

By the Committee on Community Affairs; and Senator Bennett

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1 A bill to be entitled
2 An act relating to building codes; amending s. 339.02,
3 F.S., providing requirements relating to elevator
4 safety; amending s. 399.15, F.S., providing an
5 alternative method to provide regional emergency
6 elevator access; providing for a uniform lock box;
7 providing for a master key; providing the Division of
8 State Fire Marshal with enforcement authority;
9 directing the Department of Financial Services to
10 select the provider of the uniform lock box; amending
11 s. 468.8311, F.S., effective July 1, 2010, to revise
12 definitions for home inspection services; amending s.
13 468.8312, F.S., effective July 1, 2010, providing for
14 fee increases for home inspection licenses; amending
15 s. 468.8319, F.S.; effective July 1, 2010, revising a
16 prohibition on providers of home inspection services;
17 amending s. 468.832, F.S.; effective July 1, 2010,
18 authorizing the Department of Business and
19 Professional Regulation to impose penalties on
20 licensees found guilty of violations; amending s.
21 468.8324, effective July 1, 2010, providing additional
22 home inspection licensure requirements; amending s.
23 215.5586, F.S.; effective July 1, 2010, adding home
24 inspectors licensed under s. 468.83, F.S., to the list
25 of wind certification entities that may be selected by
26 the Department of Financial Services to provide
27 hurricane mitigation inspections; amending s. 627.351,
28 F.S.; deleting a requirement for opening protections
29 for designated property; repealing s. 718.113(6),

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30 F.S.; relating to requirements for 5-year inspections
31 of certain condominium improvements; amending s.
32 553.37, F.S.; revising criteria for inspection of
33 manufactured buildings; authorizing manufacturers to
34 pay inspection fees directly to the provider of
35 inspection services; providing rulemaking authority to
36 the Department of Community Affairs; authorizing the
37 department to enter into contracts for the performance
38 of certain administrative duties; revising inspection
39 requirements for certain custom manufactured
40 buildings; amending s. 553.375, F.S.; revising the
41 requirement for recertification of manufactured
42 buildings prior to relocation; amending s. 553.73,
43 F.S.; authorizing the commission to adopt amendments
44 relating to equivalency of standards; authorizing the
45 adoption of amendments necessary to accommodate state
46 agency rules to meet federal requirements for design
47 criteria relating to public educational facilities and
48 state-licensed facilities; providing an exception to
49 the Florida Building Code; restricting the code from
50 imposing requirements on certain air conditioning
51 systems; amending s. 553.74, F.S.; authorizing members
52 of the commission's advisory and technical committees
53 to appear before the commission on professional
54 matters; providing that the member may not take action
55 on certain matters; amending s. 553.76, F.S.;
56 authorizing the Florida Building Commission to adopt
57 rules related to consensus-building decisionmaking;
58 amending s. 553.775, F.S.; authorizing the commission

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59 to charge a fee for nonbinding interpretations;
60 amending s. 553.79, F.S.; requiring state agencies to
61 contract for inspection services under the alternative
62 plans review and inspection process or with a local
63 governmental entity; providing exceptions; amending s.
64 553.841, F.S.; deleting provisions requiring that the
65 department maintain, update, develop, or cause to be
66 developed a core curriculum; amending s. 553.842,
67 F.S.; authorizing commission rules to provide for the
68 payment of product evaluation fees directly to the
69 provider; providing that the provider must remit the
70 department's portion of the fees; providing
71 requirements for approval of applications for state
72 approval of a product; providing that certain approved
73 products will be immediately added to the list of
74 state-approved products; providing for review and
75 ratification of an approved product by the commission;
76 revising the list of approved evaluation entities;
77 deleting obsolete provisions; amending s. 553.885,
78 F.S.; revising requirements for carbon monoxide
79 alarms; repealing ss. 468.627(6), 481.215(5), and
80 481.313(5), F.S., relating to building code
81 inspectors, renewal of the license for architects,
82 interior designers, and landscape architects,
83 respectively; amending ss. 468.609, 471.0195, 489.115,
84 489.1455, and 489.517, F.S., conforming provisions
85 relating to the deletion of core curriculum courses;
86 reenacting s. 553.80(1), F.S., relating to the
87 enforcement of the Florida Building Code, to

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88 incorporate the amendments made to s. 553.79, F.S., in
89 a reference thereto; directing the Florida Building
90 Commission to update the Florida Building Code to
91 include revisions made to s. 399.02, F.S.; providing
92 effective dates.

93

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

95

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

98 399.02 General requirements.—

99 (6) The department is empowered to carry out all of the
100 provisions of this chapter relating to the inspection and
101 regulation of elevators and to enforce the provisions of the
102 Florida Building Code, except that updates to the code requiring
103 modifications for heat sensors and electronic controls on
104 existing elevators, as amended into the Safety Code for Existing
105 Elevators and Escalators, ANSI/ASME A17.1 and A17.3, may not be
106 enforced on elevators in condominiums issued a certificate of
107 operation by the department as of July 1, 2008, until such time
108 as the elevator is replaced. This exception does not apply to
109 any building for which a building permit was issued after July
110 1, 2008.

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

114 399.15 Regional emergency elevator access.—

115 (7) As an alternative to complying with the requirements of
116 subsection (1), each building in this state which is required to

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117 meet the provisions of subsections (1) and (2), may instead
118 provide for the installation of a uniform lock box that contains
119 the keys to all elevators in the building which allow public
120 access, including service and freight elevators. The uniform
121 lock box must be keyed so as to allow all uniform lock boxes in
122 each of the seven state emergency response regions to operate in
123 fire emergency situations with one master key. The uniform lock
124 box master key may be issued only to the fire department. The
125 Division of State Fire Marshal of the Department of Financial
126 Services shall enforce this subsection. The Department of
127 Financial Services shall select the provider of the uniform lock
128 box to be installed in each building in which this subsection is
129 implemented.

130 Section 3. Effective July 1, 2010, section 468.8311,
131 Florida Statutes, is amended to read:

132 468.8311 Definitions.—As used in this part, the term:

133 (1) "Department" means the Department of Business and
134 Professional Regulation.

135 (2) "Home" means any residential real property, or
136 manufactured or modular home, which is a single-family dwelling,
137 duplex, triplex, quadruplex, condominium unit, or cooperative
138 unit. The term does not include the common areas of condominiums
139 or cooperatives.

140 (3) "Home inspector" means any person who provides or
141 offers to provide home inspection services for a fee or other
142 compensation.

143 (4) "Home inspection services" means a limited visual
144 examination of one or more of the following readily accessible
145 installed systems and components of a home: the structure,

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146 electrical system, HVAC system, roof covering, plumbing system,
147 interior components, windows, doors, walls, floors, ceilings,
148 exterior components, and site conditions that affect the
149 structure, for the purposes of providing a written professional
150 opinion of the condition of the home.

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

153 468.8312 Fees.—

154 (1) The department, by rule, may establish fees to be paid
155 for applications, examination, reexamination, licensing and
156 renewal, inactive status application and reactivation of
157 inactive licenses, recordkeeping, and applications for providers
158 of continuing education. The department may also establish by
159 rule a delinquency fee. Fees shall be based on department
160 estimates of the revenue required to implement the provisions of
161 this part. All fees shall be remitted with the appropriate
162 application, examination, or license.

163 (2) The initial application and examination fee shall not
164 exceed \$250 ~~\$125~~ plus the actual per applicant cost to the
165 department to purchase an examination, if the department chooses
166 to purchase the examination. The examination fee shall be in an
167 amount that covers the cost of obtaining and administering the
168 examination and shall be refunded if the applicant is found
169 ineligible to sit for the examination. The application fee shall
170 be nonrefundable.

