determined by the division~~. The 3-year period begins on the
1518 date the certificate of compliance is issued or upon termination
1519 of service with an organized fire department.



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1520 Section 37. Paragraph (e) of subsection (2) and subsections
1521 (3), (10), and (11) of section 633.521, Florida Statutes, are
1522 amended to read:

1523 633.521 Certificate application and issuance; permit
1524 issuance; examination and investigation of applicant.-

1525 (2)

1526 (e) An applicant may not be examined more than four times
1527 during 1 year for certification as a contractor pursuant to this
1528 section unless the person is or has been certified and is taking
1529 the examination to change classifications. If an applicant does
1530 not pass one or more parts of the examination, she or he may
1531 take any part of the examination three more times during the 1-
1532 year period beginning upon the date she or he originally filed
1533 an application to take the examination. If the applicant does
1534 not pass the examination within that 1-year period, she or he
1535 must file a new application and pay the application and
1536 examination fees in order to take the examination or a part of
1537 the examination again. However, the applicant may not file a new
1538 application sooner than 6 months after the date of her or his
1539 last examination. An applicant who passes the examination but
1540 does not meet the remaining qualifications as provided in
1541 applicable statutes and rules within 1 year after the
1542 application date must file a new application, pay the
1543 application and examination fee, successfully complete a
1544 prescribed training course approved by the State Fire College or
1545 an equivalent court approved by the State Fire Marshal, and
1546 retake and pass the written examination.

1547 (3) (a) As a prerequisite to taking the examination for
1548 certification as a Contractor I, ~~Contractor II, or Contractor~~



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1549 ~~III,~~ the applicant must be at least 18 years of age, be of good
1550 moral character, and shall possess 4 years' proven experience in
1551 the employment of a fire protection system Contractor I,
1552 ~~Contractor II, or Contractor III~~ or a combination of equivalent
1553 education and experience in both water-based and chemical fire
1554 suppression systems.

1555 (b) As a prerequisite to taking the examination for
1556 certification as a Contractor II, the applicant must be at least
1557 18 years of age, be of good moral character, and have 4 years of
1558 verifiable employment experience with a fire protection system
1559 as a Contractor I or Contractor II, or a combination of
1560 equivalent education and experience in water-based fire
1561 suppression systems.

1562 (c) Required education and experience for certification as
1563 a Contractor I, Contractor II, Contractor III, or Contractor IV
1564 includes training and experience in both installation and system
1565 layout as defined in s. 633.021.

1566 (d) As a prerequisite to taking the examination for
1567 certification as a Contractor III, the applicant must be at
1568 least 18 years of age, be of good moral character, and have 4
1569 years of verifiable employment experience with a fire protection
1570 system as a Contractor I or Contractor II, or a combination of
1571 equivalent education and experience in chemical fire suppression
1572 systems.

1573 (e) As a prerequisite to taking the examination for
1574 certification as a Contractor IV, the applicant ~~must shall~~ be at
1575 least 18 years old, be of good moral character, be licensed as a
1576 certified plumbing contractor under chapter 489, and
1577 successfully complete a training program acceptable to the State



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1578 Fire Marshal of not less than 40 contact hours regarding the
1579 applicable installation standard used by the Contractor IV as
1580 described in NFPA 13D. The State Fire Marshal may adopt rules to
1581 administer this subsection ~~have at least 2 years' proven~~
1582 ~~experience in the employment of a fire protection system~~
1583 ~~Contractor I, Contractor II, Contractor III, or Contractor IV or~~
1584 ~~combination of equivalent education and experience which~~
1585 ~~combination need not include experience in the employment of a~~
1586 ~~fire protection system contractor.~~

1587 (f) As a prerequisite to taking the examination for
1588 certification as a Contractor V, the applicant must ~~shall~~ be at
1589 least 18 years old, be of good moral character, and have been
1590 licensed as a certified underground utility and excavation
1591 contractor or certified plumbing contractor pursuant to chapter
1592 489, have verification by an individual who is licensed as a
1593 certified utility contractor or certified plumbing contractor
1594 pursuant to chapter 489 that the applicant has 4 years' proven
1595 experience in the employ of a certified underground utility and
1596 excavation contractor or certified plumbing contractor, or have
1597 a combination of education and experience equivalent to 4 years'
1598 proven experience in the employ of a certified underground
1599 utility and excavation contractor or certified plumbing
1600 contractor.

1601 (g) Within 30 days after the date of the examination, the
1602 State Fire Marshal shall inform the applicant in writing whether
1603 she or he has qualified or not and, if the applicant has
1604 qualified, that she or he is ready to issue a certificate of
1605 competency, subject to compliance with the requirements of
1606 subsection (4).



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1607 (10) Effective July 1, 2008, the State Fire Marshal shall
1608 require the National Institute of Certification in Engineering
1609 Technologies (NICET), Sub-field of Inspection and Testing of
1610 Fire Protection Systems Level II or equivalent training and
1611 education as determined by the division as proof that the
1612 permitholders are knowledgeable about nationally accepted
1613 standards for the inspection of fire protection systems. ~~It is~~
1614 ~~the intent of this act, from July 1, 2005, until July 1, 2008,~~
1615 ~~to accept continuing education of all certificateholders'~~
1616 ~~employees who perform inspection functions which specifically~~
1617 ~~prepares the permitholder to qualify for NICET II certification.~~

1618 (11) It is intended that a certificateholder, or a
1619 permitholder who is employed by a certificateholder, conduct
1620 inspections required by this chapter. It is understood that
1621 after July 1, 2008, employee turnover may result in a depletion
1622 of personnel who are certified under the NICET Sub-field of
1623 Inspection and Testing of Fire Protection Systems Level II or
1624 equivalent training and education as required by the Division of
1625 State Fire Marshal which is required for permitholders. ~~The~~
1626 ~~extensive training and experience necessary to achieve NICET~~
1627 ~~Level II certification is recognized.~~ A certificateholder may
1628 therefore obtain a provisional permit with an endorsement for
1629 inspection, testing, and maintenance of water-based fire
1630 extinguishing systems for an employee if the employee has
1631 initiated procedures for obtaining Level II certification from
1632 the National Institute for Certification in Engineering
1633 Technologies Sub-field of Inspection and Testing of Fire
1634 Protection Systems and achieved Level I certification or an
1635 equivalent level as determined by the State Fire Marshal through



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1636 verification of experience, training, and examination. The State
1637 Fire Marshal may establish rules to administer this subsection.
1638 After 2 years of provisional certification, the employee must
1639 have achieved NICET Level II certification, or obtain equivalent
1640 training and education as determined by the division, or cease
1641 performing inspections requiring Level II certification. The
1642 provisional permit is valid only for the 2 calendar years after
1643 the date of issuance, may not be extended, and is not renewable.
1644 After the initial 2-year provisional permit expires, the
1645 certificateholder must wait 2 additional years before a new
1646 provisional permit may be issued. The intent is to prohibit the
1647 certificateholder from using employees who never reach NICET
1648 Level II, or equivalent training and education as determined by
1649 the division, status by continuously obtaining provisional
1650 permits.

1651 Section 38. Subsection (3) is added to section 633.524,
1652 Florida Statutes, to read:

1653 633.524 Certificate and permit fees; use and deposit of
1654 collected funds.-

1655 (3) The State Fire Marshal may enter into a contract with
1656 any qualified public entity or private company in accordance
1657 with chapter 287 to provide examinations for any applicant for
1658 any examination administered under the jurisdiction of the State
1659 Fire Marshal. The State Fire Marshal may direct payments from
1660 each applicant for each examination directly to such contracted
1661 entity or company.

1662 Section 39. Subsection (4) of section 633.537, Florida
1663 Statutes, is amended to read:

1664 633.537 Certificate; expiration; renewal; inactive



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1665 certificate; continuing education.-

1666 (4) The renewal period for the permit class is the same as
1667 that for the employing certificateholder. The continuing
1668 education requirements for permitholders are what is required to
1669 maintain NICET Sub-field of Inspection and Testing of Fire
1670 Protection Systems Level II, equivalent training and education
1671 as determined by the division, or higher certification plus 8
1672 contact hours of continuing education approved by the State Fire
1673 Marshal during each biennial renewal period thereafter. ~~The~~
1674 ~~continuing education curriculum from July 1, 2005, until July 1,~~
1675 ~~2008, shall be the preparatory curriculum for NICET II~~
1676 ~~certification; after July 1, 2008, the technical curriculum is~~
1677 ~~at the discretion of the State Fire Marshal and may be used to~~
1678 ~~meet the maintenance of NICET Level II certification and 8~~
1679 ~~contact hours of continuing education requirements.~~ It is the
1680 responsibility of the permitholder to maintain NICET II
1681 certification or equivalent training and education as determined
1682 by the division as a condition of permit renewal after July 1,
1683 2008.