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

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

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

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175 (6) The fee for licensure by endorsement shall not exceed
176 \$400 ~~\$200~~.

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

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

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

183 468.8319 Prohibitions; penalties.—

184 (1) No person may ~~A home inspector, a company that employs~~
185 ~~a home inspector, or a company that is controlled by a company~~
186 ~~that also has a financial interest in a company employing a home~~
187 ~~inspector may not:~~

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

190 (b) Use the name or title "certified home inspector,"
191 "registered home inspector," "licensed home inspector," "home
192 inspector," "professional home inspector," or any combination
193 thereof unless the person has complied with the provisions of
194 this part;

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

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

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

200 (f) Perform or offer to perform, prior to closing, for any
201 additional fee, any repairs to a home on which the inspector or
202 the inspector's company has prepared a home inspection report.
203 This paragraph does not apply to a home warranty company that is

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204 affiliated with or retains a home inspector to perform repairs
205 pursuant to a claim made under a home warranty contract;

206 (g) Inspect for a fee any property in which the inspector
207 or the inspector's company has any financial or transfer
208 interest;

209 (h) Offer or deliver any compensation, inducement, or
210 reward to any broker or agent therefor for the referral of the
211 owner of the inspected property to the inspector or the
212 inspection company; or

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

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

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

222 468.832 Disciplinary proceedings.—

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

225 (a) Violation of any provision of this part or s.
226 455.227(1);

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

229 (c) Having a license to practice home inspection services
230 revoked, suspended, or otherwise acted against, including the
231 denial of licensure, by the licensing authority of another
232 state, territory, or country;

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233 (d) Being convicted or found guilty of, or entering a plea
234 of nolo contendere to, regardless of adjudication, a crime in
235 any jurisdiction that directly relates to the practice of home
236 inspection services or the ability to practice home inspection
237 services;

238 (e) Making or filing a report or record that the licensee
239 knows to be false, willfully failing to file a report or record
240 required by state or federal law, willfully impeding or
241 obstructing such filing, or inducing another person to impede or
242 obstruct such filing. Such reports or records shall include only
243 those that are signed in the capacity of a licensed home
244 inspector;

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

247 (g) Engaging in fraud or deceit, or negligence,
248 incompetency, or misconduct, in the practice of home inspection
249 services;

250 (h) Failing to perform any statutory or legal obligation
251 placed upon a licensed home inspector; violating any provision
252 of this chapter, a rule of the department, or a lawful order of
253 the department previously entered in a disciplinary hearing; or
254 failing to comply with a lawfully issued subpoena of the
255 department; or

256 (i) Practicing on a revoked, suspended, inactive, or
257 delinquent license.

258 (2) When the department finds any licensee ~~home inspector~~
259 guilty of any of the grounds set forth in subsection (1), it may
260 enter an order imposing one or more of the following penalties:

261 (a) Denial of an application for licensure.

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262 (b) Revocation or suspension of a license.

263 (c) Imposition of an administrative fine not to exceed
264 \$5,000 for each count or separate offense.

265 (d) Issuance of a reprimand.

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

269 (f) Restriction of the authorized scope of practice by the
270 home inspector.

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

275 Section 7. Effective July 1, 2010, section 468.8324,
276 Florida Statutes, is amended to read:

277 468.8324 Grandfather clause.—A person who performs home
278 inspection services as defined in this part may qualify to be
279 licensed by the department as a home inspector if the person
280 meets the licensure requirements of this part by July 1, 2010,
281 and if the person:—

282 (1) Is of good moral character;

283 (2) Has successfully completed high school or its
284 equivalent, or has been in the home inspection business for at
285 least 3 years;

286 (3) Has received compensation as a home inspector for not
287 less than 2 years prior to July 1, 2010; and

288 (4) Has performed no fewer than 100 home inspections and
289 received compensation for such inspections.

290 Section 8. Effective July 1, 2010, subsection (1) of

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291 section 215.5586, Florida Statutes, is amended to read:

292 215.5586 My Safe Florida Home Program.—There is established
293 within the Department of Financial Services the My Safe Florida
294 Home Program. The department shall provide fiscal
295 accountability, contract management, and strategic leadership
296 for the program, consistent with this section. This section does
297 not create an entitlement for property owners or obligate the
298 state in any way to fund the inspection or retrofitting of
299 residential property in this state. Implementation of this
300 program is subject to annual legislative appropriations. It is
301 the intent of the Legislature that the My Safe Florida Home
302 Program provide inspections for at least 400,000 site-built,
303 single-family, residential properties and provide grants to at
304 least 35,000 applicants before June 30, 2009. The program shall
305 develop and implement a comprehensive and coordinated approach
306 for hurricane damage mitigation that shall include the
307 following:

308 (1) HURRICANE MITIGATION INSPECTIONS.—

309 (a) Free home-retrofit inspections of site-built, single-
310 family, residential property shall be offered throughout the
311 state to determine what mitigation measures are needed, what
312 insurance premium discounts may be available, and what
313 improvements to existing residential properties are needed to
314 reduce the property's vulnerability to hurricane damage. The
315 Department of Financial Services shall contract with wind
316 certification entities to provide free hurricane mitigation
317 inspections. The inspections provided to homeowners, at a
318 minimum, must include:

319 1. A home inspection and report that summarizes the results

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320 and identifies recommended improvements a homeowner may take to
321 mitigate hurricane damage.

322 2. A range of cost estimates regarding the recommended
323 mitigation improvements.

324 3. Insurer-specific information regarding premium discounts
325 correlated to the current mitigation features and the
326 recommended mitigation improvements identified by the
327 inspection.

328 4. A hurricane resistance rating scale specifying the
329 home's current as well as projected wind resistance
330 capabilities. As soon as practical, the rating scale must be the
331 uniform home grading scale adopted by the Financial Services
332 Commission pursuant to s. 215.55865.

333 (b) To qualify for selection by the department as a wind
334 certification entity to provide hurricane mitigation
335 inspections, the entity shall, at a minimum, meet the following
336 requirements:

337 1. Use hurricane mitigation inspectors who:

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

339 b. Are licensed as a general or residential contractor
340 under s. 489.111;

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

344 d. Are licensed as a professional architect under s.
345 481.213; ~~or~~

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

347 f.~~e.~~ Have at least 2 years of experience in residential
348 construction or residential building inspection and have

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349 received specialized training in hurricane mitigation
350 procedures. Such training may be provided by a class offered
351 online or in person.

352 2. Use hurricane mitigation inspectors who also:

353 a. Have undergone drug testing and level 2 background
354 checks pursuant to s. 435.04. The department may conduct
355 criminal record checks of inspectors used by wind certification
356 entities. Inspectors must submit a set of the fingerprints to
357 the department for state and national criminal history checks
358 and must pay the fingerprint processing fee set forth in s.
359 624.501. The fingerprints shall be sent by the department to the
360 Department of Law Enforcement and forwarded to the Federal
361 Bureau of Investigation for processing. The results shall be
362 returned to the department for screening. The fingerprints shall
363 be taken by a law enforcement agency, designated examination
364 center, or other department-approved entity; and

365 b. Have been certified, in a manner satisfactory to the
366 department, to conduct the inspections.

367 3. Provide a quality assurance program including a
368 reinspection component.

369 (c) The department shall implement a quality assurance
370 program that includes a statistically valid number of
371 reinspections.

372 (d) An application for an inspection must contain a signed
373 or electronically verified statement made under penalty of
374 perjury that the applicant has submitted only a single
375 application for that home.

376 (e) The owner of a site-built, single-family, residential
377 property may apply for and receive an inspection without also

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378 applying for a grant pursuant to subsection (2) and without
379 meeting the requirements of paragraph (2) (a).

380 Section 9. Paragraph (a) of subsection (6) of section
381 627.351, Florida Statutes, is amended to read:

382 627.351 Insurance risk apportionment plans.—

383 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

384 (a)1. It is the public purpose of this subsection to ensure
385 the existence of an orderly market for property insurance for
386 Floridians and Florida businesses. The Legislature finds that
387 private insurers are unwilling or unable to provide affordable
388 property insurance coverage in this state to the extent sought
389 and needed. The absence of affordable property insurance
390 threatens the public health, safety, and welfare and likewise
391 threatens the economic health of the state. The state therefore
392 has a compelling public interest and a public purpose to assist
393 in assuring that property in the state is insured and that it is
394 insured at affordable rates so as to facilitate the remediation,
395 reconstruction, and replacement of damaged or destroyed property
396 in order to reduce or avoid the negative effects otherwise
397 resulting to the public health, safety, and welfare, to the
398 economy of the state, and to the revenues of the state and local
399 governments which are needed to provide for the public welfare.
400 It is necessary, therefore, to provide affordable property
401 insurance to applicants who are in good faith entitled to
402 procure insurance through the voluntary market but are unable to
403 do so. The Legislature intends by this subsection that
404 affordable property insurance be provided and that it continue
405 to be provided, as long as necessary, through Citizens Property
406 Insurance Corporation, a government entity that is an integral

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407 part of the state, and that is not a private insurance company.
408 To that end, Citizens Property Insurance Corporation shall
409 strive to increase the availability of affordable property
410 insurance in this state, while achieving efficiencies and
411 economies, and while providing service to policyholders,
412 applicants, and agents which is no less than the quality
413 generally provided in the voluntary market, for the achievement
414 of the foregoing public purposes. Because it is essential for
415 this government entity to have the maximum financial resources
416 to pay claims following a catastrophic hurricane, it is the
417 intent of the Legislature that Citizens Property Insurance
418 Corporation continue to be an integral part of the state and
419 that the income of the corporation be exempt from federal income
420 taxation and that interest on the debt obligations issued by the
421 corporation be exempt from federal income taxation.

422 2. The Residential Property and Casualty Joint Underwriting
423 Association originally created by this statute shall be known,
424 as of July 1, 2002, as the Citizens Property Insurance
425 Corporation. The corporation shall provide insurance for
426 residential and commercial property, for applicants who are in
427 good faith entitled, but are unable, to procure insurance
428 through the voluntary market. The corporation shall operate
429 pursuant to a plan of operation approved by order of the
430 Financial Services Commission. The plan is subject to continuous
431 review by the commission. The commission may, by order, withdraw
432 approval of all or part of a plan if the commission determines
433 that conditions have changed since approval was granted and that
434 the purposes of the plan require changes in the plan. The
435 corporation shall continue to operate pursuant to the plan of

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436 operation approved by the Office of Insurance Regulation until
437 October 1, 2006. For the purposes of this subsection,
438 residential coverage includes both personal lines residential
439 coverage, which consists of the type of coverage provided by
440 homeowner's, mobile home owner's, dwelling, tenant's,
441 condominium unit owner's, and similar policies, and commercial
442 lines residential coverage, which consists of the type of
443 coverage provided by condominium association, apartment
444 building, and similar policies.

445 3. Effective January 1, 2009, a personal lines residential
446 structure that has a dwelling replacement cost of \$2 million or
447 more, or a single condominium unit that has a combined dwelling
448 and content replacement cost of \$2 million or more is not
449 eligible for coverage by the corporation. Such dwellings insured
450 by the corporation on December 31, 2008, may continue to be
451 covered by the corporation until the end of the policy term.
452 However, such dwellings that are insured by the corporation and
453 become ineligible for coverage due to the provisions of this
454 subparagraph may reapply and obtain coverage if the property
455 owner provides the corporation with a sworn affidavit from one
456 or more insurance agents, on a form provided by the corporation,
457 stating that the agents have made their best efforts to obtain
458 coverage and that the property has been rejected for coverage by
459 at least one authorized insurer and at least three surplus lines
460 insurers. If such conditions are met, the dwelling may be
461 insured by the corporation for up to 3 years, after which time
462 the dwelling is ineligible for coverage. The office shall
463 approve the method used by the corporation for valuing the
464 dwelling replacement cost for the purposes of this subparagraph.

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465 If a policyholder is insured by the corporation prior to being
466 determined to be ineligible pursuant to this subparagraph and
467 such policyholder files a lawsuit challenging the determination,
468 the policyholder may remain insured by the corporation until the
469 conclusion of the litigation.

470 4. It is the intent of the Legislature that policyholders,
471 applicants, and agents of the corporation receive service and
472 treatment of the highest possible level but never less than that
473 generally provided in the voluntary market. It also is intended
474 that the corporation be held to service standards no less than
475 those applied to insurers in the voluntary market by the office
476 with respect to responsiveness, timeliness, customer courtesy,
477 and overall dealings with policyholders, applicants, or agents
478 of the corporation.

479 5. ~~Effective January 1, 2009, a personal lines residential~~
480 ~~structure that is located in the "wind-borne debris region," as~~
481 ~~defined in s. 1609.2, International Building Code (2006), and~~
482 ~~that has an insured value on the structure of \$750,000 or more~~
483 ~~is not eligible for coverage by the corporation unless the~~
484 ~~structure has opening protections as required under the Florida~~
485 ~~Building Code for a newly constructed residential structure in~~
486 ~~that area. A residential structure shall be deemed to comply~~
487 ~~with the requirements of this subparagraph if it has shutters or~~
488 ~~opening protections on all openings and if such opening~~
489 ~~protections complied with the Florida Building Code at the time~~
490 ~~they were installed. Effective January 1, 2010, for personal~~
491 ~~lines residential property insured by the corporation that is~~
492 ~~located in the wind-borne debris region and has an insured value~~
493 ~~on the structure of \$500,000 or more, a prospective purchaser of~~

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494 any such residential property must be provided by the seller a
495 written disclosure that contains the structure's windstorm
496 mitigation rating based on the uniform home grading scale
497 adopted under s. 215.55865. Such rating shall be provided to the
498 purchaser at or before the time the purchaser executes a
499 contract for sale and purchase.

500 Section 10. Subsection (6) of section 718.113, Florida
501 Statutes, is repealed.

502 Section 11. Subsections (1), (2), (8), and (9) of section
503 553.37, Florida Statutes, are amended, and section (12) is added
504 to that section, to read:

505 553.37 Rules; inspections; and insignia.—

506 (1) The Florida Building Commission shall adopt within the
507 Florida Building Code requirements for construction or
508 modification of manufactured buildings and building modules, to
509 address:

510 (a) Submittal to and approval by the department of
511 manufacturers' drawings and specifications, including any
512 amendments.

513 (b) Submittal to and approval by the department of
514 manufacturers' internal quality control procedures and manuals,
515 including any amendments.

516 ~~(c) Minimum inspection criteria.~~

517 (2) The department shall adopt rules to address:

518 (a) Procedures and qualifications for approval of third-
519 party plan review and inspection agencies and of those who
520 perform inspections and plan reviews.

521 (b) Investigation of consumer complaints of noncompliance
522 of manufactured buildings with the Florida Building Code and the

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523 Florida Fire Prevention Code.