1684 Section 40. Subsection (4) of section 633.72, Florida
1685 Statutes, is amended to read:

1686 633.72 Florida Fire Code Advisory Council.-

1687 (4) Each appointee shall serve a 4-year term. No member
1688 shall serve more than two consecutive terms ~~one term~~. No member
1689 of the council shall be paid a salary as such member, but each
1690 shall receive travel and expense reimbursement as provided in s.
1691 112.061.

1692 Section 41. Subsection (2) of section 553.509, Florida
1693 Statutes, is repealed.



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1694 Section 42. The Florida Building Commission is directed to
1695 adjust the Florida Building Code for consistency with the
1696 revisions to s. 399.02, Florida Statutes, under section 1 of
1697 this act.

1698 Section 43. Except as otherwise expressly provided in this
1699 act, this act shall take effect July 1, 2009.

1700
1701 ===== T I T L E A M E N D M E N T =====

1702 And the title is amended as follows:

1703 Delete everything before the enacting clause
1704 and insert:

1705 A bill to be entitled
1706 An act relating to building safety; amending s.
1707 399.02, F.S.; exempting certain elevators from
1708 provisions requiring modifications to heat sensors and
1709 electronic controls; amending s. 399.15, F.S.;
1710 providing an alternative method to allow regional
1711 emergency elevator access; providing for a uniform
1712 lock box; providing for a master key; providing the
1713 Division of State Fire Marshal with enforcement
1714 authority; directing the Department of Financial
1715 Services to select the provider of the uniform lock
1716 box; amending s. 468.8311, F.S.; effective July 1,
1717 2010, revising the term "home inspection services" to
1718 include the visual examination of additional
1719 components; amending s. 468.8312, F.S.; effective July
1720 1, 2010, providing for fee increases for home
1721 inspection licenses; amending s. 468.8319, F.S.;
1722 effective July 1, 2010, revising certain prohibitions



1723 with respect to providers of home inspection services;
1724 amending s. 468.832, F.S.; effective July 1, 2010,
1725 authorizing the Department of Business and
1726 Professional Regulation to impose penalties against a
1727 licensee found guilty of certain violations; amending
1728 s. 468.8324, F.S.; providing additional requirements
1729 for licensure as a home inspector; amending s.
1730 215.5586, F.S.; effective July 1, 2010, adding home
1731 inspectors licensed under s. 468.83, F.S., to the list
1732 of wind certification entities that may be selected by
1733 the Department of Financial Services to provide
1734 hurricane mitigation inspections; amending s. 627.351,
1735 F.S.; deleting a requirement for opening protections
1736 for designated property for purposes of coverage by
1737 the Citizens Property Insurance Corporation; amending
1738 s. 627.711, F.S.; effective July 1, 2010, authorizing
1739 the Financial Services Commission to accept as valid a
1740 uniform mitigation verification form signed by a
1741 licensed home inspector; repealing s. 718.113(6),
1742 F.S., relating to requirements for 5-year inspections
1743 of certain condominium improvements; amending s.
1744 553.37, F.S.; authorizing manufacturers to pay
1745 inspection fees directly to the provider of inspection
1746 services; providing rulemaking authority to the
1747 Department of Community Affairs; authorizing the
1748 department to enter into contracts for the performance
1749 of certain administrative duties; revising inspection
1750 requirements for certain custom manufactured
1751 buildings; amending s. 553.375, F.S.; revising the



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1752 requirement for recertification of manufactured
1753 buildings prior to relocation; amending s. 553.73,
1754 F.S.; authorizing the Florida Building Commission to
1755 adopt amendments relating to equivalency of standards;
1756 authorizing the adoption of amendments necessary to
1757 accommodate state agency rules to meet federal
1758 requirements for design criteria relating to public
1759 educational facilities and state-licensed facilities;
1760 exempting certain mausoleums from the requirements of
1761 the Florida Building Code; restricting the code or an
1762 code enforcement agency from imposing requirements on
1763 certain air conditioning systems; amending s. 553.76,
1764 F.S.; authorizing the Florida Building Commission to
1765 adopt rules related to consensus-building
1766 decisionmaking; amending s. 553.775, F.S.; authorizing
1767 the commission to charge a fee for nonbinding
1768 interpretations; amending s. 553.79, F.S.; requiring
1769 state agencies to contract for inspection services
1770 under the alternative plans review and inspection
1771 process or with a local governmental entity; amending
1772 s. 553.841, F.S.; deleting provisions requiring that
1773 the Department of Community Affairs maintain, update,
1774 develop, or cause to be developed a core curriculum
1775 for persons who enforce the Florida Building Code;
1776 amending s. 553.842, F.S.; authorizing rules requiring
1777 the payment of product evaluation fees directly to the
1778 administrator of the product evaluation and approval
1779 system; requiring that the provider remit a portion of
1780 the fees to the department to cover its costs;