524 (c) Inspection criteria applicable to manufactured
525 buildings which are consistent with the requirements of s.
526 553.73(4) (a), and which account for the repetitive nature of the
527 manufacturing activity, observed violations of the Florida
528 Building Code, or deviations from applicable rules with varying
529 frequency or applicability of particular inspection.

530 (d)-(e) Issuance, cancellation, and revocation of any
531 insignia issued by the department and procedures for auditing
532 and accounting for disposition of them.

533 (e)-(d) Monitoring the manufacturers', inspection agencies',
534 and plan review agencies' compliance with this part and the
535 Florida Building Code. Monitoring may include, but is not
536 limited to, performing audits of plans, inspections of
537 manufacturing facilities and observation of the manufacturing
538 and inspection process, and onsite inspections of buildings.

539 (f)-(e) The performance by the department and its designees
540 and contractors of any other functions required by this part.

541 (8) The department, by rule, shall establish a schedule of
542 fees to pay the cost of the administration and enforcement of
543 this part. The rule may provide for manufacturers to pay fees to
544 the administrator directly, including charges incurred for plans
545 review and inspection services, via the Building Code
546 Information System (BCIS) and for the administrator to disburse
547 the funds as necessary.

548 (9) The department may delegate its enforcement authority
549 to a state department having building construction
550 responsibilities or a local government, and may enter into
551 contracts for the performance of its administrative duties under

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552 this part. The department may delegate its plan review and
553 inspection authority to one or more of the following in any
554 combination:

555 (a) A state department having building construction
556 responsibilities;

557 (b) A local government;

558 (c) An approved inspection agency;

559 (d) An approved plan review agency; or

560 (e) An agency of another state.

561 (12) Custom or one-of-a kind prototype manufactured
562 buildings are not required to have state approval but must
563 comply with all local requirements of the governmental agency
564 having jurisdiction at the installation site.

565 Section 12. Section 553.375, Florida Statutes, is amended
566 to read:

567 553.375 Recertification of manufactured buildings.—Prior to
568 the relocation to a site with a higher design wind speed,
569 modification, or change of occupancy of a manufactured building
570 within the state, the manufacturer, dealer, or owner thereof may
571 apply to the department for recertification of that manufactured
572 building. The department shall, by rule, provide what
573 information the applicant must submit for recertification and
574 for plan review and inspection of such manufactured buildings
575 and shall establish fees for recertification. Upon a
576 determination by the department that the manufactured building
577 complies with the applicable building codes, the department
578 shall issue a recertification insignia. A manufactured building
579 that bears recertification insignia does not require any
580 additional approval by an enforcement jurisdiction in which the

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581 building is sold or installed, and is considered to comply with
582 all applicable codes. As an alternative to recertification by
583 the department, the manufacturer, dealer, or owner of a
584 manufactured building may seek appropriate permitting and a
585 certificate of occupancy from the local jurisdiction in
586 accordance with procedures generally applicable under the
587 Florida Building Code.

588 Section 13. Subsections (7), (8), and (9) of section
589 553.73, Florida Statutes, are amended, and subsection (14) is
590 added to that section, to read:

591 553.73 Florida Building Code.—

592 (7) Notwithstanding the provisions of subsection (3) or
593 subsection (6), the commission may address issues identified in
594 this subsection by amending the code pursuant only to the rule
595 adoption procedures contained in chapter 120. Provisions of the
596 Florida Building Code, including those contained in referenced
597 standards and criteria, relating to wind resistance or the
598 prevention of water intrusion may not be amended pursuant to
599 this subsection to diminish those construction requirements;
600 however, the commission may, subject to conditions in this
601 subsection, amend the provisions to enhance those construction
602 requirements. Following the approval of any amendments to the
603 Florida Building Code by the commission and publication of the
604 amendments on the commission's website, authorities having
605 jurisdiction to enforce the Florida Building Code may enforce
606 the amendments. The commission may approve amendments that are
607 needed to address:

608 (a) Conflicts within the updated code;

609 (b) Conflicts between the updated code and the Florida Fire

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610 Prevention Code adopted pursuant to chapter 633;

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

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

617 (e) Equivalency of standards;

618 (f) The specific needs of state agencies when agency rules
619 must be updated to reflect federal requirements relating to
620 design criteria for public educational facilities and state-
621 licensed facilities;

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

623 (h)~~(f)~~ Adoption of an updated edition of the National
624 Electrical Code if the commission finds that delay of
625 implementing the updated edition causes undue hardship to
626 stakeholders or otherwise threatens the public health, safety,
627 and welfare.

628 (8) (a) The commission may approve technical amendments to
629 the Florida Building Code once each year for statewide or
630 regional application upon a finding that the amendment:

631 1. Is needed in order to accommodate the specific needs of
632 this state.

633 2. Has a reasonable and substantial connection with the
634 health, safety, and welfare of the general public.

635 3. Strengthens or improves the Florida Building Code, or in
636 the case of innovation or new technology, will provide
637 equivalent or better products or methods or systems of
638 construction.

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639 4. Does not discriminate against materials, products,
640 methods, or systems of construction of demonstrated
641 capabilities.

642 5. Does not degrade the effectiveness of the Florida
643 Building Code.

644

645 Furthermore, the Florida Building Commission may approve
646 technical amendments to the code once each year to incorporate
647 into the Florida Building Code its own interpretations of the
648 code which are embodied in its opinions, final orders,
649 declaratory statements, and interpretations of hearing officer
650 panels under s. 553.775(3)(c), but shall do so only to the
651 extent that incorporation of interpretations is needed to modify
652 the foundation codes to accommodate the specific needs of this
653 state. Amendments approved under this paragraph shall be adopted
654 by rule pursuant to ss. 120.536(1) and 120.54, after the
655 amendments have been subjected to the provisions of subsection
656 (3).

657 (b) A proposed amendment shall include a fiscal impact
658 statement which documents the costs and benefits of the proposed
659 amendment. Criteria for the fiscal impact statement shall be
660 established by rule by the commission and shall include the
661 impact to local government relative to enforcement, the impact
662 to property and building owners, as well as to industry,
663 relative to the cost of compliance.

664 (c) The commission may not approve any proposed amendment
665 that does not accurately and completely address all requirements
666 for amendment which are set forth in this section. The
667 commission shall require all proposed amendments and information

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668 submitted with proposed amendments to be reviewed by commission
669 staff prior to consideration by any technical advisory
670 committee. These reviews shall be for sufficiency only and are
671 not intended to be qualitative in nature. Staff members shall
672 reject any proposed amendment that fails to include a fiscal
673 impact statement. Proposed amendments rejected by members of the
674 staff may not be considered by the commission or any technical
675 advisory committee.

676 (d) Provisions of the Florida Building Code, including
677 those contained in referenced standards and criteria, relating
678 to wind resistance or the prevention of water intrusion may not
679 be amended pursuant to this subsection to diminish those
680 construction requirements; however, the commission may, subject
681 to conditions in this subsection, amend the provisions to
682 enhance those construction requirements.

683 (9) The following buildings, structures, and facilities are
684 exempt from the Florida Building Code as provided by law, and
685 any further exemptions shall be as determined by the Legislature
686 and provided by law:

687 (a) Buildings and structures specifically regulated and
688 preempted by the Federal Government.

689 (b) Railroads and ancillary facilities associated with the
690 railroad.

691 (c) Nonresidential farm buildings on farms.

692 (d) Temporary buildings or sheds used exclusively for
693 construction purposes.

694 (e) Mobile or modular structures used as temporary offices,
695 except that the provisions of part II relating to accessibility
696 by persons with disabilities shall apply to such mobile or

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697 modular structures.

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

701 (g) Temporary sets, assemblies, or structures used in
702 commercial motion picture or television production, or any
703 sound-recording equipment used in such production, on or off the
704 premises.

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

709 (i) Chickees constructed by the Miccosukee Tribe of Indians
710 of Florida or the Seminole Tribe of Florida. As used in this
711 paragraph, the term "chickee" means an open-sided wooden hut
712 that has a thatched roof of palm or palmetto or other
713 traditional materials, and that does not incorporate any
714 electrical, plumbing, or other nonwood features.

715
716 With the exception of paragraphs (a), (b), (c), and (f), in
717 order to preserve the health, safety, and welfare of the public,
718 the Florida Building Commission may, by rule adopted pursuant to
719 chapter 120, provide for exceptions to the broad categories of
720 buildings exempted in this section, including exceptions for
721 application of specific sections of the code or standards
722 adopted therein. The Department of Agriculture and Consumer
723 Services shall have exclusive authority to adopt by rule,
724 pursuant to chapter 120, exceptions to nonresidential farm
725 buildings exempted in paragraph (c) when reasonably necessary to

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726 preserve public health, safety, and welfare. The exceptions must
727 be based upon specific criteria, such as under-roof floor area,
728 aggregate electrical service capacity, HVAC system capacity, or
729 other building requirements. Further, the commission may
730 recommend to the Legislature additional categories of buildings,
731 structures, or facilities which should be exempted from the
732 Florida Building Code, to be provided by law. The Florida
733 Building Code does not apply to temporary housing provided by
734 the Department of Corrections to any prisoner in the state
735 correctional system.

736 (14) The Florida Building Code may not require that an
737 existing air conditioning system installed on the surface of a
738 roof as of July 1, 2009, be raised 18 inches up from the surface
739 on which they are installed until such time as the system is
740 replaced, and an agency or local government having authority to
741 enforce the Florida Building Code or a local building code may
742 not require otherwise.

743 Section 14. Subsection (5) is added to section 553.74,
744 Florida Statutes, to read:

745 553.74 Florida Building Commission.—

746 (5) Notwithstanding any other law, a member of the
747 commission's technical advisory committees or other advisory
748 committee or workgroup does not have an impermissible conflict
749 of interest when representing clients before the commission or
750 one of the commission's workgroups, except that such member may
751 not be part of any discussion or take action as a technical
752 advisory committee member or member of an advisory committee or
753 workgroup on any matter in which the member has a direct
754 financial interest.

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

757 553.76 General powers of the commission.—The commission is
758 authorized to:

759 (2) Issue memoranda of procedure for its internal
760 management and control. The commission may adopt rules related
761 to its consensus-based decisionmaking process, including, but
762 not limited to, super majority voting requirements for
763 commission actions relating to adoption of amendments to or
764 adoption of the Florida Building Code.

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

767 553.775 Interpretations.—

768 (4) In order to administer this section, the commission may
769 adopt by rule and impose a fee for binding and nonbinding
770 interpretations to recoup the cost of the proceedings which may
771 not exceed \$250 for each request for a review or interpretation.
772 For proceedings conducted by or in coordination with a third-
773 party, the rule may provide that payment be made directly to the
774 third party, who shall remit to the department that portion of
775 the fee necessary to cover the costs of the department.

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

778 553.79 Permits; applications; issuance; inspections.—

779 (9) Any state agency whose enabling legislation authorizes
780 it to enforce provisions of the Florida Building Code may enter
781 into an agreement with any other unit of government to delegate
782 its responsibility to enforce those provisions and may expend
783 public funds for permit and inspection fees, which fees may be

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784 no greater than the fees charged others. Inspection services not
785 required to be performed by a state agency under a federal
786 delegation of responsibility or by a state agency under the
787 Florida Building Code must be performed under the alternative
788 plans review and inspection process created in s. 553.791 or by
789 a local governmental entity having authority to enforce the
790 Florida Building Code.

791 Section 18. Section 553.841, Florida Statutes, is amended
792 to read:

793 553.841 Building code compliance and mitigation program.—

794 (1) The Legislature finds that knowledge and understanding
795 by persons licensed in the design and construction industries of
796 the importance and need for complying with the Florida Building
797 Code is vital to the public health, safety, and welfare of this
798 state, especially for mitigating damage caused by hurricanes to
799 residents and visitors to the state. The Legislature further
800 finds that the Florida Building Code can be effective only if
801 all participants in the design and construction industries
802 maintain a thorough knowledge of the code and additions thereto
803 which improve construction standards to protect against storm
804 and other damage. Consequently, the Legislature finds that there
805 is a need for a program to provide ongoing education and
806 outreach activities concerning compliance with the Florida
807 Building Code and hurricane mitigation.

808 (2) The Department of Community Affairs shall administer a
809 program, designated as the Florida Building Code Compliance and
810 Mitigation Program, to develop, coordinate, and maintain
811 education and outreach to persons required to comply with the
812 Florida Building Code and ensure consistent education, training,

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813 and communication of the code's requirements, including, but not
814 limited to, methods for mitigation of storm-related damage. The
815 program shall also operate a clearinghouse through which design,
816 construction, and building code enforcement licensees,
817 suppliers, and consumers in this state may find others in order
818 to exchange information relating to mitigation and facilitate
819 repairs in the aftermath of a natural disaster.

820 (3) All services and materials under the Florida Building
821 Code Compliance and Mitigation Program must be provided by a
822 private, nonprofit corporation under contract with the
823 department. The term of the contract shall be for 4 years, with
824 the option of one 4-year renewal at the end of the contract
825 term. The initial contract must be in effect no later than
826 November 1, 2007. The private, nonprofit corporation must be an
827 organization whose membership includes trade and professional
828 organizations whose members consist primarily of persons and
829 entities that are required to comply with the Florida Building
830 Code and that are licensed under part XII of chapter 468,
831 chapter 471, chapter 481, or chapter 489. When selecting the
832 private, nonprofit corporation for the program, the department
833 must give primary consideration to the corporation's
834 demonstrated experience and the ability to:

835 (a) Develop and deliver building code-related education,
836 training, and outreach;

837 (b) Directly access the majority of persons licensed in the
838 occupations of design, construction, and building code
839 enforcement individually and through established statewide trade
840 and professional association networks;

841 (c) Serve as a clearinghouse to deliver education and

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842 outreach throughout the state. The clearinghouse must serve as a
843 focal point at which persons licensed to design, construct, and
844 enforce building codes and suppliers and consumers can find each
845 other in order to exchange information relating to mitigation
846 and facilitate repairs in the aftermath of a natural disaster;

847 (d) Accept input from the Florida Building Commission,
848 licensing regulatory boards, local building departments, and the
849 design and construction industries in order to improve its
850 education and outreach programs; and

851 (e) Promote design and construction techniques and
852 materials for mitigating hurricane damage at a Florida-based
853 trade conference that includes participants from the broadest
854 possible range of design and construction trades and
855 professions, including from those private and public sector
856 entities having jurisdiction over building codes and design and
857 construction licensure.