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1781 providing requirements for the approval of
1782 applications for state approval of a product;
1783 providing for certain approved products to be
1784 immediately added to the list of state-approved
1785 products; requiring that the commission's oversight
1786 committee review approved products; revising the list
1787 of approved evaluation entities; deleting obsolete
1788 provisions governing evaluation entities; amending s.
1789 553.844, F.S.; providing an exemption from
1790 requirements from roof and opening protections for
1791 certain exposed mechanical equipment or appliances;
1792 amending s. 553.885, F.S.; revising requirements for
1793 carbon monoxide alarms; providing an exception for
1794 buildings undergoing alterations or repairs; defining
1795 the term "addition"; amending s. 553.9061, F.S.;
1796 revising the energy-efficiency performance options and
1797 elements identified by the commission for purposes of
1798 meeting certain goals; amending s. 553.912, F.S.;
1799 providing requirements for the replacement of air
1800 conditioning systems; repealing ss. 468.627(6),
1801 481.215(5), and 481.313(5), F.S., relating to building
1802 code inspectors, renewal of the license for
1803 architects, interior designers, and landscape
1804 architects, respectively; amending ss. 468.609,
1805 471.0195, 489.115, 489.1455, and 489.517, F.S.,
1806 conforming provisions relating to the deletion of core
1807 curriculum courses relating to the Florida Building
1808 Code; reenacting s. 553.80(1), F.S., relating to the
1809 enforcement of the Florida Building Code, to



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1810 incorporate the amendments made to s. 553.79, F.S., in
1811 a reference thereto; amending s. 633.0215, F.S.;

1812 providing guidelines for the State Fire Marshal to use
1813 in issuing an expedited declaratory statement;

1814 requiring the State Fire Marshal to issue an expedited
1815 declaratory statement under certain circumstances;

1816 providing requirement for a petition requesting an
1817 expedited declaratory statement; amending s. 633.026,
1818 F.S.; providing legislative intent; providing for the
1819 establishment of the Fire Code Interpretation
1820 Committee; providing for the membership of the
1821 committee and requirements for membership; requiring
1822 that nonbinding interpretations of the Florida Fire
1823 Prevention Code be issued within a specified period
1824 after a request is received; providing for the waiver
1825 of such requirement under certain conditions;

1826 requiring the Division of State Fire Marshal to charge
1827 a fee for nonbinding interpretations; providing that
1828 fees may be paid directly to a contract provider;

1829 providing requirements for requesting a nonbinding
1830 interpretation; requiring the Division of State Fire
1831 Marshal to develop a form for submitting a petition
1832 for a nonbinding interpretation; providing for a
1833 formal interpretation by the State Fire Marshal;

1834 requiring that an interpretation of the Florida Fire
1835 Prevention Code be published on the division's website
1836 and the Florida Administrative Weekly; amending s.
1837 633.081, F.S.; requiring the Division of State Fire
1838 Marshal and the Florida Building Code Administrator



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1839 and Inspectors Board enter into a reciprocity
1840 agreement for purposes of recertifying building code
1841 inspectors, plan inspectors, building code
1842 administrators, and firesafety inspectors; amending s.
1843 633.352, F.S.; providing an exception to requirements
1844 for recertification as a firefighter; amending s.
1845 633.521, F.S.; revising requirements for certification
1846 as a fire protection system contractor; revising the
1847 prerequisites for taking the certification
1848 examination; authorizing the State Fire Marshal to
1849 accept more than one source of professional
1850 certification; revising legislative intent; amending
1851 s. 633.524, F.S.; authorizing the State Fire Marshal
1852 to enter into contracts for examination services;
1853 providing for direct payment of examination fees to
1854 contract providers; amending s. 633.537, F.S.;

1855 revising the continuing education requirements for
1856 certain permitholders; amending 633.72, F.S.; revising
1857 the terms of service for members of the Fire Code
1858 Advisory Council; repealing s. 553.509(2), F.S.,
1859 relating to requirements for alternate power sources
1860 for elevators for purposes of operating during an
1861 emergency; directing the Florida Building Commission
1862 to conform provisions of the Florida Building Code
1863 with revisions made by the act relating to the
1864 operation of elevators; providing effective dates.