858 (4) The department, in administering the Florida Building
859 Code Compliance and Mitigation Program, shall maintain, update,
860 develop, or cause to be developed:

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

863 ~~(b) Advanced modules designed for use by each profession.~~

864 ~~(c) The core curriculum developed under this subsection~~
865 ~~must be submitted to the Department of Business and Professional~~
866 ~~Regulation for approval. Advanced modules developed under this~~
867 ~~paragraph must be approved by the commission and submitted to~~
868 ~~the respective boards for approval.~~

869 ~~(5) The core curriculum shall cover the information~~
870 ~~required to have all categories of participants appropriately~~

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871 ~~informed as to their technical and administrative~~
872 ~~responsibilities in the effective execution of the code process~~
873 ~~by all individuals currently licensed under part XII of chapter~~
874 ~~468, chapter 471, chapter 481, or chapter 489, except as~~
875 ~~otherwise provided in s. 471.017. The core curriculum shall be~~
876 ~~prerequisite to the advanced module coursework for all licensees~~
877 ~~and shall be completed by individuals licensed in all categories~~
878 ~~under part XII of chapter 468, chapter 471, chapter 481, or~~
879 ~~chapter 489 within the first 2-year period after initial~~
880 ~~licensure. Core course hours taken by licensees to complete this~~
881 ~~requirement shall count toward fulfillment of required~~
882 ~~continuing education units under part XII of chapter 468,~~
883 ~~chapter 471, chapter 481, or chapter 489.~~

884 (5)~~(6)~~ Each biennium, upon receipt of funds by the
885 Department of Community Affairs from the Construction Industry
886 Licensing Board and the Electrical Contractors' Licensing Board
887 provided under ss. 489.109(3) and 489.509(3), the department
888 shall determine the amount of funds available for the Florida
889 Building Code Compliance and Mitigation Program.

890 (6)~~(7)~~ If the projects provided through the Florida
891 Building Code Compliance and Mitigation Program in any state
892 fiscal year do not require the use of all available funds, the
893 unused funds shall be carried forward and allocated for use
894 during the following fiscal year.

895 (7)~~(8)~~ The Florida Building Commission shall provide by
896 rule for the accreditation of courses related to the Florida
897 Building Code by accreditors approved by the commission. The
898 commission shall establish qualifications of accreditors and
899 criteria for the accreditation of courses by rule. The

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900 commission may revoke the accreditation of a course by an
901 accreditor if the accreditation is demonstrated to violate this
902 part or the rules of the commission.

903 ~~(8)-(9)~~ This section does not prohibit or limit the subject
904 areas or development of continuing education or training on the
905 Florida Building Code by any qualified entity.

906 Section 19. Subsections (1), (5), (8), and (17) of section
907 553.842, Florida Statutes, are amended to read:

908 553.842 Product evaluation and approval.—

909 (1) The commission shall adopt rules under ss. 120.536(1)
910 and 120.54 to develop and implement a product evaluation and
911 approval system that applies statewide to operate in
912 coordination with the Florida Building Code. The commission may
913 enter into contracts to provide for administration of the
914 product evaluation and approval system. The commission's rules
915 and any applicable contract may provide that payment of fees
916 related to approvals be made directly to the administrator who
917 shall remit to the department that portion of the fee necessary
918 to cover the department's costs. The product evaluation and
919 approval system shall provide:

920 (a) Appropriate promotion of innovation and new
921 technologies.

922 (b) Processing submittals of products from manufacturers in
923 a timely manner.

924 (c) Independent, third-party qualified and accredited
925 testing and laboratory facilities, product evaluation entities,
926 quality assurance agencies, certification agencies, and
927 validation entities.

928 (d) An easily accessible product acceptance list to

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929 entities subject to the Florida Building Code.

930 (e) Development of stringent but reasonable testing
931 criteria based upon existing consensus standards, when
932 available, for products.

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

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

939 (h) Cost-effectiveness.

940 (5) Statewide approval of products, methods, or systems of
941 construction may be achieved by one of the following methods.
942 One of these methods must be used by the commission to approve
943 the following categories of products: panel walls, exterior
944 doors, roofing, skylights, windows, shutters, and structural
945 components as established by the commission by rule.

946 (a) Products for which the code establishes standardized
947 testing or comparative or rational analysis methods shall be
948 approved by submittal and validation of one of the following
949 reports or listings indicating that the product or method or
950 system of construction was evaluated to be in compliance with
951 the Florida Building Code and that the product or method or
952 system of construction is, for the purpose intended, at least
953 equivalent to that required by the Florida Building Code:

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

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

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958 3. A product evaluation report based upon testing or
959 comparative or rational analysis, or a combination thereof, from
960 an approved product evaluation entity; or

961 4. A product evaluation report based upon testing or
962 comparative or rational analysis, or a combination thereof,
963 developed and signed and sealed by a professional engineer or
964 architect, licensed in this state.

965

966 A product evaluation report or a certification mark or listing
967 of an approved certification agency which demonstrates that the
968 product or method or system of construction complies with the
969 Florida Building Code for the purpose intended shall be
970 equivalent to a test report and test procedure as referenced in
971 the Florida Building Code. An application for state approval of
972 a product under subparagraph 1. shall be approved by the
973 department after the commission staff or a designee verifies
974 within 10 days after receipt that the application and related
975 documentation are complete. Upon approval by the department, the
976 product shall be immediately added to the list of state-approved
977 products maintained under subsection (13). Approvals by the
978 department shall be reviewed and ratified by the commission's
979 program oversight committee except for a showing of good cause.

980 (b) Products, methods, or systems of construction for which
981 there are no specific standardized testing or comparative or
982 rational analysis methods established in the code may be
983 approved by submittal and validation of one of the following:

984 1. A product evaluation report based upon testing or
985 comparative or rational analysis, or a combination thereof, from
986 an approved product evaluation entity indicating that the

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987 product or method or system of construction was evaluated to be
988 in compliance with the intent of the Florida Building Code and
989 that the product or method or system of construction is, for the
990 purpose intended, at least equivalent to that required by the
991 Florida Building Code; or

992 2. A product evaluation report based upon testing or
993 comparative or rational analysis, or a combination thereof,
994 developed and signed and sealed by a professional engineer or
995 architect, licensed in this state, who certifies that the
996 product or method or system of construction is, for the purpose
997 intended, at least equivalent to that required by the Florida
998 Building Code.

999 (8) The commission may adopt rules to approve the following
1000 types of entities that produce information on which product
1001 approvals are based. All of the following entities, including
1002 engineers and architects, must comply with a nationally
1003 recognized standard demonstrating independence or no conflict of
1004 interest:

1005 (a) Evaluation entities that meet the criteria for approval
1006 adopted by the commission by rule. The commission shall
1007 specifically approve the National Evaluation Service, the
1008 International Association of Plumbing and Mechanical Officials
1009 Evaluation Service ~~the International Conference of Building~~
1010 ~~Officials Evaluation Services~~, the International Code Council
1011 Evaluation Services, ~~the Building Officials and Code~~
1012 ~~Administrators International Evaluation Services~~, ~~the Southern~~
1013 ~~Building Code Congress International Evaluation Services~~, and
1014 the Miami-Dade County Building Code Compliance Office Product
1015 Control. Architects and engineers licensed in this state are

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1016 also approved to conduct product evaluations as provided in
1017 subsection (5).

1018 (b) Testing laboratories accredited by national
1019 organizations, such as A2LA and the National Voluntary
1020 Laboratory Accreditation Program, laboratories accredited by
1021 evaluation entities approved under paragraph (a), and
1022 laboratories that comply with other guidelines for testing
1023 laboratories selected by the commission and adopted by rule.

1024 (c) Quality assurance entities approved by evaluation
1025 entities approved under paragraph (a) and by certification
1026 agencies approved under paragraph (d) and other quality
1027 assurance entities that comply with guidelines selected by the
1028 commission and adopted by rule.

1029 (d) Certification agencies accredited by nationally
1030 recognized accreditors and other certification agencies that
1031 comply with guidelines selected by the commission and adopted by
1032 rule.

1033 (e) Validation entities that comply with accreditation
1034 standards established by the commission by rule.

1035 ~~(17) (a) The Florida Building Commission shall review the~~
1036 ~~list of evaluation entities in subsection (8) and, in the annual~~
1037 ~~report required under s. 553.77, shall either recommend~~
1038 ~~amendments to the list to add evaluation entities the commission~~
1039 ~~determines should be authorized to perform product evaluations~~
1040 ~~or shall report on the criteria adopted by rule or to be adopted~~
1041 ~~by rule allowing the commission to approve evaluation entities~~
1042 ~~that use the commission's product evaluation process. If the~~
1043 ~~commission adopts criteria by rule, the rulemaking process must~~
1044 ~~be completed by July 1, 2009.~~

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1045 ~~(b) Notwithstanding paragraph (8)(a), the International~~
1046 ~~Association of Plumbing and Mechanical Officials Evaluation~~
1047 ~~Services is approved as an evaluation entity until October 1,~~
1048 ~~2009. If the association does not obtain permanent approval by~~
1049 ~~the commission as an evaluation entity by October 1, 2009,~~
1050 ~~products approved on the basis of an association evaluation must~~
1051 ~~be substituted by an alternative, approved entity by December~~
1052 ~~31, 2009, and on January 1, 2010, any product approval issued by~~
1053 ~~the commission based on an association evaluation is void.~~

1054 Section 20. Section 553.885, Florida Statutes, is amended
1055 to read:

1056 553.885 Carbon monoxide alarm required.—

1057 (1) Every building, other than a hospital, an inpatient
1058 hospice facility, or a nursing home facility licensed by the
1059 Agency for Health Care Administration, constructed for which a
1060 building permit is issued for new construction on or after July
1061 1, 2008, and having a fossil-fuel-burning heater or appliance, a
1062 fireplace, or an attached garage, or other feature, fixture, or
1063 element that emits carbon monoxide as a byproduct of combustion
1064 shall have an approved operational carbon monoxide alarm
1065 installed within 10 feet of each room used for sleeping purposes
1066 or at such other locations as required by the Florida Building
1067 Code. The requirements of this subsection may be satisfied with
1068 the installation of a battery-powered carbon monoxide alarm or a
1069 battery-powered combination carbon monoxide and smoke alarm. For
1070 a new hospital, an inpatient hospice facility, or a nursing home
1071 facility licensed by the Agency for Health Care Administration,
1072 an approved operational carbon monoxide detector shall be
1073 installed inside or directly outside of each room or area within

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1074 the hospital or facility where a fossil-fuel-burning heater,
1075 engine, or appliance is located. This detector shall be
1076 connected to the fire alarm system of the hospital or facility
1077 as a supervisory signal.

1078 (2) The Florida Building Commission shall adopt rules to
1079 administer this section and shall incorporate such requirements
1080 into its next revision of the Florida Building Code.

1081 (3) As used in this section, the term:

1082 (a) "Carbon monoxide alarm" means a device that is meant
1083 for the purpose of detecting carbon monoxide, that produces a
1084 distinct audible alarm, and that meets the requirements of and
1085 is approved by the Florida Building Commission.

1086 (b) "Fossil fuel" means coal, kerosene, oil, fuel gases, or
1087 other petroleum or hydrocarbon product that emits carbon
1088 monoxide as a by-product of combustion.

1089 Section 21. Paragraph (d) of subsection (3) of section
1090 468.609, Florida Statutes, is amended to read:

1091 468.609 Administration of this part; standards for
1092 certification; additional categories of certification.—

1093 (3) A person may take the examination for certification as
1094 a building code administrator pursuant to this part if the
1095 person:

1096 ~~(d) After the building code training program is established~~
1097 ~~under s. 553.841, demonstrates successful completion of the core~~
1098 ~~curriculum approved by the Florida Building Commission,~~
1099 ~~appropriate to the licensing category sought.~~

1100 Section 22. Subsection (6) of section 468.627, Florida
1101 Statutes, is repealed.

1102 Section 23. Section 471.0195, Florida Statutes, is amended

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1103 to read:

1104 471.0195 Florida Building Code training for engineers.—All
1105 licensees actively participating in the design of engineering
1106 works or systems in connection with buildings, structures, or
1107 facilities and systems covered by the Florida Building Code
1108 shall take continuing education courses and submit proof to the
1109 board, at such times and in such manner as established by the
1110 board by rule, that the licensee has completed ~~the core~~
1111 ~~curriculum courses and~~ any specialized or advanced courses on
1112 any portion of the Florida Building Code applicable to the
1113 licensee's area of practice ~~or has passed the appropriate~~
1114 ~~equivalency test of the Building Code Training Program as~~
1115 ~~required by s. 553.841.~~ The board shall record reported
1116 continuing education courses on a system easily accessed by code
1117 enforcement jurisdictions for evaluation when determining
1118 license status for purposes of processing design documents.
1119 Local jurisdictions shall be responsible for notifying the board
1120 when design documents are submitted for building construction
1121 permits by persons who are not in compliance with this section.
1122 The board shall take appropriate action as provided by its rules
1123 when such noncompliance is determined to exist.

1124 Section 24. Subsection (5) of section 481.215, Florida
1125 Statutes, is repealed.

1126 Section 25. Subsection (5) of section 481.313, Florida
1127 Statutes, is repealed.

1128 Section 26. Paragraph (b) of subsection (4) of section
1129 489.115, Florida Statutes, is amended to read:

1130 489.115 Certification and registration; endorsement;
1131 reciprocity; renewals; continuing education.—

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1132 (4)

1133 (b)1. Each certificateholder or registrant shall provide
1134 proof, in a form established by rule of the board, that the
1135 certificateholder or registrant has completed at least 14
1136 classroom hours of at least 50 minutes each of continuing
1137 education courses during each biennium since the issuance or
1138 renewal of the certificate or registration. The board shall
1139 establish by rule that a portion of the required 14 hours must
1140 deal with the subject of workers' compensation, business
1141 practices, workplace safety, and, for applicable licensure
1142 categories, wind mitigation methodologies, and 1 hour of which
1143 must deal with laws and rules. The board shall by rule establish
1144 criteria for the approval of continuing education courses and
1145 providers, including requirements relating to the content of
1146 courses and standards for approval of providers, and may by rule
1147 establish criteria for accepting alternative nonclassroom
1148 continuing education on an hour-for-hour basis. The board shall
1149 prescribe by rule the continuing education, if any, which is
1150 required during the first biennium of initial licensure. A
1151 person who has been licensed for less than an entire biennium
1152 must not be required to complete the full 14 hours of continuing
1153 education.

1154 2. In addition, the board may approve specialized
1155 continuing education courses on compliance with the wind
1156 resistance provisions for one and two family dwellings contained
1157 in the Florida Building Code and any alternate methodologies for
1158 providing such wind resistance which have been approved for use
1159 by the Florida Building Commission. Division I
1160 certificateholders or registrants who demonstrate proficiency

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1161 upon completion of such specialized courses may certify plans
1162 and specifications for one and two family dwellings to be in
1163 compliance with the code or alternate methodologies, as
1164 appropriate, except for dwellings located in floodways or
1165 coastal hazard areas as defined in ss. 60.3D and E of the
1166 National Flood Insurance Program.

1167 ~~3. Each certificateholder or registrant shall provide to~~
1168 ~~the board proof of completion of the core curriculum courses, or~~
1169 ~~passing the equivalency test of the Building Code Training~~
1170 ~~Program established under s. 553.841, specific to the licensing~~
1171 ~~category sought, within 2 years after commencement of the~~
1172 ~~program or of initial certification or registration, whichever~~
1173 ~~is later. Classroom hours spent taking core curriculum courses~~
1174 ~~shall count toward the number required for renewal of~~
1175 ~~certificates or registration. A certificateholder or registrant~~
1176 ~~who passes the equivalency test in lieu of taking the core~~
1177 ~~curriculum courses shall receive full credit for core curriculum~~
1178 ~~course hours.~~

1179 3.4. The board shall require, by rule adopted pursuant to
1180 ss. 120.536(1) and 120.54, a specified number of hours in
1181 specialized or advanced module courses, approved by the Florida
1182 Building Commission, on any portion of the Florida Building
1183 Code, adopted pursuant to part IV of chapter 553, relating to
1184 the contractor's respective discipline.

1185 Section 27. Subsection (1) of section 489.1455, Florida
1186 Statutes, is amended to read:

1187 489.1455 Journeyman; reciprocity; standards.—

1188 (1) An individual who holds a valid, active journeyman
1189 license in the plumbing/pipe fitting, mechanical, or HVAC trades

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1190 issued by any county or municipality in this state may work as a
1191 journeyman in the trade in which he or she is licensed in any
1192 county or municipality of this state without taking an
1193 additional examination or paying an additional license fee, if
1194 he or she:

1195 (a) Has scored at least 70 percent, or after October 1,
1196 1997, at least 75 percent, on a proctored journeyman Block and
1197 Associates examination or other proctored examination approved
1198 by the board for the trade in which he or she is licensed;

1199 (b) Has completed an apprenticeship program registered with
1200 the Department of Labor and Employment Security and demonstrates
1201 4 years' verifiable practical experience in the trade for which
1202 he or she is licensed, or demonstrates 6 years' verifiable
1203 practical experience in the trade for which he or she is
1204 licensed;

1205 (c) Has satisfactorily completed specialized and advanced
1206 module coursework approved by the Florida Building Commission,
1207 as part of the Building Code Training Program established in s.
1208 553.841, specific to the discipline, ~~and successfully completed~~
1209 ~~the program's core curriculum courses or passed an equivalency~~
1210 ~~test in lieu of taking the core curriculum courses and provided~~
1211 ~~proof of completion of such curriculum courses or examination~~
1212 ~~and obtained a certificate from the board pursuant to this part~~
1213 or, pursuant to authorization by the certifying authority,
1214 provides proof of completion of such curriculum or coursework
1215 within 6 months after such certification; and

1216 (d) Has not had a license suspended or revoked within the
1217 last 5 years.

1218 Section 28. Subsection (3) of section 489.517, Florida

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1219 Statutes, is amended to read:

1220 489.517 Renewal of certificate or registration; continuing
1221 education.—

1222 (3)~~(a)~~ Each certificateholder or registrant shall provide
1223 proof, in a form established by rule of the board, that the
1224 certificateholder or registrant has completed at least 14
1225 classroom hours of at least 50 minutes each of continuing
1226 education courses during each biennium since the issuance or
1227 renewal of the certificate or registration. The board shall by
1228 rule establish criteria for the approval of continuing education
1229 courses and providers and may by rule establish criteria for
1230 accepting alternative nonclassroom continuing education on an
1231 hour-for-hour basis.

1232 ~~(b) Each certificateholder or registrant shall provide to~~
1233 ~~the board proof of completion of the core curriculum courses or~~
1234 ~~passing the equivalency test of the Building Code Training~~
1235 ~~Program established under s. 553.841, specific to the licensing~~
1236 ~~category sought, within 2 years after commencement of the~~
1237 ~~program or of initial certification or registration, whichever~~
1238 ~~is later. Classroom hours spent taking core curriculum courses~~
1239 ~~shall count toward the number required for renewal of~~
1240 ~~certificate or registration. A certificateholder or registrant~~
1241 ~~who passes the equivalency test in lieu of taking the core~~
1242 ~~curriculum courses shall receive full credit for core curriculum~~
1243 ~~course hours.~~

1244 Section 29. For the purpose of incorporating the amendment
1245 made by this act to section 553.79, Florida Statutes, in a
1246 reference thereto, subsection (1) of section 553.80, Florida
1247 Statutes, is reenacted to read:

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1248 553.80 Enforcement.—

1249 (1) Except as provided in paragraphs (a)-(g), each local
1250 government and each legally constituted enforcement district
1251 with statutory authority shall regulate building construction
1252 and, where authorized in the state agency's enabling
1253 legislation, each state agency shall enforce the Florida
1254 Building Code required by this part on all public or private
1255 buildings, structures, and facilities, unless such
1256 responsibility has been delegated to another unit of government
1257 pursuant to s. 553.79(9).

1258 (a) Construction regulations relating to correctional
1259 facilities under the jurisdiction of the Department of
1260 Corrections and the Department of Juvenile Justice are to be
1261 enforced exclusively by those departments.

1262 (b) Construction regulations relating to elevator equipment
1263 under the jurisdiction of the Bureau of Elevators of the
1264 Department of Business and Professional Regulation shall be
1265 enforced exclusively by that department.

1266 (c) In addition to the requirements of s. 553.79 and this
1267 section, facilities subject to the provisions of chapter 395 and
1268 part II of chapter 400 shall have facility plans reviewed and
1269 construction surveyed by the state agency authorized to do so
1270 under the requirements of chapter 395 and part II of chapter 400
1271 and the certification requirements of the Federal Government.

1272 (d) Building plans approved under s. 553.77(3) and state-
1273 approved manufactured buildings, including buildings
1274 manufactured and assembled offsite and not intended for
1275 habitation, such as lawn storage buildings and storage sheds,
1276 are exempt from local code enforcing agency plan reviews except

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1277 for provisions of the code relating to erection, assembly, or
1278 construction at the site. Erection, assembly, and construction
1279 at the site are subject to local permitting and inspections.
1280 Lawn storage buildings and storage sheds bearing the insignia of
1281 approval of the department are not subject to s. 553.842. Such
1282 buildings that do not exceed 400 square feet may be delivered
1283 and installed without need of a contractor's or specialty
1284 license.

1285 (e) Construction regulations governing public schools,
1286 state universities, and community colleges shall be enforced as
1287 provided in subsection (6).

1288 (f) The Florida Building Code as it pertains to toll
1289 collection facilities under the jurisdiction of the turnpike
1290 enterprise of the Department of Transportation shall be enforced
1291 exclusively by the turnpike enterprise.

1292 (g) Construction regulations relating to secure mental
1293 health treatment facilities under the jurisdiction of the
1294 Department of Children and Family Services shall be enforced
1295 exclusively by the department in conjunction with the Agency for
1296 Health Care Administration's review authority under paragraph
1297 (c).

1298

1299 The governing bodies of local governments may provide a schedule
1300 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
1301 section, for the enforcement of the provisions of this part.
1302 Such fees shall be used solely for carrying out the local
1303 government's responsibilities in enforcing the Florida Building
1304 Code. The authority of state enforcing agencies to set fees for
1305 enforcement shall be derived from authority existing on July 1,

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1306 1998. However, nothing contained in this subsection shall
1307 operate to limit such agencies from adjusting their fee schedule
1308 in conformance with existing authority.

1309 Section 30. The Florida Building Commission is directed to
1310 adjust the Florida Building Code for consistency with the
1311 revisions to s. 399.02, Florida Statutes, under section 1 of
1312 this act.

1313 Section 31. Except as otherwise expressly required in this
1314 act, this act shall take effect July 1, 2009.